



‘THEY JUST KILL’

ONGOING EXTRAJUDICIAL EXECUTIONS AND OTHER VIOLATIONS IN
THE PHILIPPINES’ ‘WAR ON DRUGS’

AMNESTY
INTERNATIONAL



EXECUTIVE SUMMARY

In towns and cities across the Philippines, the lethal policy that the government calls the “war on drugs” continues. In the three years since President Rodrigo Duterte took office, thousands of poor people suspected of using or selling drugs, or otherwise linked to drugs, have been killed by police and unknown armed persons. While during the first year of Duterte’s tenure as president these killings were fairly well-documented, they often go unreported now, contributing to a perilous normalisation of extrajudicial executions, police abuses, erosion of the rule of law and victimisation of the poor in the country. This situation leaves the victims’ families feeling even more powerless and isolated than before.

Due to the government’s tactics of deliberate obfuscation and misinformation, it is impossible to know exactly how many people have been killed in the anti-drug campaign. According to Philippine National Police (PNP) figures, at least 6,600 “drug personalities” were killed in police anti-drug operations between July 2016, when the campaign began, and the end of May 2019 – an average of six a day. Amid constant incitement from the highest levels of government, thousands of other drug-related killings have been committed by unknown armed persons, at least some of whom are believed to be directly linked to the police.

Both local and international human rights groups, including Amnesty International, have documented serious crimes under international law and other human rights violations resulting from anti-drug operations, including extrajudicial executions. Despite international condemnation, the Duterte administration remains defiant. In fact, the president warned in early 2019 that the second half of his six-year term will only be harsher, stating that “the last three years of my term will be the most dangerous for people into drugs.”

In April 2019, Amnesty International researchers undertook field research in the Philippines, examining 20 incidents of drug-related killings in the province of Bulacan, in Central Luzon. Located just north of the capital, Bulacan is a province to which a number of police commanders who previously supervised abusive operations in Manila have been transferred over the past eighteen months. Bulacan is now the country’s bloodiest killing field, according to official figures.

The victims of the drug-related killings examined by Amnesty International were overwhelmingly from poor and marginalised communities, in line with past research findings showing that the government’s anti-drug efforts chiefly target the poor. Families described how victims who struggled to earn a living were accused of allegedly being “big-time” operators. “How come big-time? My husband? And he needs to [work] overtime ... to support me and my children?... I don’t understand. Only the poor, only the poor they want to kill,” said the wife of a man who was shot dead by police in late 2018. The loss of a breadwinner, and the staggering costs of burial – compounded by funeral home rackets involving the police – push poor families even deeper into poverty.

Families of victims described their suffering in compelling terms. A mother whose son was killed by police said that when she saw her son’s lifeless body at the morgue, “I was screaming. Even now, almost a year later, I feel like my heart is being stabbed.”

Amnesty International interviewed 58 people, including witnesses of extrajudicial executions, families of victims, and local officials. In the 20 incidents examined – 18 involving killings in police operations and two involving killings by unknown armed persons – a total of 27 people were killed. Based on witness testimonies and other credible information, half of the cases appear to have been extrajudicial executions. In the remaining incidents, it was not possible to obtain sufficient evidence to determine the precise circumstances of the killings, although their broad outlines were consistent with patterns of previous extrajudicial executions committed as part of anti-drug operations in the Philippines.

Notably, in 15 of the 20 incidents, the persons who were killed were said by family members or police to have been on a “drug watch list.” These lists – which Amnesty International views as unreliable and illegitimate – are at the heart of police anti-drug operations, seeming to guide decisions about whom the police are targeting for arrest or, in some cases, to kill. Local officials are under immense pressure to regularly submit lists of people allegedly involved in drugs to the authorities, including the police, linking them to the campaign of killing. The police also appear to further use

the watch lists to expand their network of informants, by requiring “watch-listed” individuals who have “surrendered” to the authorities to provide information about others who have used drugs or who have allegedly committed other drug offences. Worse still, individuals on watch lists appear to be placed on them indefinitely, with no means of getting delisted, even after they have gone through drug treatment or stopped using drugs.

In every police operation documented by Amnesty International, police tried to justify the killing by claiming that the person fought back, requiring the use of deadly force. This so-called “buy-bust” narrative doesn’t meet the feeblest standards of credibility. As a forensic expert put it to Amnesty International, this justification “is so consistent, it’s a script.” Another pattern of drug-related killings involves abductions by plainclothes police – and individuals who go missing – which are then classified by the police as “buy-bust” kills when the body appears.

Families and witnesses contested numerous aspects of the police accounts. Some told Amnesty International that the victim never owned a gun, and was, in fact, too poor to buy one. Other witness testimony directly refuted accounts of “buy-bust” transactions, with family members and others describing how police broke down the doors of their homes and shot dead the victims, either inside or nearby. In addition, Amnesty International and others have previously documented a pattern by which police have tampered with crime scenes, planted evidence, stolen from victims, and fabricated incident reports.

Extrajudicial executions violate the non-derogable human right to life, protected in treaties and customary standards that are binding on the Philippines. The deliberate and systematic nature of the killings, which appear to have been conducted as part of a government-orchestrated attack against poor people suspected of using or selling drugs, is why Amnesty International has repeatedly said that they may amount to crimes against humanity.

There has been no meaningful accountability at the national level for the thousands of extrajudicial executions that have taken place over the last three years. Only a single case – caught on video – has been brought to justice, leading to the conviction in November 2018 of three police officers who murdered 17-year-old Kian delos Santos. This single prosecution is in no way commensurate to the vast number of extrajudicial executions and other human rights violations that have taken place since the “war on drugs” began in the Philippines.

Many families expressed both guilt and helplessness about their inability to obtain justice for their loved ones, citing the enormous obstacles to filing cases, the extreme difficulty of obtaining police or autopsy reports, and their immense fear of retaliation. Human rights defenders and experts said they, too, had lost hope in the prospect of domestic accountability; many said that they were documenting evidence for the future—for a time when the government changes, or the international community, including the United Nations and the International Criminal Court, becomes involved.

Other aspects of the Philippines’ drug control policies remain alarmingly problematic as well. Drug rehabilitation and treatment programmes for people who use drugs remain woefully inadequate, undermining the right to enjoy the highest attainable standard of health and impinging on their right to privacy. The country’s reliance on punitive criminal law policies to deal with drug-related problems has deepened stigma and discrimination against people who use drugs, pushed them further into hiding, and facilitated human rights violations against them. The Duterte administration’s unlawful campaign has further marginalised people who use drugs, tormented their families, and harmed the communities in which they live. It has had the effect of creating a climate of total impunity in the country, in which police and others are free to kill without consequence.

Given this human rights calamity, Amnesty International is calling on the Philippine government to immediately revise its current anti-drug policies which disproportionately target the poor, hold all those responsible for extrajudicial executions to account, and develop and implement a human rights-compliant drug policy. The failure of the international community to meaningfully address the serious human rights violations committed as part of the “war on drugs” has emboldened the Philippine government to carry out a wider crackdown on independent media, human rights defenders, and political activists. This must not be allowed to continue. Amnesty International calls on the international community, via the UN Human Rights Council, to open an independent investigation into the Philippines, in order to put an end to these crimes, and to provide justice and reparations for countless families and victims.

CONCLUSION AND RECOMMENDATIONS

Three years into the “war on drugs,” and thousands of killings later, Amnesty International renews its urgent call for a drastic change of approach towards drugs in the Philippines, which must be anchored on the respect for human life and human dignity. The so-called “war on drugs” has effectively been a war on poor Filipinos that has undermined the rights of millions. Within marginalised communities, police continue to kill with total impunity, fuelling a pervasive climate of fear in cities, towns and neighbourhoods. The reliance on violent and repressive policies continues to perpetuate human rights violations and abuses in the country.

Amnesty International has found that extrajudicial executions by police and unknown armed persons, some of whom are linked to the police, continue. “Drug watch lists” used to identify people who allegedly use or sell drugs also continue to be drawn up by local officials and police and used as a basis by which people are targeted for unlawful arrest, assault, theft and killings by both state and state-aligned non-state actors. There is no opportunity for those whose names are included on the lists to be removed. There remains no adequate treatment and rehabilitation programmes for people using drugs, which often take the form of punishment rather than therapy. Meanwhile, families of victims, as well as lawyers, human rights defenders and others seeking justice for human rights violations have lost hope in any means of domestic accountability under the current administration.

As such, Amnesty International urges the UN Human Rights Council to immediately initiate an independent, impartial and effective investigation into human rights violations in the context of the “war on drugs,” including into the commission of crimes under international law. Amnesty International has demonstrated in the past, and in this report, that there is sufficient evidence to conclude that crimes committed may constitute crimes against humanity. Therefore, the organisation also calls for the Office of the Prosecutor of the International Criminal Court to expedite its examination into the situation with the view to opening an investigation into possible crimes in the context of the so called “war on drugs.”

RECOMMENDATIONS

TO PRESIDENT DUTERTE

- Immediately end the so-called “war on drugs” led by the police, including the implementation of deadly drug enforcement operations.
- Implement a drug control policy that puts the protection of people’s health and rights at the centre, in compliance with international human rights law and standards.
- Order members of law enforcement agencies to refrain from all conduct which violates international law, including unlawful killings, arbitrary arrests, acts of torture and other ill-treatment and other abuses.
- Allow immediate and unhindered access to the country to international human rights monitoring and investigative mechanisms, including UN bodies, Special Procedures of the Human Rights Council and investigators of the International Criminal Court.
- End the calls for or excuses for violence against alleged drug offenders, as well as Philippine human rights defenders critical of the “war on drugs.”

TO THE PHILIPPINE NATIONAL POLICE AND THE PHILIPPINE DRUG ENFORCEMENT AGENCY

- Comply strictly with international law principles for law enforcement officials, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; the UN Code of Conduct for Law Enforcement Officials; and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Ensure all police officers are fully trained on these standards.
- Remove from duty officers and units implicated in repeated fatal shootings and ensure that they are properly investigated. End the practice of relying on administrative measures instead of effective criminal investigations of such personnel.
- Ensure that police officers have a valid search or arrest warrant when entering premises pursuant to an operation and identify themselves as members of the force. Suspend or radically limit “buy-bust” operations pending the development and implementation of another approach that ensures the prevention of unlawful killings.
- Ensure that police officers follow procedure in having barangay officials present during operations and during crime scene inventories.
- Take adequate measures to tackle the disproportionate impact and discriminatory implementation of drug control policies on the poorest and most marginalised communities.

TO THE OMBUDSMAN AND THE DEPARTMENT OF JUSTICE

- Initiate independent, impartial, and effective investigations into the conduct of law enforcement officials suspected of involvement in violations in the context of the “war on drugs,” including extrajudicial executions, and links to unknown armed persons committing them.
- Ensure prosecution in all cases where investigations uncover sufficient, admissible evidence of criminal responsibility for offences involving serious human rights violations and abuses, including extrajudicial executions and involvement in murders by unknown armed persons that may be linked to the police.
- Ensure investigations and prosecutions of all senior police and politicians where there is reasonable suspicion that they have direct and/or command or superior responsibility for the crimes under international law and other serious violations and abuses of human rights.

TO THE DEPARTMENT OF HEALTH

- Promote a clear understanding of the complexity of drug dependence and advocate for a drug policy based on the protection of health and human rights. Work to formulate a public health approach in lieu of the current emphasis on prohibition and punishment.
- Expand involvement in community and municipal-based programs which should be compliant with human rights law and standards.
- Increase access to health and social services to reduce the risks and harms associated with drug use, including by ensuring that drug treatment and rehabilitation programmes affiliated to health facilities are available, acceptable, of good quality and easily accessible to everyone without discrimination.
- Guarantee that any treatment provided to people who use drugs is voluntary, medically indicated, based on scientific evidence and safeguarded by free and informed consent.
- Prohibit the practice of mandatory drug testing and ensure it is only conducted after informed consent has been given, and carried out in a non-discriminatory, transparent and inclusive way.

TO THE DANGEROUS DRUGS BOARD, THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, AND THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT

- End the policy requiring the creation and collection of “drug watch lists” for people who use or sell drugs and requiring them to “surrender.”
- Implement community-based programmes that are voluntary, based on scientific evidence and safeguarded by free and informed consent.
- End the policy of placing treatment and rehabilitation facilities in police or military camps/bases. Ensure that drug-related treatment is not compulsory nor undertaken without free and informed consent.

TO THE UN HUMAN RIGHTS COUNCIL

- Adopt a resolution to create an independent, impartial and effective investigation into human rights violations in the context of the “war on drugs,” including into the commission of crimes under international law, to establish the facts and circumstances, and take steps toward ensuring justice for the victims and their families.

TO THE UN SPECIAL PROCEDURES

- Continue to closely monitor the situation in the Philippines and call for an international independent investigation into extrajudicial executions and other violations of international law, including serious human rights violations.

TO THE INTERNATIONAL CRIMINAL COURT

- Expedite the preliminary examination into possible crimes in the context of the “war on drugs” in the Philippines with a view to opening an investigation into the situation as a matter of urgency.

TO THE INTERNATIONAL COMMUNITY

- Use all diplomatic and political tools at your disposal to put pressure on the Philippines to immediately end all crimes under international law and other serious human rights violations in the context of the “war on drugs.”
- Ensure that any financial or technical support for the Philippine government does not contribute to the commission of human rights violations in relation to the “war on drugs,” whether related to police operations, killings by unknown armed persons with police involvement or drug rehabilitation centres. Any such cooperation, including training or technical advice, must be halted if used, either directly or indirectly, to commit human rights abuses or violations.
- Call on the Philippine government to allow immediate and unhindered access to international human rights monitors, including UN monitors, and other international investigators.
- Call on the Philippine government to cooperate with an independent, impartial and effective investigation led by the UN into alleged crimes under international law and other serious human rights violations in the context of the “war on drugs” and to ensure that individuals responsible for violations of domestic law and international human rights law are held accountable, regardless of rank or position, in fair trials before civilian courts.