

Annex I
Public Redacted

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Introduction

1. Following the Appeals Chamber's "Decision on requests for victims' involvement and access to filings" issued on 21 March 2023 ("Chamber" and "Decision" respectively),¹ the Victims Participation and Reparations Section ("VPRS") of the Registry conducted a victim consultation process. As a result, it received five victim representations containing views and concerns expressed on behalf of 350 individual victims and 165 families. They were assessed by the VPRS as meeting the conditions set out in rule 85 of the Rules of Procedure and Evidence ("Rule 85") and transmitted to the Chamber through separate filing.² The victims unanimously and strongly urge the Chamber to confirm the 26 January 2023 Pre-Trial Chamber's decision authorising the Office of the Prosecutor ("OTP") of the International Criminal Court ("ICC" or "Court") to resume its investigation into the situation in the Philippines ("Article 18(2) Decision", "Philippines" and "Situation" respectively).³
2. The present report consists of three parts. The first part offers an overview of the Article 18(2) consultation process for the purpose of the appeal proceedings. The second part provides details of the representations received by the VPRS. The final part is based on quotes extracted from the representations received and displays the victims' views and concerns as they were communicated to the Registry in the present process.

¹ Appeals Chamber, "Decision on requests for victims' involvement and access to filings", 21 March 2023, ICC-01/21-66.

² Registry, "Registry Transmission of Victims' Representations", 22 May 2023, ICC-01/21-74.

³ Pre-Trial Chamber I, "Public Redacted Version of 'Authorisation pursuant to article 18(2) of the Statute to resume the investigation'", 26 January 2023, ICC-01/21-56-Red.

I. Overview of the Article 18(2) victim representation process in the appeal proceedings

A. Security situation

3. [Redacted] The security context described in the Registry's Article 15(3)⁴ and Article 18(2)⁵ reports on victims' representations ("Article 15(3) Report" and "Article 18(2) Report", respectively) continues to be relevant and accurate.⁶ Therefore, the VPRS followed the same recommendations as in the previous consultation processes conducted in the Situation.⁷

B. Approach implemented

4. Following the issuance of the Decision, the VPRS reached out, [Redacted],⁸ in order to provide information about the appeal proceedings and to put in place a system for collecting victims' views and concerns on whether the Article 18(2) Decision should be confirmed, amended or reversed on

⁴ Registry, "Registry Report on Victims' Representations", 27 August 2021, ICC-01/21-11, see Annex I, paras 26-32.

⁵ Registry, "Report on Article 18(2) Victim Representations", 22 September 2022, ICC-01/21-55, see Annex I, paras 4-8.

⁶ See, *inter alia*, Human Rights Watch, World Report 2023 (33rd edition), available: https://www.hrw.org/sites/default/files/media_2023/01/World_Report_2023_WEBSPREADS_0.pdf, p. 485: "Since the inauguration of Ferdinand Marcos Jr. as president, the human rights situation has hardly changed [...] President Marcos has sought to reassure the international community that he is committed to human rights. His officials, speaking before the United Nations Human Rights Council in October, highlighted several steps that they intended to take, while asserting that the human rights situation in the Philippines has improved. Human rights and civil society groups, however, debunked these claims with reports to the council of continuing human rights violations"; Amnesty International Report 2022/23, the State of the World's Human Rights, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>, p. 297: "Unlawful killings under the "war on drugs" continued and impunity for thousands of past killings remained entrenched. Repression of dissent intensified and freedom of expression was further restricted as human rights defenders, political activists, journalists and others were subjected to unlawful killings, arbitrary arrest and detention. Authorities blocked the websites and ordered the closure of independent media"; Third World Studies Centre of the University of the Philippines, Dahas Project, <https://dahas.upd.edu.ph/>.

⁷ See Article 18(2) report, Annex I, para. 8.

⁸ [Redacted].

appeal.⁹

5. [Redacted] allowed the VPRS to provide complete information about the scope of the present consultation process and to consult [Redacted] on how to best collect views and concerns from the victims [Redacted]. The VPRS stressed the importance of the safety [Redacted] during this consultation process. [Redacted].
6. On 23 March 2023, the Registry also placed on the ICC website¹⁰ information for victims on the current consultation process. The VPRS asked victims to submit their views and concerns by 8 May 2023.¹¹
7. Similarly to the approach implemented in the Article 18(2) victim consultation process before the Pre-Trial Chamber in the present Situation,¹² no standard form was used. Instead, the VPRS suggested that [Redacted] they make submissions, either separately or jointly, [Redacted] in any format they deem suitable (i.e. emails, videos, etc). The VPRS suggested a general structure for the representations akin to the lay-out of the representation form previously applied in the Article 15(3) process in this Situation; said structure is composed of three parts: i) information about the person/organization submitting the representation and about the victims represented (i.e. number of victims; whether they previously

⁹ Appeals Chamber, "Decision on requests for victims' involvement and access to filings", 21 March 2023, ICC-01/21-66, para. 19.

¹⁰ <https://www.icc-cpi.int/philippines>

¹¹ As previously done in the Articles 15(3) and 18(2) consultations, the VPRS estimated that it would need two weeks to process (i.e. register and assess) the views and concerns received and to prepare its report thereon. [Redacted] asked for an extension of time until 10 May 2023 to submit their representations, which was granted. The two representations received on 10 May 2023 are being transmitted to the Chamber and the views and concerns expressed therein are part of the present report.

¹² Article 18(2) report, Annex I, para. 14. In contrast, the VPRS applied a form-based process for the initial Article 15(3) victim representation exercise which helped greatly in properly channelling victims' views and concerns and establishing relevant links to VPRS external partners for the purpose of that exercise. It was only due to the links thus established that for the ensuing Article 18(2) exercise (as well as the present one), that the VPRS considered a form-based process unnecessary.

submitted representations in the Article 15(3) and/or Article 18(2) consultations 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 a Rule 85 assessment); ii) views and concerns on whether the Article 18(2) Decision should be confirmed, amended or reversed on appeal; and iii) signature and contact information of the person/organization submitting the representation.

C. Challenges encountered

8. [Redacted] victims welcomed the Decision allowing them to participate in these appeals proceedings. Victims felt it was important and empowering that their views and concerns are considered at every stage of the proceedings.¹³ [Redacted].
9. [Redacted].
10. [Redacted].

II. Details of the victim representations received

11. The VPRS received five victim representations submitted on behalf of 350 individual victims and 165 families.¹⁴
12. All representations were submitted in English, in written format, and were received by the VPRS *via* email.
13. The VPRS conducted a legal assessment of whether the victims (individuals or families) who had not participated in the previous Article

¹³ See also Amnesty International, Philippine Coalition for the International Criminal Court, "ICC decisions give hope for Justice", 30 March 2023, <https://www.amnesty.org.ph/2023/03/icc-decisions-give-hope-for-justice/>.

¹⁴ Direct and indirect victims of WoD related crimes, including wives, husbands, partners, parents, grandparents, children, siblings, and other family members of direct victims, brought forward their views and concerns before the ICC Judges.

15(3) and/or 18(2) proceedings¹⁵ fall within the definition of victim under Rule 85 of the Rules 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 provided in Annex III.

14. Following its legal assessment, the VPRS transmitted to the Chamber all representations received.¹⁶

III. Victims' views and concerns

15. This section of the present report is not intended to replace the original representations, which were transmitted for the Chamber's consideration. Some of the representations include legal arguments on the grounds of appeal invoked by the Government of the Philippines and information about domestic cases which are not reflected in the present report in detail. Rather, the objective of this section is to provide an overview, in the victims' own words and the words of their representatives, of the victims' attempts to obtain justice in the Philippines, their current situation, as well as relevant contextual information which may assist the Chamber in its deliberation on whether to confirm, amend or reverse the Article 18(2) Decision.

A. Victims urge the Chamber to confirm the Article 18(2) Decision

16. All representations received request the Chamber to confirm the Article 18(2) Decision. They oppose the four grounds of appeal raised by the Government of the Philippines, support the counter arguments submitted

¹⁵ For representations submitted to the Registry and transmitted to the Pre-Trial Chamber during the Article 15(3) and 18(2) processes, relevant Rule 85 assessments had already been carried out at the time.

¹⁶ Registry, "Registry Transmission of Victims' Representations", 22 May 2023, ICC-01/21-74.

by the OTP and the Office of Public Counsel for Victims¹⁷ and advance legal arguments as to the absence of any errors of fact or law in the Article 18(2) Decision.¹⁸

17. In the words of the victims, “justice and accountability in the Philippines remain largely elusive and victims and victims’ families face enormous difficulties in seeking accountability using available domestic legal remedies.”¹⁹ Therefore, all victims represented support an ICC investigation into the crimes committed. In the present submissions, the motivating factors previously invoked in the victims’ observations submitted in the Articles 15(3) and 18(2) proceedings are reiterated, namely the need for (i) a genuine investigation by an impartial international court; (ii) the identification of the perpetrators, and (iii) bringing these individuals to justice and ending impunity.

a) No prospect of genuine investigations and prosecutions in the Philippines

18. In their representations, victims assert that their experience with the local justice system confirms the continued lack of investigations and prosecutions of their cases, some of which date back to 2016. As also previously done in the Article 18(2) consultation process before the Pre-Trial Chamber,²⁰ the victims argue that the ‘fragility’ of the overall Philippines judicial system is reflected, *inter alia*, by (i) the lack of effective remedy for victims; (ii) the lack of access to relevant official documents or procedures; (iii) the practice of falsification of death certificates; (iv) protracted efforts to dissuade and stop victims from pursuing cases; and

¹⁷ OPCV, “Observations on behalf of victims on the Philippines Government Appeal against the Decision authorising the resumption of the investigation”, 18 April 2023, ICC-01/21.

¹⁸ See, most notably, r/25003/23 and r/25004/23.

¹⁹ r/25000/23.

²⁰ Article 18(2) Report, Annex I, para. 26.

(v) the promotion of the alleged perpetrators by authorities as opposed to an investigation into potential criminal conduct. A sample of relevant quotes is provided below:

- i. *“The situation in the Philippines has not materially improved for the victims represented. If any, gains have been isolated and marginal. The families of victims still largely rely [Redacted] to help cushion the economic and social impact of the crimes committed while justice remains out of reach. [...] Cases against the perpetrators of the crimes have not been forthcoming. Even attempts to obtain recognition that the killings were extra-legal have, unfortunately, been met with resistance from state institutions. [...] The continuation of the process before the International Criminal Court remains a plausible means of seeking the justice that they currently cannot find in this country.”²¹*
- ii. *“The family members [of War on Drugs (“WoD”) victims] shared [Redacted] “wala” (nothing) to the question if there had been any local investigations or any significant progress or updates to their cases.[...] ICC should investigate as there had been no actual investigation here. And should the investigation proceed, [...] [Redacted].”²²*
- iii. *“There is no substantial, effective, and comprehensive investigation into the killings and abuses committed in the Philippines under the pretext of Duterte’s “war on drugs” at present. Victims of rights violations have been unable to pursue remedies under a prevalent climate of fear and impunity, and more pointedly, have been unable to access the justice system with massive institutional challenges. The lack of a government inquiry into the widespread killings and abuses significantly impacts the rights of victims, and in particular, denying them the opportunity to identify, prosecute, and*

²¹ r/25000/23.

²² r/25002/23.

punish the perpetrators of these grave crimes against humanity. ”²³

- iv. *“The justice system is traumatic for someone like us whose loved ones were deliberately killed by authorities who think they are the law. Our cases were not seriously investigated, but only recorded in their police record, they said our children were collateral damage in what they claimed to be a police operation. They don’t have a conscience, they said my daughter was a collateral damage, they get away with murdering people because they call this collateral damage. I am not expecting any hope from our authorities, they make us victims suffer more because of their inactions [...] ”*²⁴
- v. *“With respect to the Responding Victims, it does not appear that the Philippine Government is undertaking relevant investigations, or is making a real or genuine effort to carry out such investigations and any subsequent criminal prosecutions, that would warrant a deferral of the Court’s investigations as per article 18(2) of the Statute considering the deliberate inaction or inordinate delay in the resolution of the offenses committed against the Responding Victims or the other remedies availed of by them. This inaction and delay respectively illustrate that the Philippine Government is unwilling to investigate and prosecute the crimes committed in the War on Drugs [...] The delay in justice for the victims of the WoD only contributes to the continued impunity enjoyed by low-level state actors and causes the re-traumatization and fatigue of the victims. Over the past years, the victims have seen for themselves that they cannot find justice in the Philippines.”*²⁵
- vi. *“I think that there are many who cannot go to court because firstly, we won’t be going to court here in the Philippines. Because we have no trust,*

²³ r/25003/23.

²⁴ r/25001/23.

²⁵ r/25004/23.

first, from the time that my husband was killed, [the police] should have updated me what happened to his case, what happened to the investigation. But nothing, they did not have that approach to the family. Even if not about the investigation, they could have gone back to the families of victims, ask about the effect on families, even if only for that, not for the investigation, but about the situation of the bereaved families as a government who care about families of victims. Especially now, we wouldn't want to go to them because from what we read and hear from the news, it is as if they don't care about the families, they don't care at all. They don't care. They put us down, and we even feel more sorry for ourselves because they look at us as if we are lying, that we are enemies, or if not, that we don't need help from others. If they had helped us here in the Philippines, if we had felt their care, assistance, support, this wouldn't have escalated and reached a court outside of the country. Because this is our only hope as families of victims. We see no hope in any case that we will file here. It is too slow.”²⁶

- vii. *“Documentation is a key issue that has cropped up during trial. Police have refused to authenticate police reports their offices have issued, and more so, have rebuffed requests to produce the complete records of the operations and ensuing investigations. Missing documents do point to administrative liability, but the lack of information limits prosecution.”²⁷*
- viii. *“I didn't have my son autopsied, and the cause of death in his death certificate - which I only saw on the day of the burial itself - is '[Redacted]'. They never told us that '[Redacted]' was to be written in the certificate. I asked, 'why [Redacted]?' [Because we all knew that the gunshot was clearly [Redacted]. They said that it's because there was no doctor present*

²⁶ r/25003/23.

²⁷ r/25003/23.

*to sign the death certificate, so 'we made do'."*²⁸

- ix. *"I was asked for Thirty-Five Thousand Pesos (Equivalent to 700 USD) by the funeral home. I did not have a 35,000 to give, the NBI asked me to sign a waiver that said the cause of death of my son was [Redacted] and not because of gunshots (based on police report). Of course, I could not think straight then. I just want to get my son's cadaver. I just signed. I did not know it would be like that. That it would be a serious issue. That it would be difficult for me afterwards, until now."*²⁹
- x. *"[Redacted] preventing the correction of a death certificate to reflect an unnatural death of a child caught in the crossfire during a drug operation. [Redacted] Appeals recognized that a preponderance of evidence suggests that [Redacted], [..], was indeed shot during a drug operation, and did not die of natural causes as his death certificate suggested. The erroneous entries in the cause of death in death certificates [Redacted] prevent meaningful investigations into killings. A death certificate is a public document, and is considered an official record of the circumstances surrounding a person's death. While the death certificate [Redacted] has been corrected, no investigation into or criminal prosecution against the perpetrators of his killing has commenced - largely because it is only through this belated correction that his death has been officially recognized as unnatural.[...] [T]his case is not isolated. [...] The process of correcting an erroneous death certificate is also not a simple administrative matter. Under Philippine law, correction of erroneous entries in official records such as death certificates require proceedings before a court of competent jurisdiction. This requires the filing of a petition for correction, the preparation of evidence in support of the petition, the publication of the*

²⁸ r/25001/23.

²⁹ r/25001/23.

petition in a newspaper of general circulation in the province of the civil registry where the erroneous death certificate was registered, and the presentation of witnesses at a trial. [Redacted]. Further, this process only constitutes an initial step into ensuring that at the very least, the deaths of the victims be officially recognized as killings.”³⁰

- x. *“A Scene of the Crime Operative (SOCO) asked: ‘Ma’am, are we going to conduct an autopsy to your husband?’ ‘Of course,’ I said, ‘it’s only natural since that’s the protocol during incidents like these for us to know the cause of death.’ And then he said: ‘But you have to pay 50,000 Pesos.’ I said: ‘What? Why would I pay 50,000 Pesos? I have no money - don’t do the autopsy anymore, I’ll just take my husband home and have the wake there. As usual, they never gave any remarks about my husband. No investigation whatsoever was done with regards to the gunshot wounds in his body. But as I was about to acquire my husband, the funeral [staff] asked me to pay 5,000 Pesos. If I don’t pay them 5,000 Pesos, I wouldn’t be able to bring my husband home.”³¹*
- xii. *“Last March [Redacted], 2023, a police [Redacted] came to our home to ask if our family would pursue legal action. We told them that we don’t know who killed my sibling. They then said that since we don’t know who the perpetrator was, the incident is considered a closed case. They said that they would come by again to make us sign a statement agreeing that the killing of my sibling is already a closed case.”³²*
- xiii. *“For example, in the situation of [Redacted], the father of a [Redacted] boy [Redacted], who was killed in 2017 after he was invited [Redacted] for an investigation, his case initially reached the level of the prosecutor but*

³⁰ r/25000/23.

³¹ r/25001/23.

³² r/25001/23.

*because of the lack of evidence since the police officers were not cooperating with the evidence gathering, [Redacted] was not able to pursue his son's case. In 2022, after learning that the ICC will pursue an investigation in the Philippine situation, [Redacted]. The police officer who received him told him: 'You should not pursue your son's case because you are fighting against powerful and influential personalities.' From then on, [Redacted] said he would just wait for the ICC to continue its investigation, stating: "The ICC is my only hope to get justice. I pity my son, they just killed him like that, defenceless, he was a minor, they tortured him before he was killed, they don't have a heart. Will it be like that, no investigation because they said the one who ordered the killing of my son is influential? What kind of justice system do we have here?"*³³

- xiv. *"A strong indicator for a fraught justice system can be seen in the promotion of alleged perpetrators. There are cases wherein the perpetrators of the human rights violation got promoted from office instead of facing internal investigation especially when death occurs in the course of a legitimate police or law enforcement operation, such as in the following example: [Redacted] were minor friends at the time of the incident. [Redacted]'s father was a target of a police operation and was killed by police officers conducting the operation. During this time, the two children witnessed the killing of [Redacted]'s father in broad daylight. Because they witnessed the killing of [Redacted]'s father, they were also taken by the police, they were tortured and trumped-up drug charges were filed against them. Recently, they found out that the police officers who reportedly were responsible for the murder of [Redacted]'s father as well as their torture have been promoted."*³⁴

³³ r/25001/23.

³⁴ r/25001/23.

xv. *“Even if we are poor, we will not be bribed. What we seek is for justice to be served.”*³⁵

b) Inaction continues under the new administration

19. The victims emphasized the fact that the former administration’s WoD campaign continues under the current administration and there is no prospect for victims to obtain justice at the domestic level. In their submission, no investigations or prosecutions are being conducted into alleged WoD related crimes committed under the former administration or the current one. Moreover, victims report that prior to the issuance of the Article 18(2) Decision, local authorities would mostly pressure victims’ families not to file cases in relation to WoD related crimes. Following the Pre-Trial Chamber’s authorization of resumption of the investigation, police officers have started to actively approach victims’ families and to demand documents related to the victims. [Redacted].³⁶

i. *“[T]he families of victims need the ICC to conduct investigations as they are the only ones who are concerned [about] the cases of our relatives killed in the drug war. The new government now is also unwilling to investigate because after election last May 2022, we thought there will be changes under the new government in the method of addressing drug problems, so we came to the authorities between July and August last year to request that the cases of our relatives be investigated so we can get justice, the authorities just laughed at us and said our relatives were killed during the Duterte administration so the investigation is already closed and does not need to be opened unless it’s a new case because we already have a new government.”*³⁷

³⁵ r/25002/23.

³⁶ See r/25001/23. [Redacted].

³⁷ r/25001/23.

- ii. *“Instead of investigating their case, the police go to their area and continue the “tokhang”³⁸ operations under the on-going drug war. [Redacted] shared that in the last quarter of 2022, the police and Barangay authorities came to each one of them and were asking them to sign a waiver that states that the victims are no longer interested in filing a case.”³⁹*
- iii. *“In 2019 the victim’s [Redacted] son was killed in relation to the drug war. The parents did not file a case because immediately after the incident, they received a text message of threat not to do anything or complaint. So they saw a ray of hope when they learned about the ICC investigation. In [Redacted] 2022, they were approached by police officers who told them that they could help the family refile the case against these policemen because the latter have been reassigned. However, they asked the family to pay [Redacted] so that they will help them with the investigation.”⁴⁰*
- iv. *“Killings during police operations and those by unidentified assailants [...] have still been ongoing even during the new administration under the Marcos government. Families of these recent cases also shared they did not get any form of justice.”⁴¹*
- v. *“The victims believe that the present Marcos administration cannot successfully secure justice for them. President Marcos has not eschewed Operation Tokhang, and has made no overt action to prosecute or hold accountable any of the top officials or to review the policy.”⁴²*
- vi. *“Even under the new administration of President Ferdinand R. Marcos, Jr. there are no ‘tangible, concrete and progressive investigative steps being*

³⁸ See Amnesty International, “If you are poor, you are killed. Extrajudicial Executions in the Philippines’ War on Drugs”, 2017, page 19, https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?973DdFTpveG_iJgeK0U13KUVFHKSL_X.

³⁹ r/25001/23.

⁴⁰ r/25001/23.

⁴¹ r/25002/23.

⁴² r/25003/23.

*carried out with a view to conducting criminal proceedings, in a way that would sufficiently mirror the Court's investigation as authorised in the Article 15 Decision.' On the contrary, the current administration's policy has absolved any wrongdoing amounting to crimes against humanity in relation to the war on drugs of the previous administration of President Rodrigo Duterte. "*⁴³

B. Security concerns and fear of retaliation

20. All representations received raised security concerns. Victims and their families fear retaliation for trying to pursue justice domestically or before the ICC:

- i. "Many victims and their families continue to feel unsafe in the presence of police forces as they continue to harass and intimidate victims in their own homes and communities. [Redacted] has fielded reports of police officers illegally entering homes without search warrants under the flimsy guise of 'coordinating' or 'communicating' within the community. Victims have expressed to [Redacted] that knowing that the police have such free access to their homes and that they have little to no recourse to stop matters scare them. Victims have also reported that those who have sought redress for the murder of their loved ones have also been subjected to profiling by the police. According to these reports, families are 'invited' to their local police station to fill out a form asking for their personal details. When asked for the purpose of the data collection, police give generic answers. [...] Victims who have made use of local mechanisms to seek accountability for the violation of their rights during the WoD – still live in the same communities where such violations occurred. To this day, they live in constant fear for their lives and are continually retraumatized by their*

⁴³ r/25004/23.

exposure to criminal elements that are still protected by impunity and remain unchanged."⁴⁴

- ii. *"The families fear reprisal from the alleged perpetrators if they show any intent to file a case, more so if they know that the police officers are the alleged perpetrators. [Redacted]."*⁴⁵
- iii. *"Justice remains largely elusive for the victims represented. Their families face enormous difficulties in seeking accountability using available domestic legal remedies. What remedies they are able to access, are only made accessible through [Redacted]. Even then, there is apprehension among many of them as the climate of fear continues to persist. Victims and their families, rightly, fear the consequences of surfacing and filing cases, given the lack of assurance that these cases will lead to the conviction of those ultimately responsible for the killing of their loved ones, and the lack of assurance that they will remain safe and secure from retribution during the relatively lengthy investigation, and trial process."*⁴⁶
- iv. *"[The mother of the victim] was pinning her hope on the ICC investigation and said she will pray for the safety of ICC investigators when they conduct investigation in the Philippines. She said: '[Redacted], and there are still many minors being victimized under the drug war. The policemen are scary, you cannot rely on them to protect the community, the community fears them. They cannot be trusted because they have no remorse in killing people and they continue to put together a watch list, like my son before he was killed, he was on the watch list. I don't know why we have this kind of government. They don't have respect for life, for people*

⁴⁴ r/25004/23.

⁴⁵ r/25001/23.

⁴⁶ r/25000/23.

*who are poor living with dignity [...].*⁴⁷

- v. *“These youth [...], who were once children during the height of Oplan Tokhang, have brothers and friends killed, and they themselves have been victims of atrocities in one way or another. They continue to fear for their own safety. They continue to fear for their lives. They are asking for an immediate action and investigation of the ICC.”*⁴⁸
- vi. *“With her participation in the ICC process, and the worsening criminality, she feels wary as she does not know where the threat could come from. [Redacted]. Being the sole provider for her young children, she fears for their future if anything bad would happen to her.”*⁴⁹

C. Victims continue to be deeply affected by the crimes

21. In response of the Government of the Philippines’ argument that the Pre-trial Chamber failed to consider whether the situation is of sufficient gravity to justify further action by the ICC, the representations received reiterate the victims’ previous submissions made in the Article 15(3) and 18(2) consultations on the impact the WoD related crimes had and continue to have on their lives:⁵⁰

- i. *“The War on Drugs waged by the Philippine government under the leadership of President Duterte has left a devastating legacy for the victims and their families.”*⁵¹
- ii. *“Despite the passage of time, the effects of the crimes perpetrated during*

⁴⁷ r/25001/23.

⁴⁸ r/25002/23.

⁴⁹ r/25003/23.

⁵⁰ Victims also submit that a gravity assessment was not legally required in the first place for the Pre-Trial Chamber’s decision pursuant to article 18(2) of the Statute – see r/25001/23, page 20.

⁵¹ r/25004/23.

the Philippine government's campaign continue to affect the lives of those left behind. [Redacted] visit the communities where the extrajudicial killings of suspected drug users and pushers are rampant, one can feel the fear of the whole community."⁵²

- iii. *"The family members shared their observations on the impact the WoD crimes that it brought them. They continually miss their lost loved ones. Wives who lost their husbands shared they are heavily impacted economic and survival-wise as these husbands had been the primary providers. Mothers who lost their sons also shared the same sentiment as these sons also supported the family financially. Grandmothers shared their concern on raising the children orphaned and left behind. Without breadwinners, the mothers shared their request for help for their livelihood as also being impacted by the Covid19 pandemic, mothers themselves have lost their jobs and are without regular source of income. [...] The mothers [...] also noticed the trauma has been more apparent on their children and grandchildren especially on any sightings of a police or anyone of resemblance to a police officer. They shared one example of an incident, the children had been scrambling and running in fear, shouting "Police Police!" at the sight of armed men in police uniforms. It turned out that it was only a marathon event, but already the sight of these armed officers sent children to cower in fear and scramble to hide for safety. [...] A mother [...] shared [that] at the sight of a police [officer], [her] blood would boil. She would wonder if this police was involved in the killings of her [Redacted]. She said even though it had been already several years that the incident took place, she could still remember everything and she still seeks for justice. [...] Another youth [...] shared her worry for her lived-in partner who had been diagnosed with a [Redacted] following what*

⁵² r/25000/23.

*appeared to be a triggering traumatic event in 2018, during the height of Oplan Tokhang. [...]*⁵³

Conclusion

22. In conclusion, in all communications received by the VPRS, victims unanimously support an ICC investigation into crimes against humanity allegedly committed in the context of the WoD in the Philippines between 1 November 2011 and 17 March 2019. As a result, victims request the Chamber to confirm the Article 18(2) Decision.

⁵³ r/25002/23.