

Annex I  
Public Redacted

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## Introduction

1. The Article 18(2) victim representation process (“Article 18(2) process”) in the Situation in the Republic of the Philippines (“Situation” and “Philippines”, respectively) was carried out by the Victims Participation and Reparations Section (“VPRS”) of the Registry. The consultation commenced immediately after the issuance, on 14 July 2022, of the Pre-Trial Chamber I’s order<sup>1</sup> (“Chamber” and “Order”, respectively) in which the Chamber instructed the VPRS to : (a) liaise with victims and their legal representatives; (b) collect any additional or different views or concerns related to the Prosecutor’s request to resume the investigation into the Situation (“OTP” and “OTP Request”, respectively)<sup>2</sup> by 8 September 2022;<sup>3</sup> and (c) prepare a short report summarizing those views and concerns, to be submitted to the Chamber together with the victims’ representations by 22 September 2022.<sup>4</sup> During this period, the VPRS had several remote meetings with interlocutors [Redacted]. These meetings allowed the Registry to provide complete information about the scope of the Article 18(2) process and to consult its interlocutors on the best methodology to be implemented for the process in order to ensure, *inter alia*, that victims’ views in relation to a potential resumption of the investigation by the OTP would be securely conveyed to the Chamber.
  
2. The VPRS received a total of 8 collective victim representations on behalf of 293 individuals and 366 families. They were assessed by the VPRS as

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<sup>1</sup> Pre-Trial Chamber I, “Order inviting observations and victims’ views and concerns”, 14 July 2022, ICC-01/21-47.

<sup>2</sup> Office of the Prosecutor, “Prosecution’s request to resume the investigation into the situation in the Philippines pursuant to article 18(2)”, 24 June 2022, ICC-01/21-46.

<sup>3</sup> Order, paras. 14-15 and p. 7.

<sup>4</sup> Id.

meeting the conditions set in rule 85 of the Rules of Procedure and Evidence (“Rule 85”) and transmitted to the Chamber by separate filing.<sup>5</sup> The representations unanimously support the OTP Request. Victims believe that the Government’s deferral request shows its unwillingness to criminally prosecute those involved in the WoD. [Redacted]. Representative of the key messages received by the Registry and in the words of [Redacted]: “the [G]overnment’s adamant refusal to conduct genuine investigations, the palliative efforts to prosecuting extra-judicial killings, and its continued denial of widespread and systematic human rights violations in the [WoD], indicate the government’s unwillingness to resolve the human rights crisis brought about by the war on drugs campaign.”<sup>6</sup>

3. The present report consists of three parts. The first part offers an overview of the Article 18(2) process and the circumstances in which the Article 18(2) process took place; it also outlines the methodology used and the challenges encountered. The second part provides details of the representations received by the VPRS in terms of type, statistical data, and content. The final part is based on quotes extracted from the representations received and it displays the victims’ views and concerns as they were communicated to the Registry in the present process.

## **I. Overview of the Article 18(2) victim representation process**

### **A. Security situation**

4. At the outset of the process, the VPRS requested from relevant sections of the Registry updated assessments of the security situation in the

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<sup>5</sup> Registry, “Registry Transmission of Victims’ Representations”, 22 September 2022, ICC-01/21-52.

<sup>6</sup> r/20001/22.

Philippines. Assessments were carried out in order to determine the risks that might arise for all of those involved in the process, [Redacted] and measures that could mitigate those risks.

5. According to the updated risk assessments,<sup>7</sup> [Redacted].<sup>8</sup>
6. The recent changes in the Philippines' government and administration are not expected to halt the WoD or reduce its intensity. [Redacted]. Public sources have reported that abuses stemming from the war on drugs are continuing countrywide.<sup>9</sup>
7. On 30 June 2022, Mr Ferdinand Marcos Jr succeeded Mr Rodrigo Duterte as president of the Philippines, alongside new vice-president Ms Sara Duterte, the daughter of the outgoing president.<sup>10</sup> Following the inauguration, media reported that the Marcos administration i)[Redacted]<sup>11</sup> ii) is reportedly shielding Mr Duterte despite his alleged continued incitement to violence,<sup>12</sup> and iii) intends to continue the WoD "relentlessly".<sup>13</sup> Media reports also suggest that the new administration intends to uphold the Duterte administration's decision to withdraw from the ICC.<sup>14</sup> Following the Chamber's order for the Philippines to submit any

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<sup>7</sup> On 2 and 6 September 2022, security assessments were received from [Redacted], Division of External Operations.

<sup>8</sup> Registry, Annex I to "Registry Report on Victims' Representations", 27 August 2021, ICC-01/21-11-AnxI ("Article 15(3) Registry report"), paras. 26-32.

<sup>9</sup> The Armed Conflict Location & Event Data Project (ACLED), Roudabeh Kishi and Thomas Buenaventura, "The Drug War Rages on in the Philippines: New Data on the Civilian Toll, State Responsibility, and Shifting Geographies of Violence", 18 November 2021, <https://acleddata.com/2021/11/18/the-drug-war-rages-on-in-the-philippines-new-aced-data-on-the-civilian-toll-state-responsibility-and-shifting-geographies-of-violence/>.

<sup>10</sup> BBC News, "Ferdinand Marcos Jr sworn in as Philippines president, replacing Duterte", 20 June 2022, <https://www.bbc.com/news/world-asia-61976940>.

<sup>11</sup> [Redacted].

<sup>12</sup> Reuters, "No quiet retirement for Philippines' Duterte when Marcos takes over presidency", 11 May 2022, <https://www.reuters.com/world/asia-pacific/no-quiet-retirement-philippines-duterte-when-marcos-takes-over-presidency-2022-05-11/>.

<sup>13</sup> Rappler, "Drug war under Marcos: What it will look like, in Benhur Abalos' words", 4 July 2022, <https://www.rappler.com/nation/what-drug-war-under-marcos-jr-will-look-like-according-benhur-abalos-dilig/>. Philstar, "Intensify drug war, PDEA urges Marcos", 2 June 2022, <https://www.philstar.com/nation/2022/06/02/2185379/intensify-drug-war-pdea-urges-marcos>.

<sup>14</sup> Philstar, "Lawyers in public service", 26 August 2022, <https://www.philstar.com/opinion/2022/08/26/2205129/lawyers-public-service>; Global Voices, "The

additional observations arising from the OTP Request by 8 September 2022 at the latest,<sup>15</sup> media reported that any submissions made by the Philippines will not be rendered as a matter of compliance with relevant ICC rulings, but rather as a matter of general information.<sup>16</sup>

8. [Redacted].

## **B. Approach implemented**

9. In light of: *i*) the security considerations and recommendations listed above,<sup>17</sup> *ii*) the Covid-19 pandemic and its impact on victims of the WoD and their families, *iii*) the relatively short amount of time (56 calendar days) for victims to submit views and concerns, *iv*) the fact that the previous victim consultation in the Situation took place less than a year before, and *v*) the technical nature of the present consultation, the VPRS designed the Article 18(2) process in a manner that was most secure and least time and resource consuming for victims and their representatives.

10. [Redacted].

11. On 19 July 2022, the VPRS contacted [Redacted]. On the same day, the VPRS posted on the ICC website information about the Article 18(2) consultation.<sup>18</sup>

12. [Redacted]<sup>19</sup> provide complete information about the scope of the Article 18(2) process and to consult [Redacted] on how best to collect the views and concerns related to the OTP request from the victims they are in touch with. [Redacted].

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‘war on drugs’ probe faces a setback as the Philippines refuses to rejoin the ICC”, 23 August 2022, <https://globalvoices.org/2022/08/23/the-war-on-drugs-probe-faces-a-setback-as-the-philippines-refuses-to-rejoin-the-icc/>.

<sup>15</sup> Order, para. 12.

<sup>16</sup> Rappler, “Remulla: Gov’t to comment on ICC out of respect, not ‘compliance’”, 24 August 2022, [Remulla: Gov't to comment on ICC out of respect, not 'compliance' \(rappler.com\)](https://www.rappler.com/news/tw-561111-remulla-icc-compliance/).

<sup>17</sup> Supra, para. 8.

<sup>18</sup> <https://www.icc-cpi.int/victims/republic-philippines>.

<sup>19</sup> [Redacted].

13. [Redacted].
14. In order to simplify the process, it was agreed that the Article 15(3) standard form will not be used in the present process. Instead, the VPRS suggested that [Redacted], and that they make submissions, either separately or jointly, voicing the views and concerns of the victims [Redacted], in any format they deem suitable (i.e. emails, videos, etc.). The VPRS suggested a general structure for the representations composed of three parts: i) information about the person/organisation submitting the representation and about the victims represented (i.e. number; whether they previously submitted representations in the Article 15(3) consultation or not; for the victims who did not previously interact with the ICC, information about the alleged crimes, harm and perpetrators in order to enable the VPRS to conduct its Rule 85 assessment); ii) victims' additional or different views on the OTP Request; and iii) signature and contact information of the person/organisation submitting the representation.
15. In its messages, the VPRS stressed that the Chamber invited *additional* or *different* views [emphasis added] than the ones already expressed in the Article 15(3) consultation. In its Order, the Chamber noted that some victims have already communicated their views about the ability and willingness of the Philippines to investigate the relevant crimes.<sup>20</sup> Indeed, the Article 15(3) Registry report listed all the concerns raised about the effectiveness of the Philippine judicial system and the ability and willingness to investigate the WoD-related crimes [Redacted].<sup>21</sup>
16. The VPRS also highlighted in all its exchanges that before victims or their representatives decide whether to participate in the present process or not, they need to consider the following aspects: i) victim representations are not collected by the OTP and they are not considered as evidence; ii) the

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<sup>20</sup> Order, para. 14.

<sup>21</sup> Article 15(3) Registry report, para. 13 (b), p.13.

victim representation process is not an application process for participation in ICC proceedings or for obtaining reparations before the ICC; by submitting a representation form victims are not automatically able to participate in potential future judicial proceedings or to request reparations; iii) if the Judges authorize the Prosecutor to resume an investigation, all victims, irrespective of whether they submitted a representation or not, will have the right to apply separately for participation in any potential future proceedings against one or more persons suspected to be responsible for alleged crimes; iv) the ICC process can take a long time and may not always result in suspects being identified, tried or found guilty.

### C. Obstacles and challenges reported

17. According to the VPRS interlocutors, the challenges and obstacles encountered in the context of the Article 15(3) process<sup>22</sup> were still applicable throughout the Article 18(2) consultation. [Redacted]. It was reported by interlocutors that security and confidentiality remain a primary concern [Redacted]. COVID-19 has also affected the lives of WoD victims and of Filipinos in general because of the economic consequences of the pandemic which have left hundreds of thousands unemployed.<sup>23</sup> [Redacted].

18. [Redacted].

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<sup>22</sup> Article 15(3) Registry report, para. 41.

<sup>23</sup> In 2021 the poverty rate reportedly worsened to 18.8% with 2.3 million Filipinos joining the ranks of the poor since the onset of the pandemic. See N. A. Mercado, 15 August 2022, [PH poverty incidence rises to 18.1% in 2021; 19.99 million Filipinos considered poor | Inquirer News](#).



## II. Details of the victim representations received

### A. Number, format, means of receipt and language of all representations received

19. The number of victim representations received by the VPRS in the context of the Situation is 8.<sup>24</sup> All representations were submitted in written format.<sup>25</sup> Videos containing victims' interviews were submitted in support of one representation.<sup>26</sup> All 8 representations were submitted in English<sup>27</sup> and were received by email.<sup>28</sup>

### B. VPRS preliminary legal assessment

20. The VPRS conducted a preliminary legal assessment of whether each individual or group who had not already submitted a representation in the Article 15(3) process<sup>29</sup> falls within the definition of victim under Rule 85 of the RPE on the basis of the intrinsic coherence of the information provided in the documentation received. Annex II to the present report contains the VPRS preliminary legal assessment of the representations. An explanation of the assessment criteria applied is contained in Annex III.

21. Following its legal assessment, the VPRS has transmitted to the Chamber all representations received.<sup>30</sup>

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<sup>24</sup> No additional victim representations were received after 8 September 2022. One email, received within the deadline, and which strongly supported the OTP Request, could not be registered as a representation as it was sent anonymously and VPRS could not assess whether it is submitted on behalf of victims within the scope of the Situation or not.

<sup>25</sup> Word/PDF documents or text included in the body of emails.

<sup>26</sup> r/20002/22.

<sup>27</sup> [Redacted].

<sup>28</sup> [Redacted].

<sup>29</sup> For representations submitted to the Registry and transmitted to the Chamber during the article 15(3) process, relevant Rule 85 assessments had already been carried out at the time.

<sup>30</sup> Registry, "Registry Transmission of Victims' Representations", 22 September 2022, ICC-01/21-52.

### **C. Types of representations**

22. All representations were assessed by the VPRS as collective, as they either referred to several victims or contained information that family members of the direct victims have also suffered harm as a result of crimes within the jurisdiction of the Court.<sup>31</sup> Where representations mentioned that family members also suffered harm but the number of individuals was not sufficiently specified, the VPRS assessed the representations as introduced on behalf of a family.

### **D. Number of victims represented**

23. The 8 Representations were introduced on behalf of 293 individuals and 366 families. Out of them, 66 families did not participate in the previous Article 15(3) process.

### **III. Victims' views and concerns**

24. This last section of the present report is not intended to replace the original representations, which were transmitted for the Chamber's consideration. Rather, the objective of this section is to provide an overview which draws out the major themes mentioned by the victims in their representations, in the interest of assisting the Chamber to identify some patterns and general themes in the views presented by the victims.

25. The VPRS notes that all representations indicated that the victims want the Prosecutor to resume the investigation of the crimes committed in the

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<sup>31</sup> A number of representations mentioned as victims only those individuals who were killed, abducted, detained or tortured. This reflection was also confirmed by the interlocutors - the concept of who is a victim is in most cases understood to only cover direct victims of violent crimes.

context of the WoD.<sup>32</sup> The main motivating factors invoked are: genuine investigation by an impartial international court; identifying and bringing the perpetrators to justice and ending impunity. A sample of relevant quotes is provided below:

- "The investigation of the ICC is the best answer to stop all senseless killings, kidnapping, red-tagging."<sup>33</sup>
- "If the Government is sincere in conducting the investigation I will pursue the case, but since until now the killing continues in our area and there are threats to sign waivers, then I opt to let the ICC conduct the investigation. [...] We received threats and intimidation instead of help from the Government that is why it is better if the ICC investigates. [...] I want to thank the ICC because they are concerned about our cases even if we are poor. [Redacted], it is clear we don't have justice if you are poor, the government does not care if your loved one was killed, [Redacted]. I always dream and hope that one day I can find justice, and justice for me is to at least investigate why they killed [Redacted], who ordered the killing."<sup>34</sup>
- "The resumption of the investigation by the ICC would be a welcome development for these families to gain access to justice. As relayed by the victims, there is a strong call for the ICC to proceed with its investigation. The victims are largely distrustful of Philippine authorities due to the climate of fear that the drug war has brought upon them. This, along with the absence of actual meaningful investigations from the government has led to the families being more open towards a continued investigation from

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<sup>32</sup> Collective representations which state that the majority of victims want an investigation are also included in this number.

<sup>33</sup> r/20000/22.

<sup>34</sup> r/20001/22.

an independent third party like the ICC."<sup>35</sup>

- "All of the victims expressed support and interest [for] the request of the Office of the Prosecutor to proceed with the investigation. [...] The ICC investigation will bring justice that the Government is unable to give [victims]. [...] The ICC should be involved because there should be justice."<sup>36</sup>
- "[We] implore the Chamber to grant the Prosecutor's request and issue an order authorizing the resumption of the investigation in the Situation in the Philippines. [...] It is imperative that a credible and thorough investigation by a truly independent body is undertaken in order to deliver justice to the thousands of victims of the war on drugs. [...] Two small boys, barely tall enough to wash their own hands in a sink, will one day ask what we did to seek justice for their daddy. We want them to know that we did everything we could, in seeking accountability for those most responsible for Duterte's wretched 'war on drugs'.[...] If we fail to act on their behalf and seek justice and accountability for their father, we only further endanger their health, strength, and sense of righteousness and justice. [...] In a country where the justice system is flawed and justice seems to be unattainable, the ICC process is like a glimpse of light for us that could lead us on the path to finding a touch of justice. Our country's soul has been damaged, and this ICC process could help us to redeem our sense of truth and the value of human life."<sup>37</sup>
- [Redacted].<sup>38</sup>
- "I turn to you [ICC] because there was no justice brought to us for

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<sup>35</sup> r/20002/22.

<sup>36</sup> r/20003/22.

<sup>37</sup> r/20004/22.

<sup>38</sup> r/20005/22.

the killing [Redacted]. I am very much thankful that I have heard of the ICC because I feel like I'm not alone on pursuing the case. [...] [I want the ICC to continue the investigation] so as to lighten the heaviness in our chests because up to now it is still painful. It's painful to be [Redacted]!"<sup>39</sup>

- "The victims in the Philippines truly need the ICC to step in".<sup>40</sup>
- "[We] strongly urge the Chamber to authorize the resumption of the OTP's investigation into the Situation in the Republic of the Philippines, ensure that the crimes against humanity committed in the WoD do not go unpunished, and put an end to the impunity espoused by the Philippine Government. [Redacted]"<sup>41</sup>

26. Victims believe that the new administration will maintain the culture of impunity that characterized the rule of president Duterte. Victims maintain that the authorities are unwilling and unable to investigate and prosecute WoD related crimes, as shown in their eyes most notably by: the absence of (completed or ongoing) genuine investigations; lack of transparency and progress in cases brought by victims at the domestic level; long delays due to the lack of cooperation from authorities; difficulty to access to police reports/files (because of lack of response or outright denials); forging of official documents such as death certificates and inaccurate official reports; and the high cost of pursuing criminal cases.

- "They will not investigate properly that's why we are losing hope and trust in the justice system. [...] The people of [the Philippines] are now suffering and losing hope about justice. Tired of all those political dirty games. [...] The Government will not investigate, even [the] new government administration, it will be [worse]".<sup>42</sup>

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<sup>39</sup> r/20006/22.

<sup>40</sup> r/20007/22.

<sup>41</sup>r/20001/22, r/20003/22 and r/20005/22. [Redacted].

<sup>42</sup> r/20000/22.

- "Some of the victims experienced difficulty accessing the justice system—from the *Barangay*<sup>43</sup> to the courts. [...] Several victims shared that there has been an investigation at the level of the police but these investigations never really resulted in anything and have never reached the Courts. [...] Some cases reached the level of the courts but because of several factors such as lack of witnesses to testify or threats/ offers to withdraw the case, these were dismissed and the suspects have been released from detention. [Redacted]."<sup>44</sup>
- "The general consensus [Redacted] is that there are no genuine investigations, completed or ongoing, from the Philippine government and its agents. [Redacted] stated that their case was not investigated or was only limited to the perfunctory taking of statements around the time of the killing. This puts into question the genuineness of the government's intentions to investigate and prosecute incidents related to the campaign against illegal drugs. [...] Even the cases (approximately 40%) where the PNP or associated agency took some action, these were not substantial investigations that were designed to challenge the police narrative or capable of leading to further prosecution. To the contrary, they were mostly limited to on-the-spot questioning of the families of the victims with the objective to merely identify if they witnessed the killing or saw any perpetrators. [Redacted] We find it important to include the issue of victims' death certificates as it reflects an attempt by the domestic authorities to distort the truth and avoid accountability from the incidents. [...] The death certificates of the victims of the war on drugs is a crucial document that can be used as evidence by the families in order to seek truth and justice for their

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<sup>43</sup> *Barangays* are small territorial and administrative districts forming the most local level of government. See <https://psa.gov.ph/ISSiP/concepts-and-definitions/161751>.

<sup>44</sup> r/20001/22.

loved ones. Fabrications in relation to the cause of death renders any proceeding to investigate the death as a farce. Clearly, no genuine proceeding can result from distorted documents. Death certificates act as evidence in domestic proceedings to substantiate the claims of murder by their families and their inaccuracy conceals the true numbers of those who have died due to the bloody campaign against illegal drugs in the country. It is an attempt to obstruct efforts to file criminal complaints against Philippine authorities. [...] Given that most victims come from the urban poor, the foremost concern is the economic cost of case build-up and filing. It is also noted by [victims] that the process is protracted, costly, and emotionally arduous. [...] Justice seems elusive. We need someone stronger who will listen to what is happening to people like us. Let's face it, with the way things work in this government, they're deaf and blind to our experiences. Even if they see and hear us, they don't do anything. Is this really the way things are? We are losing hope. [...] The fact that the war on drugs continues under the present administration adds to the climate of fear among victims which further hinder them from seeking justice for their loved ones."<sup>45</sup>

- "The police are not able to investigate the cases because the perpetrators are their personnel and they do not want to investigate. If they are truly willing to investigate then they could have done so one month into the drug war. [...] While there was an autopsy, the cause of death in the death certificate does not match the real cause. [Redacted] asked by the police if they would subject the bodies to an autopsy, but they declined because they did not have money. [Redacted] was indicated as the cause of death in the death

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<sup>45</sup> r/20002/22.

certificate to avoid investigations."<sup>46</sup>

- "There has been no indictment or even an investigation of the persons most responsible for crafting and implementing the "war on drugs" campaign. [...] Under the Marcos administration, the Philippines remains unwilling to carry out a genuine investigation into crimes against humanity. [...] These recent events indicate collaboration and collusion on the part of the Marcos administration and Mr. Duterte to frustrate the Court's efforts to investigate crimes against humanity in the Philippines, to shield Mr. Duterte from accountability, and to ensure that if any investigation into the war on drugs is ever conducted, this will be a purely domestic affair, under the control of the Justice Department ("DOJ"), lacking credibility and impartiality. [...] Since August 2021, [Redacted], exactly nothing has been done to investigate or solve [the victim's] death. Our initial efforts to coordinate with the police did not yield results, but now [his] death seems unimportant to them. He is just one among thousands."<sup>47</sup>
- [Redacted].<sup>48</sup>
- " [Redacted] expressed their frustrations regarding their [domestic] cases, especially the lack of movement or progress and little to no assistance from authorities. [...] No one from the authorities would want to investigate because they themselves are the culprit. [Redacted]."<sup>49</sup>
- "There [is] absolutely no truth to the claim [...] that there exists a 'working judicial system' in the Philippines which can provide a modicum of justice that is sought by the families of those unjustly

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<sup>46</sup> r/20003/22.

<sup>47</sup> r/20004/22.

<sup>48</sup> r/20005/22.

<sup>49</sup> r/20006/22.



killed in Duterte's 'Drug War', and the opposite is true: we can inform you of cases, like this one, which show the legal processes are being used to continue hindering the quest for justice. [...] Observe the baby in the photo- that baby, born after his father died, is now about to enter grade 1. That is how long this has taken!"<sup>50</sup>

27. The representations also contained information and views on the 52 cases submitted by the Philippine National Police to the Department of Justice<sup>51</sup> and on the writ of *amparo* petitions and administrative investigations:<sup>52</sup>

- "The announcement of the DOJ last October 2021 where they released a list of 52 cases merely scratched the surface of what lies underneath the government's campaign against illegal drugs. Apart from the 52 cases allegedly being investigated by the Philippine government, no other information has been released to the public. [...] Even considering the 52 cases DOJ listed as being under investigation, there is yet to be a systematic reinvestigation that could uncover any policy of killings and hold accountable the senior officials responsible for designing and implementing it. The experience of these victims is not consistent with the Philippines government's claims that it is conducting an independent and effective investigation. The June 2020 announcement that the government would review 52 cases to "signal the start" of a wider review and investigation lacks basis in the lived reality of the victims and their families."<sup>53</sup>
- "The DOJ review of a few incidents involving extrajudicial killings focuses on low-ranking police personnel and is intended, precisely, to shield Mr. Duterte and high-ranking officials from accountability

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<sup>50</sup> r/20007/22.

<sup>51</sup> See OTP Request, para. 18.

<sup>52</sup> See OTP Request, para. 25.

<sup>53</sup> r/20002/22.

while giving the semblance of a functioning justice system. Since the DOJ review began in September 2021, only seven out of the 52 cases reviewed have already been elevated to the courts, while six have either been dismissed or dropped due to lack of interest to prosecute. [...] The number of cases currently or potentially under review clearly pales against the number of police operations that the government has conducted."<sup>54</sup>

- [Redacted].<sup>55</sup>
- "This case was not included in that much-vaunted 'list of 52 cases' which the DOJ said they will investigate further about. To this day, there is no firm specific development announced about any of these '52 cases', which was announced in end-October 2021. [Redacted]."<sup>56</sup>
- "The Philippine Government, however, purports to provide justice to the WoD victims by, inter alia, referring to non-criminal proceedings to justify its deferral request. It relied on the Writ of Amparo petitions and administrative investigations by the PNP Internal Affairs Services to simulate justice pro forma. [...] A Writ of Amparo does not involve the imposition of criminal liability that would justify a deferral in the Situation in the Philippines. Thus, the protective Writs of Amparo and administrative investigations do not suffice to give justice to WoD victims."<sup>57</sup>

28. Finally, the representations also contained information about the situation of the WoD victims, their security concerns and the reported climate of fear and intimidation maintained by the new administration:

- [Redacted]<sup>58</sup>
- "The fact that the war on drugs continues under the present

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<sup>54</sup> r/20004/22.

<sup>55</sup> r/20005/22.

<sup>56</sup> r/20007/22.

<sup>57</sup> r/20001/22, r/20003/22 and r/20005/22 [Redacted].

<sup>58</sup> r/20001/22.

administration adds to the climate of fear among victims which further hinder them from seeking justice for their loved ones."<sup>59</sup>

- [Redacted].<sup>60</sup>
- "The recent state of grave human rights violations and the repeated pronouncements of the Marcos administration that it will continue the war on drugs leave the victims and their families fearful of the government and its security forces. [...] The victims and their families continue to live in fear of retaliation from security forces and the government in general. [...] Independently, the Philippines' Commission on Human Rights [...] found that victims are unwilling to cooperate due to fear of reprisal. The report<sup>61</sup> observed impunity and concluded that 'the government has not only failed in its obligation to respect and protect the human rights of every citizen, in particular, victims of drug related killings, but it has also encouraged a culture of impunity that shields perpetrators from being held to account'."<sup>62</sup>
- [Redacted].<sup>63</sup>

## Conclusion

29. In conclusion, the VPRS observes that victims unanimously support the resumption of an investigation by the ICC Prosecutor into crimes against humanity allegedly committed in the context of the WoD in the Philippines between 1 November 2011 and 17 March 2019.

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<sup>59</sup> r/20002/22.

<sup>60</sup> r/20003/22.

<sup>61</sup> Commission on Human Rights, "Report on investigated killings in relation to the anti-illegal drug campaign", April 2022, <https://chr.gov.ph/wp-content/uploads/2022/05/CHR-National-Report-April-2022-Full-Final.pdf>.

<sup>62</sup> r/20004/22.

<sup>63</sup> r/20005/22.