



‘THEY JUST KILL’

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

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Cover photo: Crime scene investigators stand over the body of a man killed by unknown armed persons in May 2018, Caloocan City, Metro Manila. Local officials said the man was on a “drug watch list.”

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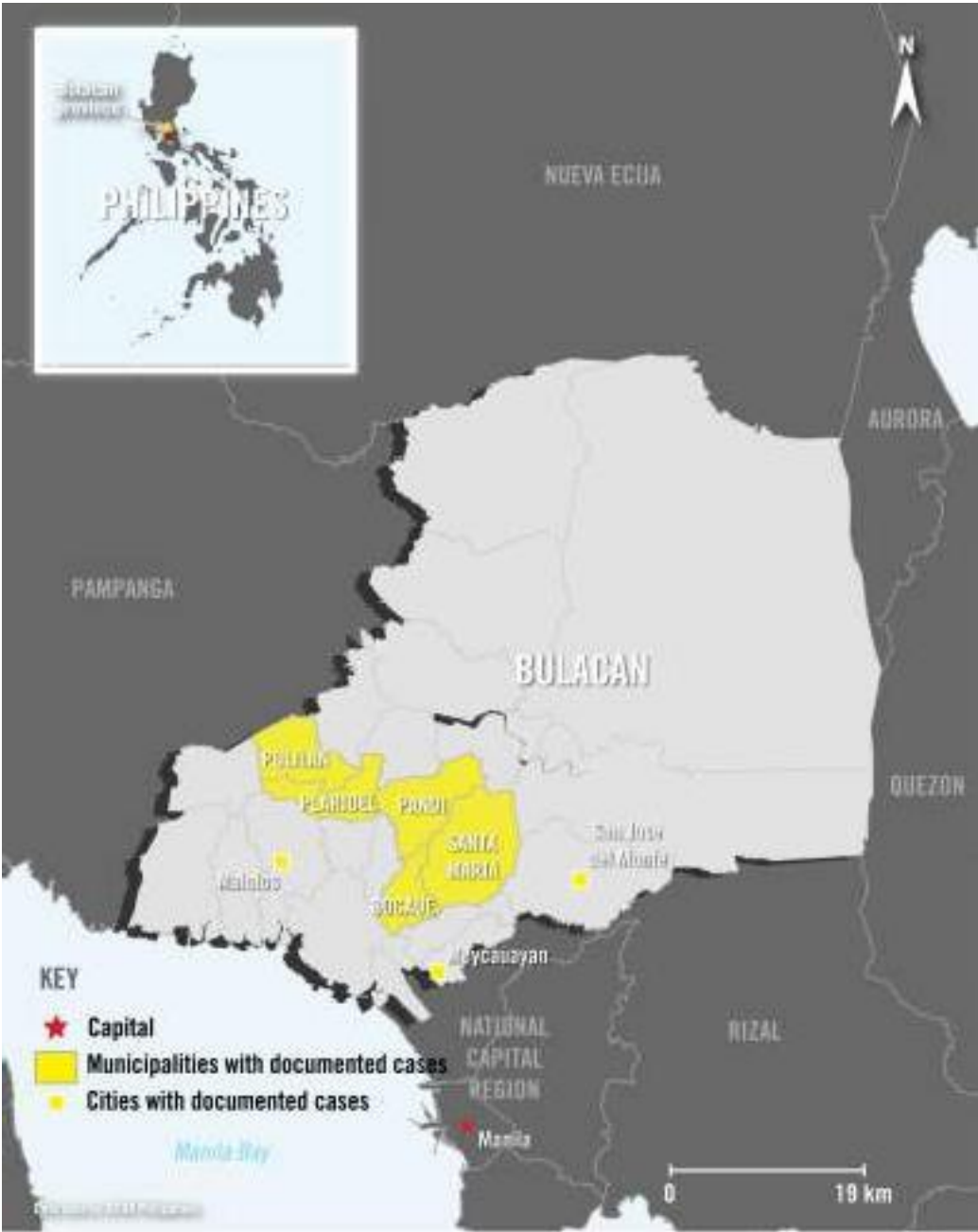
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MAP



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.

METHODOLOGY

This report is based on field research conducted in the Philippines in April 2019 and subsequent remote follow-up in April and May 2019, all of which was conducted by Amnesty International researchers.

Twenty incidents of drug-related killings that occurred between May 2018 and April 2019 were examined. The findings are based on interviews conducted with 58 people. They included witnesses of extrajudicial executions, families of victims, local officials, local human rights investigators, lawyers, journalists, church leaders, drug policy reform advocates, and a person who formerly used drugs.

Several interviewees, particularly witnesses and family members, said they feared reprisals against them or their loved ones if it became known they had spoken with Amnesty International. As a result of widespread fear of police retaliation and other security concerns, it was difficult to locate and contact first-hand witnesses in several cases. Many families and witnesses refused to speak at all, even on condition of anonymity. To help ensure interviewees' safety and security, Amnesty International arranged for some interviews to take place away from their homes, out of sight of informants.

Because of concerns for people's safety, Amnesty International is also withholding the names and specific identifying information of almost all the witnesses and family members it interviewed, as well as of interviewees with inside knowledge of the workings of the government's anti-drug operations. Pseudonyms have been used in some cases.

Amnesty International did not provide any incentives in exchange for interviews. At times, the organisation covered transportation costs for families and witnesses who had travelled to speak to the researchers.

Interviews were conducted in Tagalog and English, with the help of translators.

Amnesty International reviewed an array of documents relating to the cases it examined, including death certificates, autopsy reports, and police reports. The organisation was able to review police accounts of the killings in acknowledged police operations in all but one of the cases it examined. These police accounts came in several forms: three were contained in police incident reports; one was in a case file obtained by the family, and the rest were in press releases issued by the police, or media articles in which the police were quoted in relation to the incident.

The organisation also reviewed a variety of government circulars and memoranda pertaining to the broader anti-drug campaign, including some from the Philippine National Police (PNP), the Dangerous Drugs Board (DDB), and the Department of Interior and Local Government (DILG).

On 17 June 2019, Amnesty International sent a letter to the PNP requesting information regarding their anti-drug operations. At the time of publication, there had been no response.

1. BACKGROUND

“My only sin is the extrajudicial killings.”

President Rodrigo Duterte, September 2018.

Since coming to power on 30 June 2016, President Rodrigo Duterte and his administration have repackaged and relaunched his anti-drug campaign several times.¹ In January 2017, six months after launching a “war on drugs,” the government was forced to suspend “Operation Double Barrel,” the first iteration of a police-led campaign which had left over 7,000 suspected drug offenders dead at the hands of police and unknown armed persons.² Disturbingly, the reason for the suspension was not the high kill rate, but rather the kidnap and killing of a Korean businessman, found to have been carried out by police.³

After announcing that the police were “corrupt to the core,” and promising that he would “cleanse” the country’s force, the Duterte administration relaunched the campaign in March 2017 under the rubric of “Operation Double Barrel Reloaded.”⁴ Then-Police Chief Ronald de la Rosa pledged that abuses and mistakes made in previous drug operations would not be repeated.⁵ In spite of this, the wave of killings immediately resumed and further intensified.⁶ In May 2017, after coming under heavy criticism from over 40 states at the United Nations Human Rights Council, the government issued blanket denials that human rights violations had occurred and later instructed police not to cooperate with, and launched attacks on, UN Special Procedures or international investigators that might seek to probe the situation.⁷

The police’s crackdown almost ended completely when killings of three teenagers weeks later sparked domestic outcry and triggered protests in the streets.⁸ CCTV footage and witness statements contradicted official accounts of the killing of 17-year-old Kian delos Santos, who was later found to have been extrajudicially executed at the hands of police.⁹ Facing significant backlash, in October 2017, the government announced the suspension of the campaign once again, stating that police would no longer be

¹ As a presidential candidate, Rodrigo Duterte had campaigned on a platform to end crime, drugs and corruption. Prior to that, he had served as Mayor of Davao City for 22 years, a period during which he oversaw a violent crackdown on alleged criminals, including people using and selling drugs. Human rights groups say they documented killings by “death squads” with links to the Davao local government during his tenure. See, for example, Human Rights Watch, “*You can die anytime: Death squad killing in Mindanao*,” 6 April 2009, [bit.ly/1XeCoU5](https://www.hrw.org/news/2009/04/06/you-can-die-anytime). By some estimates, more than 1,400 killings between 1998 and 2015 were documented. Paterno Esmaquel II, “Archbishop in Mindanao slams Duterte over killings,” *Rappler*, 5 May 2016, [bit.ly/2NnPTHp](https://www.rappler.com/2016/05/05/philippines-duterte-killings/).

² See for example, Amnesty International, *If you are poor you are killed: Extrajudicial executions in the Philippines’ ‘War on Drugs,’* January 2017 (Index: ASA 35/5517/2017), pp. 37-39. BBC News, “Philippines to suspend drug war to clean up ‘corrupt’ police,” 30 January 2017, [bbc.in/2XGqBbh](https://www.bbc.com/news/philippines-38111111).

³ Tetch Torres-Tupas, “Korean businessman killed inside PNP headquarters,” *The Philippine Daily Inquirer*, 19 January 2017, [bit.ly/2J9Jo5p](https://www.inquirer.net/ph/news/20170119-korean-businessman-killed-inside-pnp-headquarters).

⁴ Karl Malakunas, “‘You are corrupt to the core,’ Duterte tells cops,” *Agence France-Presse*, 30 January 2017, [bit.ly/2ZNhS4q](https://www.afp.com/en/news/20170130/philippines-duterte-reloads-war-on-drugs).

⁵ Cecille Suerte Felipe, “‘Double Barrel’ reloaded,” *The Philippine Star*, 7 March 2017, [bit.ly/2Nhz68P](https://www.philippinestar.com/2017/03/07/double-barrel-reloaded/).

⁶ See, for example, Amnesty International, *Stop new killings and implement police reforms urgently*, (Index: 35/5894/17).

⁷ See, for example, Channel News Asia, “Philippines drug war under fire at UN rights council,” 8 May 2017, [bit.ly/2JbAF2G](https://www.channelnewsasia.com/news/philippines/philippines-drug-war-under-fire-at-un-rights-council-1017678); *The Philippine Star*, “Duterte warns Callamard: If you investigate me, I’ll slap you,” 10 November 2017, [bit.ly/2ZYgts4](https://www.philippinestar.com/2017/11/10/duterte-warns-callamard-if-you-investigate-me-ill-slap-you/); Reuters, “Philippines’ Duterte tells police, soldiers not to cooperate in any drug war probe,” 1 March 2018, [reut.rs/2Nkh2uE](https://www.reuters.com/article/philippines-duterte-id/USKBN170001).

⁸ In September 2017, the government would reject all recommendations received under the Universal Periodic Review (UPR) in relation to extrajudicial executions, the re-introduction of the death penalty, and attacks on human rights defenders. Alexis Romero, “Palace: Rejecting UN rights recommendations a Philippine prerogative,” *The Philippine Star*, 25 September 2017, [bit.ly/2Xhs3S4](https://www.philippinestar.com/2017/09/25/palace-rejects-un-rights-recommendations-a-philippine-prerogative/).

⁹ See, for example, Patricia Lourdes Viray, “What we know so far: Killing of Carl Arnaiz, 19,” *The Philippine Star*, 4 September 2017, [bit.ly/2W4HFrD](https://www.philippinestar.com/2017/09/04/what-we-know-so-far-killing-of-carl-arnaiz-19/); Rambo Talabong, “Kian and Carl: What the deaths of two boys have in common,” *Rappler*, 4 September 2017, [bit.ly/2wj0Leh](https://www.rappler.com/2017/09/04/kian-and-carl-what-the-deaths-of-two-boys-have-in-common/).

⁹ ABS-CBN News, “3 cops found guilty of murder over Kian Delos Santos slay,” 29 November 2018, [bit.ly/2DQohnG](https://www.abs-cbnnews.com/2018/11/29/3-cops-found-guilty-of-murder-over-kian-delos-santos-slay).

in charge of it. The responsibility for fighting the “war on drugs” was handed to the Philippine Drug Enforcement Agency (PDEA) and anti-drug efforts were pledged to be less bloody.¹⁰

This did not happen. Less than three months later, the president announced that there had “been a notable resurgence in illegal drug related activities and crimes” and that PDEA lacked the manpower needed to handle the challenge.¹¹ Police were re-assigned to drug operations alongside PDEA, and a new set of guidelines that sought to allay fears, at least publicly, of their return, were then released.¹² Killings resumed once more.

In February 2018, the International Criminal Court (ICC) launched a preliminary examination into crimes committed in the context of the Philippines’ “war on drugs,” sparking a furious reaction from President Duterte, who announced that the country would withdraw from the Rome Statute. The withdrawal became effective as of March 2019.¹³

Time and time again, the UN High Commissioner for Human Rights, UN special procedures and civil society organisations have raised concerns about the country’s human rights situation. In a speech at the presidential palace in September 2018, Duterte railed against his critics, and those who challenged his government, and admitted, openly, “my only sin is the extrajudicial killings.”¹⁴ He has gone on to further warn in 2019 that “the last three years of my term will be the most dangerous for people into drugs,” and that he does not care how many have died in the process.¹⁵

Meanwhile, the human rights situation in the country more broadly has deteriorated. The President has repeatedly threatened human rights defenders, and launched a crackdown against journalists and media agencies critical of the government.¹⁶ There has been a wider attack on peaceful activists accused of being affiliated with the political left, with a rise of killings since the breakdown of peace talks in the country.¹⁷ In March 2019, journalists and human rights lawyers were threatened with charges after being accused by the Office of the President, without credible proof, of plotting to destabilise the government.¹⁸ Meanwhile, Senator Leila de Lima, a vocal critic of the “war on drugs” and the president’s strategy, is enduring a third year of arbitrary detention on politically-motivated charges, after seeking to carry out a Senate investigation of drug-related killings.¹⁹

Having secured a majority in both houses of Congress in mid-term elections, held in May 2019, members of President Duterte’s administration have stated that the result proves that the public supports its violent approach to combating drugs.²⁰ Legislative proposals that run contrary to the Philippines’ obligations under international human rights law, such as the reinstatement of the death penalty and the lowering of the minimum age of criminal responsibility from age 15 to age 12, are currently being discussed in Congress and may become law in the near future. The continued failure of the international community to act has sent a clear message to the Duterte administration – and others who are watching who may follow its lead – that it is free to continue the campaign of killings with impunity. As of now, the unlawful killings and other human rights violations associated with the country’s anti-drug campaign show no signs of ending.

¹⁰ Lara Tan, “No more ‘Oplan Tokhang’: Police suspends all anti-drug operations,” CNN Philippines, 12 October 2017, [bit.ly/2Wrq8cm](https://www.cnnphilippines.com/news/2017/10/12/anti-drug-operations-suspended.html).

¹¹ Pia Ranada, “Duterte officially orders return of PNP to drug war,” Rappler, 5 December 2017, [bit.ly/2lGpikp](https://www.rappler.com/news/ti/71111-duterte-returns-pnp-to-war-on-drugs/).

¹² Rambo Talabong, “PNP to add new drug war rules before resuming Tokhang,” Rappler, 6 December 2017, [bit.ly/2X1Pjzj](https://www.rappler.com/news/ti/71112-pnp-to-add-new-drug-war-rules/).

¹³ Jason Gutierrez, “Philippines officially leaves the International Criminal Court,” New York Times, 17 March 2019, [nyti.ms/2Cj7vMz](https://www.nytimes.com/2019/03/17/world/asia/philippines-icc.html).

¹⁴ Hannah Ellis-Petersen, “Duterte confesses: ‘My only sin is the extrajudicial killings,’” The Guardian, 28 September 2018, [bit.ly/2OXgHuf](https://www.theguardian.com/world/2018/sep/28/duterte-confesses-my-only-sin-is-the-extrajudicial-killings).

¹⁵ Pia Ranada, “Duterte says last half of his term ‘most dangerous’ for drug suspects,” Rappler, 26 February 2019, [bit.ly/2BOLbtZ](https://www.rappler.com/news/ti/71111-duterte-says-last-half-of-his-term-most-dangerous-for-drug-suspects/); GMA News Online, “I don’t care how many will die in war on drugs,” 30 May 2019, [bit.ly/2MsTi7k](https://www.gmanews.com/story/2019/05/30/i-dont-care-how-many-will-die-in-war-on-drugs/).

¹⁶ Agence France-Presse, “Philippines press ‘under attack’ as authorities arrest Rappler co-founder, journalist Maria Ressa again,” 29 March 2019, [bit.ly/2EynirY](https://www.francepress.com/news/philippines-press-under-attack-as-authorities-arrest-rappler-co-founder-journalist-maria-ressa-again/).

¹⁷ Nick Aspinwall, “Duterte turns death squads on political activists,” Foreign Policy, 10 June 2019, [bit.ly/2lPHoa5](https://foreignpolicy.com/2019/06/10/duterte-turns-death-squads-on-political-activists/).

¹⁸ Nestor Corrales, “Philippine Palace confirms existence of ‘Oust-Duterte plot,’” AsiaOne, 22 April 2019, [bit.ly/2HYocyC](https://www.asiaone.com/Philippine-Palace-confirms-existence-of-Oust-Duterte-plot/).

¹⁹ Karen Lema, “Philippines puts anti-drug operation on hold to tackle rogue police,” Reuters, 29 January 2017, [reut.rs/2HDXVHb](https://www.reuters.com/article/philippines-anti-drug-operation/philippines-puts-anti-drug-operation-on-hold-to-tackle-rogue-police-idUSKBN141171).

²⁰ See for example, “Duterte and drug war ‘won’ mid-term polls, Locsin tweets,” The Philippine Star, 15 May 2019, [bit.ly/2Lb1OFH](https://www.philippinestar.com/2019/05/15/duterte-and-drug-war-won-mid-term-polls-locsin-tweets/).

2. EXTRAJUDICIAL EXECUTIONS AND OTHER PATTERNS IN POLICE OPERATIONS

“He was not brought to prison... he was picked up to be killed... They just kill. Kill, kill, kill.”

Sister of a man who was killed by the police in an alleged anti-drug sting operation in early 2019.

The Philippines' anti-drug campaign has taken a staggering human toll. According to Philippine National Police (PNP) figures reported in the media in June 2019, at least 6,600 people were killed in anti-drug police operations between 1 July 2016 and 31 May 2019.²¹ In addition to these killings, for which the police role is acknowledged, there have also been thousands of other drug-related killings committed by unknown armed persons, which the police put in the wider category of “homicide cases under investigation.” The last time the PNP released figures on this category of killings was in mid-2018, tallying more than 23,000 such cases. The police say over 10,000 of those homicides are not believed to be drug-related, that the motive in another 10,000 is yet to be determined, and that only around 2,600 were believed to be drug-related killings.²²

These figures are far from precise. Government officials have issued contradictory statements as to these numbers, including at one point revising figures downward. They are also no longer transparently releasing the number of drug-related killings by unknown armed persons. Amnesty International, Human Rights Watch, local rights groups and numerous media reports have shown that in many cases these unknown armed persons have a direct link to the police – they are either paid killers hired by the police or disguised police officers.²³

While drug-related killings continue to occur across the country, the epicentre of police killings seems to have shifted over the past year from Metro Manila to the region just north of it, Central Luzon, according to PNP data obtained by a local news website.²⁴

²¹ See, for example, Emmanuel Tupas, “Drug war death toll now 6,600 – PNP,” *The Philippine Star*, 19 June 2019, [bit.ly/2Lc51Vp](https://www.philippinestar.com/2019/06/19/drug-war-death-toll-now-6600-pnp/); Christopher Lloyd Caliwan, “More than 12K barangays now ‘drug-cleared’: PNP,” *Philippine News Agency*, 18 June 2019, [bit.ly/2xfQ3W5](https://www.pna.gov.ph/2019/06/18/more-than-12k-barangays-now-drug-cleared-pnp/); Michael Joe Delizo, “Over 6,000 killed in nearly 3 years of PH drug war: PNP,” *ABS-CBN News*, 18 June 2019, [bit.ly/2Io1a5G](https://www.abs-cbnnews.com/18/06/2019/06/18/over-6000-killed-in-nearly-3-years-of-ph-drug-war-pnp/).

²² Rambo Talabong, “At least 33 killed daily in the Philippines since Duterte assumed office,” *Rappler*, 17 December 2018, [bit.ly/2RLjuHE](https://www.rappler.com/17/12/2018/33-killed-daily-philippines-duterte/).

²³ ASA 35/5517/2017; Human Rights Watch, *License to Kill: Philippine police killings in Duterte’s ‘War on Drugs.’* 2 March 2017, [bit.ly/2LwurcV](https://www.hrw.org/report/2017/03/02/license-to-kill-philippine-police-killings-dutertes-war-on-drugs).

²⁴ PNP data obtained by the news website *Rappler* shows that in 2018, Central Luzon recorded 542 fatalities in police anti-drug operations, whereas Metro Manila had 285 kills. Rambo Talabong, “Central Luzon: New killing fields in Duterte’s drug war,” *Rappler*, 24 February 2019, [bit.ly/30wMhoM](https://www.rappler.com/24/02/2019/central-luzon-new-killing-fields-dutertes-drug-war/).

This shift happened around the time that senior police officials were transferred there from Manila, after being in a position of command responsibility when large numbers of killings by the police were occurring in the latter location.²⁵ At present, the lion's share of killings in Central Luzon has happened in the province of Bulacan.²⁶

In carrying out its research for this report, Amnesty International focused on Bulacan, documenting 20 incidents of drug-related killings in which a total of 27 people were killed. The incidents took place between May 2018 and April 2019 and were spread across the province's three cities and five of its municipalities.²⁷

Based on witness testimony, documents, and other credible information, Amnesty International was able to make a specific assessment in half of the cases it examined that the incidents appear to have been extrajudicial executions.²⁸ 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 seen in extrajudicial executions.²⁹

Of the 20 cases examined by Amnesty International, 18 involved people killed in formal police operations. In all but one of the 18 cases, the organisation was able to review a police account regarding the incident, if not the actual police report.³⁰ In every single account, the police said the case involved a "buy-bust" operation in which undercover police were buying drugs from a "suspect." This description was employed even in incidents where families and witnesses spoke of an all-out raid, rather than a sting operation.

Families of victims who are predominantly poor continue to suffer considerable mental anguish and economic hardships as a result of the killings. Many interviewees described a climate of fear in which they are constantly worried about their loved ones going out at night lest they be framed by the police at checkpoints or elsewhere.



Crime scene investigators inspect the site of the killing of two men shot dead in an alleged "buy-bust" police operation on 1 July 2018, Caloocan City, Metro Manila. In all 18 incidents of killings by the police documented in this report, the police said the case involved a "buy-bust" operation in which undercover operatives were buying drugs from a "suspect," a description employed even in incidents where families and witnesses spoke of an all-out raid, rather than a sting operation. ©Amnesty International

²⁵ Rambo Talabong, "Central Luzon: New killing fields in Duterte's drug war," Rappler, 24 February 2019.

²⁶ Rambo Talabong, "Central Luzon: New killing fields in Duterte's drug war," Rappler, 24 February 2019. Amnesty International interviews with the Central Luzon regional office of the Philippine Commission on Human Rights corroborate this information.

²⁷ The cities are Malolos, Meycauayan, and San Jose del Monte. The five municipalities are Pandi, Pulilan, Plaridel, Bocaue, and Santa Maria.

²⁸ The documents included police reports and, in one case, an independent autopsy report.

²⁹ As a result of people's widespread fear of reprisals from the police, as well as other security constraints, it was difficult to locate and interview first-hand witnesses in several cases.

³⁰ The police account of the incident came in several forms. In a few instances, Amnesty International reviewed actual police incident reports, while in others it reviewed press releases issued by the police, media reports quoting the police regarding the incident, or a case file obtained from the prosecutor. For reasons of security, Amnesty International was not able to interview police directly regarding these incidents.

2.1 THE 'BUY-BUST' NARRATIVE

UNLAWFUL KILLING OF JOVAN MAGTANONG AT THE HANDS OF THE POLICE



A photo of Jovan Magtanong sits next to his home altar, 16 April 2019, San Jose del Monte, Bulacan. Police say the 30-year-old father of three allegedly shot at officers during a “buy-bust” operation in November. Family members say he did not own a gun, and witnesses described a raid during which police shot him dead in his bedroom. © Amnesty International

Shortly after 11 pm on 20 November 2018, gunshots rang out in the San Jose del Monte house of 30-year-old Jovan Magtanong, a stay-at-home father of three.

Police claim that the Drug Enforcement Unit of the city’s police conducted a “buy-bust” operation targeting Jovan. They say he allegedly fired at the “operatives” when he realised he was facing the police, prompting them to respond and shoot him dead. The police say they recovered a .38 calibre gun and sachets of what they believed were illicit drugs from the scene of the incident.

Witnesses recalled the incident quite differently. According to their account, Jovan was complaining of fever that night, and after borrowing money from his father to buy medicine, he went to sleep alongside his three children in a cramped room whose back door leads outside.

A witness who was sleeping in another room in the modest house told Amnesty International that he was awoken by the sound of gunshots, and that at first, he thought the shots were outside. He opened the window to look out and saw a lot of people and police vehicles.

He said that when he opened the bedroom door he found police officers, including some who covered their faces with bonnets, “ransacking” the house. When the police saw him, he said, “they pointed a gun at me and told me to lie face down on the ground ... [one of them] stepped on my face, told me not to move, and said ‘I’m going to kill you, I’m going to kill you!’”³¹

The police had taken Jovan’s three children (ages ten, seven, and three) to the *barangay* hall and told family members to go retrieve them from there.³²

Other witnesses outside Jovan’s house, which is located along a narrow alleyway, said that they heard the police arrive in their vehicles before Jovan was shot. One of the witnesses told Amnesty International that the police knocked at the back door of Jovan’s house, identified themselves as law enforcement and said

³¹ Amnesty International interview with witness, San Jose del Monte, 16 April 2019.

³² The *barangay* is the smallest unit of local government in the Philippines.

they were conducting a random search. According to the witness, the police asked Jovan about someone else, and when he said that's not who he is, the police asked him to turn around and shots were fired after that.

Jovan's family said he did not own a gun.

An Amnesty International researcher saw the room where Jovan was shot, the wall opposite the house back door still pockmarked by three bullet holes. Between the location of the door, the tight space, and placement of furniture it is difficult to give much credence to the police account of "fighting back."

His death certificate, like many others reviewed by Amnesty International, said that the cause of death was "Gunshot wounds, trunk," without further elaboration. The family said that items taken from the house by the police, including 20,000 Philippine pesos (US\$380) and three cell phones, were never returned.

Jovan, who was on a "drug watch list," was using drugs but had stopped more than a year before he was killed, his family said, insisting that he was not selling drugs either. A family member took him to the municipality to "surrender," after which he did some community service and stopped using drugs. "He had started to gain weight... and was taking care of his children and doing house chores," a family member said.

Five months after he was killed, Jovan's family members showed signs of profound bereavement, breaking down in tears at various points during the interview. "They killed him like an animal ... I don't know why [they would do that] ... this killing ... this way, in his home, with his children," a family member said.³³

'COPY PASTE'

In practically all the cases examined by Amnesty International, families said their killed loved ones did not own a gun and would not have even known how to use one. Many said those killed were too poor to own a firearm. In the words of one victim's mother: "If he had a gun, he would have sold it because he can't even buy food."³⁴

Amnesty International and others have documented in the past the consistent pattern of police tampering with crime scenes, rigging evidence, and falsifying reports. The practice reportedly predates Duterte's administration. "Everyone plants evidence," a police officer with an anti-drugs unit in Metro Manila told Amnesty International in late 2016.³⁵

In one of the cases examined in this report, which Amnesty International believes was an unlawful killing, a family member of the victim said he had been a police informant for some time. Among the tasks he carried out was providing information on "drug suspects," falsely testifying in court as a witness in an assortment of cases (both drug-related and not), and sourcing .38 calibre guns "that the officers plant on people to say they fought back," the family member said. The relative added, bitterly, that the same firearm was placed on his body when the police claimed he was killed in a "buy-bust" operation.³⁶

In 14 of the 17 police accounts examined in this report, the police stated that the gun found on the alleged suspects was a .38 calibre. This is consistent with media reports, including articles citing PNP data.³⁷ In very few cases did the guns have serial numbers.

Invariably, in these alleged "nanlaban" or "fought back" cases examined in this report, no policemen were injured or killed—fitting a consistent record of unconvincing police statistics, which Amnesty International and others have found suggests a pattern of extrajudicial executions.

Human rights investigators and journalists reiterated to Amnesty International that the near-identical language in police reports, a pattern documented by the organisation in the past, raises obvious questions about the credibility of the police's accounts. Jasmin Navarro-Regino, the head of the Commission on

³³ Amnesty International interview with family member of Jovan Magtanong, San Jose del Monte, 16 April 2019.

³⁴ Amnesty International interview with mother of victim of police killing, Bocaue, 8 April 2019.

³⁵ ASA 35/5517/2017.

³⁶ Amnesty International had in the past documented several drug-related killings in which families said their killed loved ones were a police "asset." In 2016, at the height of the 'drug war' killings, journalists and human rights defenders investigating the murders said they believed "insiders" with knowledge of anti-drug operations were being targeted.

³⁷ See, for example, DJ Yap, "'Tokhang' data: Slain suspects carried mostly .38-caliber guns," *The Philippine Daily Inquirer*, 14 February 2018, bit.ly/2LO4bA5; Jodesz Gavilan, "In the PH drug war, it's likely EJK when ..." *Rappler*, 14 May 2017, bit.ly/2WP8n3J.

Human Rights' regional office whose territory includes Bulacan said, "I memorised it already."³⁸ Dr. Raquel Fortun, a forensic pathologist who has conducted over a dozen independent autopsies on victims of drug-related killings under the Duterte administration, said of the police accounts:

It's so consistent, it's a script. In fact, when you see the report, it looks like a template ... and they just change the dates, the names ... Equally problematic, how come it's a 'buy-bust' and then somebody ends up dead? ... You do a sting operation, you are police officers, you should be prepared ... And the cases I see and the others I have not, they sustain multiple gunshot wounds, clearly more than enough to subdue, to disable ... So, what are you talking about in terms of you shot them because they 'fought back?'³⁹

After the Supreme Court ordered the release of thousands of police documents to human rights groups that had petitioned the court over the legality of the "war on drugs," a small sampling of these documents further corroborated a "template nanlaban" pattern, one of the groups said.⁴⁰ "The facts of each case vary, the circumstances vary, it makes no sense that the police report is copy paste and verbatim," said Maria Socorro Diokno, Secretary General of the Free Legal Assistance Group (FLAG), one of the groups that had petitioned the court.⁴¹

IMPLAUSIBLE 'NANLABAN' ('FOUGHT BACK')

In cases in which Amnesty International was able to interview direct witnesses, including the case of Jovan Magtanong detailed above, the police's "buy-bust" narrative was thoroughly debunked. One such case unfolded in February 2019. "Benjie," a public transport driver in his 30s, was said by witnesses to have been sleeping in his in-laws' house on the outskirts of one of Bulacan's sprawling cities when police barged in, startling old and young alike. The father of two had just come back from working for three days in a neighbouring city to put food on his family's table.

Witnesses said the police had spread outside the house and neighbouring residences, swarming their area around 8:30 p.m. Policemen in plainclothes ordered a group of teenagers and young men who had been hanging around outside the house to lie down on the ground, but one of the teenagers got scared and ran inside. A witness inside the house who was woken up by the raid explained what happened next:

When the boy ran inside, my husband was alarmed and asked, 'What's happening?' That's when I was awoken. When I opened my eyes, I saw a man pointing a gun at us. The man with the gun twisted my husband's arm behind him and placed the gun behind his head. We were both made to lie down on the floor. Then, that man came [to the room where Benjie was sleeping] and used a flashlight to see what's inside. That's when he found [Benjie] asleep there. [Benjie] had no idea what was happening ... He was woken up by the man with the gun [who] was kicking him and telling him 'Get up! Get up!' ... Then [Benjie] was brought outside where they put handcuffs on him and made him lie on the ground.⁴²

Amnesty International spoke with another witness who was outside the house during the incident. He corroborated the first witness's account and added that Benjie was then taken to a van. Later, Benjie was taken out of the van and into the house next door, the second witness said. The household of Benjie's in-laws heard gunshots coming from the direction of their neighbour's house both before and after Benjie was taken out of their home.

By the time the media arrived, the police had a very different story to tell. The police claimed that a "buy-bust" operation had been conducted, targeting Benjie and the neighbour living in the house next door, saying the latter was a "watch-listed [drug] personality." Both men purportedly drew guns and shot at the police before they were killed, and several sachets of shabu were found in their possession.⁴³

Benjie's family said he was not using or selling drugs. "He rarely even smoked," a relative said.

³⁸ Amnesty International interview with Attorney Jasmin Navarro-Regino, CHR Regional Director (Regional Office III), San Fernando City, 12 April 2019.

³⁹ Amnesty International interview with Dr. Raquel Fortun, forensic pathologist, Metro Manila, 17 April 2019.

⁴⁰ See, for example, ABS-CBN, "Initial 'Tokhang' files show 'template nanlaban' cases: lawyers' group," 4 April 2019, bit.ly/2w9c3l2.

⁴¹ Amnesty International telephone interview with Maria Socorro Diokno, Secretary General of the Free Legal Assistance Group (FLAG), 11 May 2019.

⁴² Amnesty International interview with witness, Bulacan, 7 April 2019.

⁴³ Police press release on file with Amnesty International.

'WHY THREE BODIES?'

Brothers Joel and Jonathan Andong, whom the police said were on a “drug watch list,” were killed alongside a third person on 25 February 2019 in the city of San Jose del Monte. The police said: “Joel Andong together with his other two cohorts opened fire towards the approaching arresting police officers after the consummated drug transaction with an undercover agent.”⁴⁴

A witness who spoke with Amnesty International said Joel had been doing construction work in a house next to his family’s place all morning. The witness said that at around 4:30 pm he saw an unidentified man talking to Joel outside the house where the latter had been working, adding that the conversation was not audible.

The witness stepped away briefly. Upon returning, the witness saw the unidentified man holding Joel by his arm, but, he said, he did not think much of it at the time. Neither Jonathan nor the third person who was killed in the same incident were present, the witness said, insisting that the police’s story that all three men were in that house and sold drugs to an undercover agent was implausible.

No sooner had he gone indoors, the witness said, he heard a commotion. When he looked out again at the area where Jonathan was standing, he saw police in plainclothes running up and down the alley, and officers spread out to keep people at bay. That is when he realised that the man Joel was talking to earlier was with the police. Then he heard two rounds of multiple gunshots, he said.



The caskets of brothers Joel and Jonathan Andong sit next to each other during their wake, 2 March 2019, San Jose del Monte, Bulacan. Police say the two men alongside a third person allegedly pulled firearms and shot at the police during a “buy-bust” operation in February, but witnesses disputed the account, saying the three men were not even in the same place when undercover police operatives first showed up at the house where the bodies ended up being found. ©Amnesty International

For hours, the police kept the house where Joel was doing construction cordoned off, and for the most part refused to answer questions by neighbouring residents about what was happening. “The police had someone outside every house, so they can control the crowd, so that nobody can see what they’re doing,” the witness said.⁴⁵

The witness added that a neighbour had seen Jonathan running in the neighbourhood earlier and being apprehended by the police. Amnesty International also learned that a family member of the third victim – worried after news of the gunshots spread – called around asking for him, and saying he’d been taken away in handcuffs earlier in the afternoon.

When officers ultimately explained to onlookers that three men were gunned down inside that house after they supposedly shot at the police, that prompted tense exchanges with people in the neighbourhood who

⁴⁴ Police press release on file with Amnesty International.

⁴⁵ Amnesty International interview with witness, San Jose del Monte, 7 April 2019.

did not believe the police's account. "Why three bodies?" a resident asked the police, the witness said. Added the witness: "Why do they have to kill all of them like animals?"

Amnesty International could not independently determine how the three bodies ended up in the house. Video and photos of where the bloody bodies lied viewed by the organisation did not provide specific clues regarding whether all three were shot in that location or if at least one of them, as residents maintain, was shot somewhere else and transported to the scene.

BEATEN 'BLACK AND BLUE'

Late one night in early 2018, the mother of 20-year-old "Jay" was at work when she learned from relatives that her son had been shot by the police, the mother told Amnesty International. She rushed to the scene but was not allowed near the body and it was only later, at the funeral parlour's morgue, that she finally got to see her son's body, she said. She described the body's state as horrifying:

I was only able to hug him in the morgue. That's when I saw his whole body black and blue. Even his teeth were broken ... His arm had two gunshots [sic] ... they broke it like a bamboo. He was really heavily beaten aside from the gunshot wounds he had.⁴⁶

The police report viewed by Amnesty International said a police officer had posed as a drug buyer and that after a "successful test buy," the officer or "poseur buyer acted lawfully by defending himself." It was only when the suspect "violently reacted" upon learning the buyer was a policeman – pulling a gun from his waist – that the officer shot him, the report stated.⁴⁷

Jay's mother said her son was at a house where several of his friends and his younger siblings were present and that reliable eyewitnesses described to her a different version of events. Jay was said to have stepped downstairs to respond to someone calling his name and when he did, he was allegedly taken back inside the house and beaten, then taken outside again, beaten some more, and then shot. According to the mother, the eyewitnesses have gone into hiding out of fear of police reprisal.

There was no autopsy conducted because the family was told it would be expensive, said the mother, who broke down in tears.⁴⁸ "I'm mad ... my son wasn't really a [big-time] drug pusher ... he just found a side-line [sic] so he could earn a little. But the condition they left him in ... If you could see [his body] then, I was screaming. Even now, almost a year later, I feel like my heart is being stabbed."

ANATOMY OF A KILLING

One family that did manage to have their loved one undergo an independent autopsy is that of father of three, "Rodel." Amnesty International did not interview a direct witness to the killing, but examined credible information suggesting that it was unlawful.

Rodel was killed by the police in late 2018 in what authorities said was another "buy-bust" operation. His wife said she was hysterical when she learned the news, hours after he'd gone missing and stopped returning her calls. She insisted he was never involved in the drug trade, neither using or selling: "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."⁴⁹

It wasn't just the police's story that she did not believe. When it seemingly took the police-accredited funeral home only about 30 minutes to conduct an autopsy, she questioned the quality of their work.⁵⁰ She set out to, and indeed secured, an independent autopsy of her husband's body; she also managed to obtain a case file from the prosecutor's office, a rarity.

It transpired that the first "autopsy" was nothing more than a superficial incision that was not followed by any internal examination.⁵¹ By contrast, the independent autopsy, as detailed in a seven-page report, extracted two "mushroomed" 9 mm bullets from Rodel's body. The report explained that Rodel sustained two gunshot

⁴⁶ Amnesty International interview with mother of victim, Bulacan, 11 April 2019.

⁴⁷ Police report on file with Amnesty International.

⁴⁸ The death certificate viewed by Amnesty International indeed confirms that no autopsy was done.

⁴⁹ Amnesty International interview with wife of victim of police killing, Bulacan, 6 April 2019.

⁵⁰ Autopsies are conducted by members of the Scene of the Crime Operatives (SOCO) unit, who also process crime scenes. The procedure takes place in certain private funeral homes that have obtained accreditation from the police, doubling up as morgues.

⁵¹ Human rights investigators and a forensic expert told Amnesty International that is a common pattern they have seen in drug-related killings they have documented.

wounds, one in his left arm, the other in his chest, that there were no exit wounds, and that there was significant internal organ damage.

Of particular note is the gunshot wound in the left arm, the forensic pathologist who conducted this examination explained to Amnesty International. The bullet did not exit at the armpit indicating that Rodel's arm must have been raised; it also had a downward trajectory, as did the bullet causing the gunshot wound in the chest. These factors suggest that the victim may have been on the ground with his arm raised when he was shot, or at the very least, that the shooter was above him.

This analysis contradicts the police's description of events as detailed in the case file, and which says the officer and Rodel were face to face in an alleged undercover drug transaction.

The police documents reviewed by Amnesty International raise even more questions. They indicate that police, based on information from a confidential informant, conducted a "surveillance and casing operation" against Rodel in the morning before deciding to move on him that very day.

The language of the surveillance report, in itself, signalled an alarming intent. At the bottom of the report, the signed recommendation of two officers (one from the Drug Enforcement Unit, the other a chief intelligence officer) was: "[T]he immediate conduct of a buy-bust operation for the immediate neutralisation/apprehension of the above subject to protect the willing and unwilling victims of his illegal activities."⁵²

"Neutralisation" is widely believed to be the Philippine police's standard euphemism for killing. It is the language used in the controversial PNP Command Circular Memorandum (CMC) No. 16-2016 – the very first police document operationalising Duterte's anti-drug campaign. Both Amnesty International and Philippine human rights groups have also criticised this circular and other related documents, including before the courts.⁵³

'ABDUCTIONS'

Several details in Rodel's case were similar to those of at least four other alleged "buy-bust" incidents examined by Amnesty International. He had gone missing a few hours after he went to meet an acquaintance. And as Rodel's wife explained, he "was found dead in the rice fields, there are no people there."

With the help of community volunteers, she went door to door in the neighbourhood where her husband was meant to meet that person, showing Rodel's picture to residents and asking if anyone had seen him. Ultimately, she said, witnesses told her they saw Rodel being arrested by the police that day. Amnesty International spoke to an independent source who was present and who was able to verify that the exchange between Rodel's wife and the witnesses happened, as well as the contents of the conversation.

At least five other families told Amnesty International that their loved ones – all of whom were on "drug watch lists" – had been missing for several hours, at times up to a day or two before their bodies surfaced along a highway, in a dark alley, or a cemetery in what police acknowledged as a "buy-bust" killing. In all five cases there did not appear to have been anyone who witnessed the actual killing. But in at least two of these cases, families said they spoke with people who saw their loved one being taken into custody by police at some point before the killing; and one family said they viewed barangay CCTV footage indicating that.

Local human rights investigators told Amnesty International they have been tracking cases of drug-related killings in Bulacan that entail "abductions" by plainclothes police but end up being classified by the police as a "nanlaban" or "fought back" kill when the body emerges. A former tanod (public security officer), involved in a security role in their community for over a dozen years, also said these kind of killings have been happening in their community. "Some were taken in by the men in bonnets, accosted in [my barangay] alive, but the bodies would be found somewhere else ... And some are from other places and then they end up killed [in my barangay]," they told Amnesty International.⁵⁴

Witnesses and local human rights investigators used the phrase "men in bonnets" to describe police intelligence officers who arrived first before a police raid unfolded; uniformed officers showed up later.⁵⁵

⁵² Documents on file with Amnesty International.

⁵³ See, for example, Jodesz Gavilan, "What do gov't circulars 'operationalizing' Duterte's war on drugs say?" Rappler, 21 November 2017, bit.ly/2HgUPZt; Lian Buan and Jodesz Gavilan, "How Duterte gov't tried to fix legal loopholes of drug war," Rappler, 30 April 2019, bit.ly/2LCoWid.

⁵⁴ Amnesty International interview with former barangay tanod, Bulacan, 11 April 2019. Amnesty International is using a gender neutral pronouns (they, them, their) when referring to the tanod to protect their identity and safety.

⁵⁵ Amnesty International interviews, Bulacan, April 2019.

Police reports and accounts reviewed by Amnesty international show that intelligence operatives work closely with officers from drug enforcement units to plan and execute operations.

The family of “Edsel,” a 39-year-old construction worker and father of two killed in early 2019, said his girlfriend told them she had seen Edsel being picked up by “men in bonnets” and plainclothes from the “eskinita,” or alley, outside their house in the afternoon, on the day he was shot dead in a police operation.⁵⁶

That Edsel would be the target of a police operation was no surprise to the family, they said. He was using drugs, had “surrendered” in 2016, and at times sold “Rugby,” a local brand of glue used by children living in the street in the Philippines to stave off hunger.⁵⁷ The family said what they wanted was for him to be arrested to “teach him a lesson,” they had even repeatedly pleaded with their barangay’s officials to take him in. “But they don’t listen,” Edsel’s sister said, adding:

We’re not against the police getting [him] to put him in prison, but not to kill him. ... That’s what we’re asking: Why [did] they have to kill [him]?... He was not brought to prison to be jailed. But he was picked up to be killed ... They just kill. Kill, kill, kill.⁵⁸

WRONG TIME, WRONG PLACE?

While many of the families who spoke with Amnesty International acknowledged that their loved ones had some connection to drugs – the person either was using drugs at the time, had used in the past, or was selling or transporting drugs – four families said they believed their relative was killed in a case of mistaken identity, or “collateral damage.”

In one case, the family of “Pacifco,” a college graduate in his 20s, said their son was a “fitness buff” who had a steady job in a private sector company, and who never used drugs and was never involved in any drug-related activity. He lived in the family house where the parents kept a close watch on their children, they said. Pacifco’s parents said it is not clear to them how he ended up being killed alongside two other men in early 2019 on a night he had gone out to visit family.

Amnesty International viewed the police spot report. It spelled out the names of the two other men killed in the alleged “buy-bust” operation, but not Pacifco’s – he was referred to as an “unidentified male person.” The document references “the persistent report [sic] regarding the illegal drug activities of the duo,” but does not mention any drug-related activity pertaining to Pacifco or how he could have been involved in the incident at all, aside from claiming that all three men “engaged the undercover operatives by firing their firearms.”⁵⁹

Pacifco’s family is among the very few families Amnesty International spoke with who said they are filing a complaint over their son’s killing.

In another incident, “Mary Rose,” a teenager, whose family said was an honour student and community darling, was shot dead by the police alongside a male “drug suspect.” Her murder shocked her classmates, her congregation, and community members, including the barangay captain who is close to the family and who had no explanation how she ended up being a police target. The family insisted that the barangay official would have informed them if Mary Rose had been under surveillance or in any trouble with law enforcement.

Months after Mary Rose’s death, her mother was inconsolable as she spoke to Amnesty International sitting in their house across from a table bearing accolades won by and pictures of her deceased daughter. Repeatedly breaking down in between sentences, the mother said she screamed and screamed “as if no one was hearing” when she learned the news of Mary Rose’s death. “Definitely I know my daughter, [she’s] not what they are telling [sic] in the news, I was shocked, I [wasn’t] able to cry tears,” the mother said, describing Mary Rose as a doting daughter who diligently took care of house chores and a younger sibling while the mother worked.⁶⁰

Mary Rose was not on a “drug watch list” and was never associated with drugs in any way, the family said. “They said my daughter has a gun... How come my daughter can hold [that]? Actually, even [when she saw] a rat or cockroach she would shout. So how come she’s holding a gun? I can’t imagine,” the mother said.

⁵⁶ Amnesty International did not speak directly with the girlfriend. She moved out of the family's house after Edsel's death and her contact information was not readily available.

⁵⁷ See, for example, Brennan Weiss, "How to rehabilitate addicts in the Philippine's vicious drug war?" Global Post, 11 April 2017, bit.ly/2XbW552.

⁵⁸ Amnesty International interview with sister of victim of police killing, Bulacan, 8 April 2019.

⁵⁹ Police spot report on file with Amnesty International.

⁶⁰ Amnesty International interview with mother of victim of police killing, Bulacan, 9 April 2019.

2.2 IMPACT ON FAMILIES

Families of people killed in police anti-drug operations, including victims of extrajudicial executions, continue to experience substantial challenges and endure hardship and economic harm after their loved ones are gone. Family after family spoke at length about the mental suffering they have sustained because of the actions of the police.

'I WAS SHOCKED'

Notably, in nearly all of the police killings examined by Amnesty International that did not happen at or near the victim's household, the police did not inform the families that their loved one was killed. Instead, families told Amnesty International they learned the shocking news through unofficial means, including while tuning into newscasts.

"We found out when we were watching the early morning news. They mentioned his name," said the mother of a man killed in a police operation in Bocaue in February 2019. A neighbour had rushed over to tell them to turn on the television. "It was my birthday," she recalled.⁶¹

The sister of a man killed in March 2019 in Malolos said the family had started worrying when their brother who formerly used drugs did not come home the morning after an anti-drug operation in their neighbourhood. They kept calling his phone but got no response for hours. An acquaintance later came over and told them two bodies were found in a neighbouring barangay, but when family members went to check, they did not find anything there. Ultimately, they received a call from a funeral home—hours after the incident had been reported in the news, the sister said.

"What I am thinking – my brother was dead that night and we [were] sleeping," she said breaking down in tears. She added:

Why they did not come here to inform us that 'Your family member was already in the funeral [home] because he fought back the policemen and [was] already gunned down?' Nothing! We are the ones searching for my brother. You see, they already know in the news. They know the name of my brother and the location. Why the policemen didn't come here? This is really painful ... What are they thinking my brother [is]? An animal?⁶²

The sister of a man who was killed in Santa Maria in 2019 said she was at a party when she received a message from someone she did not know on the instant messaging application, Facebook Messenger, telling her that her brother had been shot dead by the police in an anti-drug operation. The person said he worked at the funeral parlour, she said. At first, she refused to believe him and asked for a picture, but her phone ran out of credit, leaving her scrambling:

I was shocked. I rushed home, I was crying all the way ... I had to add credit to my phone to see if indeed it was my brother. Then, when I added credit to my phone, I was shocked when I opened the picture and indeed it was him.⁶³

In contrast to the delay or even failure of the police to inform families, police often send journalists speedy notifications of killings as soon as operations are concluded. These notifications typically include the names and addresses of the alleged drug suspects who were slain. Amnesty International was told that in Bulacan, for example, journalists on the police beat were getting such "tips" from police officials via an instant messaging application.

Several family members said they did not understand why the police did not inform them directly of the killing, and in an appropriate and prompt manner, even though the victims had their identification cards on them. In at least two police accounts reviewed by Amnesty International, the police listed IDs among other items found on the alleged suspect they had killed – yet in both cases, families told Amnesty International they were not properly informed by authorities. Notably, international standards on the use of force by law enforcement require that the police "ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment."⁶⁴

⁶¹ Amnesty International interview with mother of victim of police killing, San Jose del Monte, 7 April 2019.

⁶² Amnesty International interview with sister of victim of police killing, Malolos, 10 April 2019.

⁶³ Amnesty International interview with sister of victim of police killing, Bocaue, 8 April 2019.

⁶⁴ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Principle 5 (d). These Principles are widely accepted as reflecting customary international law.

POVERTY

Another enormous negative impact is financial. With the vast majority of the victims of drug-related killings coming from impoverished communities, the “war on drugs” has been consistently described as a “war on the poor.”⁶⁵ The staggering costs of burial and other funeral services, for example, have left many families scrambling to borrow money or ask churches or local politicians for help to be able to lay their loved ones to rest.⁶⁶

Families in Bulacan told Amnesty International they were asked by funeral homes to pay anything between 20,000 (US\$380) to 75,000 pesos (US\$1,420) for their services. At times, bodies stayed in the morgue for several days before families could afford to retrieve them, some relatives said. Others pointed to the practice of extending wakes and hosting gambling in them for days to raise money for the burial, at the risk of the bodies starting to decay.

One family that has been considering filing a complaint to contest the police’s story about their father’s “buy-bust” killing said they still needed to pay the funeral parlour 40,000 pesos (USD\$760) before they could obtain the report of his autopsy.⁶⁷

And while some said they were still trying to find ways to settle their outstanding balances with funeral homes long after their loved ones were buried, one victim’s mother had this to say: “We still owe them money, but I told the owner of the funeral home that it is impossible for us to pay you; what my husband gets right now is just enough to put food on our table.” The mother said the responsibility of raising and supporting the children (ages eight, five, and two) of their slain son has now fallen onto them.⁶⁸

Interviews with families and human rights defenders in Bulacan echoed what Amnesty International documented in the past with regards to police taking bodies to certain, more costly funeral homes in exchange for a kickback.⁶⁹ In most of the cases examined by Amnesty International in this report, bodies were sent to two main funeral parlours in Bulacan irrespective of how close or far the location of the killing was. Several community members and activists said at least one of these funeral homes is owned by a former policeman.⁷⁰

A victim’s relative even said it was the owner of one of those funeral parlours who told them the name of the informant that had “pinpointed” their loved one to the police to be operated on. “It’s an open secret that the funeraria somehow have a relationship [with the police],” the relative said.⁷¹

In at least nine of the cases examined, family members said bodies were returned without personal belongings, including jewellery, wallets, and mobile phones, and that the police also stole items during home raids. The sister of one victim who the police shot dead by a roadside said: “The only thing we got back was his slippers.”⁷² One man said he saw one of the police officers engaged in a raid he witnessed walk out of the alleged “buy-bust” crime scene with a guitar he had gifted his slain relative.⁷³

Fifteen of the incidents documented by Amnesty International involved a victim who left behind children. Many of those killed were the family’s primary breadwinner. One woman who spoke with Amnesty International two weeks after her husband, a tricycle driver, was killed in a “buy-bust” operation said she has no idea how she will support her children: “I don’t know where I will get the money for [our] future.”⁷⁴

STIGMA AND FEAR

For many families, their agony is compounded by being shunned by some members of their community. Two church leaders who have been critical of the anti-drug campaign told Amnesty International they have sought to address this particular issue and alleviate it within their congregations. Manila-based Bishop Pablo Virgilio David said:

⁶⁵ ASA 35/5517/2017.

⁶⁶ The costs typically include services such as embalming, items like caskets, and the issuance of official documents and permits.

⁶⁷ Amnesty International interview with sister of victim of police killing, Meycauayan, 15 April 2019.

⁶⁸ Amnesty International interview with mother of victim of police killing, Meycauayan, 15 April 2019.

⁶⁹ In its 2017 report, Amnesty International was able to specifically establish through an interview with a police officer that the police get a cut from funeral homes for every body they bring. Subsequent media reports backed this. See, for example, Jodesz Gavilan and Sofia Tomacruz, “The business of picking up the dead,” Rappler, 10 December 2017, bit.ly/2Q9zDHD.

⁷⁰ Amnesty International interviews with families and activists, Bulacan, April 2019. Amnesty International was unable to independently verify this claim.

⁷¹ Amnesty International interview with relative of victim of police killing, Malolos, 10 April 2019.

⁷² Amnesty International interview with sister of victim of police killing, Bocaue, 8 April 2019.

⁷³ Amnesty International interview with witness, Bulacan, 6 April 2019.

⁷⁴ Amnesty International interview with wife of victim of police killing, Bulacan, 10 April 2019.

Some people avoid even attending the wake for the dead ... There is a stigma. The community will whisper to each other and say, 'He's a drug suspect, if you know what's good for you, you don't come near them.' I have never seen a misery more miserable than being tagged as a drug suspect whether true or not true.⁷⁵

And whether one is labelled a drug suspect or not, fear has permeated many corners of Filipino society, affecting everyday life. Several interviewees, unprompted, spoke of deep mistrust of the police on account of the sweeping anti-drug operations. Several women said they worried when their husbands and sons went out to spend time in places that have become frequent targets of raids such as basketball courts and video game hangouts. Many said they particularly feared being stopped at checkpoints or for random searches.

One woman whose brother was killed in an anti-drug operation in March 2019 said:

I am very tired of what President Duterte [is] doing with the life of Filipinos ... You know, the scenario in the Philippines now it's not safe anymore. Even innocent people could die or could be easily planted [sic] with shabu ... [People] have no peace of mind. You know, every time my husband goes out late at night ... if he wants to buy something because he is hungry, I say, 'Not anymore. It's better for you to be hungry than to die. Because if the policemen will ask you and they will search your pocket, the shabu is already here (pointing to her hand), and they will put it inside your pocket ... they will just kill you.'⁷⁶

In a survey conducted in December 2018 by a leading Philippine independent research institution, 78% of Filipinos said they worried that they or someone they know would become the victims of extrajudicial executions.⁷⁷ Commenting on the findings of the survey, a presidential spokesman was quoted as saying, "If they (Filipinos) are not involved [in drugs], they do not have to be afraid."⁷⁸



Family members and friends of a man killed by the police mourn over his casket during the funeral, December 2018, location withheld. The father of three was killed by the police a month prior in the province of Bulacan in an alleged "buy-bust" operation, the circumstances of which are disputed by family members. ©Amnesty International

⁷⁵ Amnesty International interview with Bishop Pablo Virgilio David, Diocese of Caloocan, Metro Manila, 15 April 2019.

⁷⁶ Amnesty International interview with sister of victim of police killing, Malolos, 10 April 2019.

⁷⁷ Social Weather Stations (SWS) said the survey was not commissioned by any entity or interest group and that results were released as a public service. Social Weather Stations, Fourth Quarter 2018 Social Weather Survey: 78% of Pinoy's worry about becoming victims of 'extrajudicial killings' or EJK, 1 March 2019, bit.ly/2VCb07s.

⁷⁸ Alexis Romero, "SWS finds most Pinoy's fear being EJK victims? Palace says there's nothing to worry about," The Philippine Star, 3 March 2019, bit.ly/2HGsn8L.

2.3 KILLINGS BY UNKNOWN ARMED PERSONS

Killings by individuals riding on motorcycles in groups of two that target people allegedly involved in the drug trade – commonly known as “riding in tandem” – continue to take place. Amnesty International documented two such cases in Bulacan. Unknown armed persons continue to target people in their homes, on the street or at work, often in broad daylight. Victims often share a common feature, in that they are on barangay “drug watch lists,” or are killed with others on lists.⁷⁹

Previous research by Amnesty International found strong links between the police and some unknown armed persons who carry out drug-related killings.⁸⁰ A police officer who spoke to Amnesty International, said officers sometimes disguise themselves as unknown armed persons and two individuals paid to kill alleged drug offenders said that their boss was an active police officer.⁸¹

The relative of a man who was on a “drug watch list” and was killed in late 2018 described to Amnesty International the circumstances of the latter’s killing at the hands of two unknown armed persons:

It was one in the afternoon, he was asleep, then two men arrived on a motorcycle... He was woken up by a family member... When he approached the people, one person asked, ‘Which is the motorcycle you are selling?’ He said, ‘I don’t have a motorcycle to sell...’ When he turned around and pointed to his motorcycle that was the time they shot him... they fired two shots, but he was only hit once, [in] the back of the head. [They fired] the second shot when he was down but they did not hit him.⁸²

Family members, including an eyewitness, rushed the body to hospital but the man was declared dead inside the ambulance. An independent source told Amnesty International that the police had been asking community leaders about this person, referring to him as a “hot personality.” The killing took place a few days later. The source recalled they had “talked to him before, two days before [to say] that ‘Hey someone in the PNP talked to me and said that you are a hot personality’... I cannot believe he was killed after two days.”⁸³ At the time, the victim told them he was acting as a police informant.

A relative of the victim confirmed this, saying, “During the last time he was with me he showed an ID that he was a police informant ... he was tasked to identify other drug addicts and drug users.” The family told Amnesty International that they could not pursue a case against the killers, though they initially considered it, as they could not identify the suspects. “It happened really fast, so they were not recognised,” the relative said.⁸⁴

Unknown armed persons that have collectively got away with thousands of killings have been able to continue killing amidst the climate of impunity.

In late 2018, an unemployed man in his 20s who was involved in both using and selling drugs and who had allegedly been told by police to change his ways, was gunned down in a vacant lot one night. A relative told Amnesty International, “We hurried over there and when we arrived, there were already police officers.” At the time, he was apparently still breathing, so the family rushed him to the hospital where he died shortly after. “When we were asking the police what happened, they said it was not us who did this.”⁸⁵

The relative said the police then tried repeatedly to get a family member to say they had witnessed the killing and describe a shooter, despite having been nowhere near the scene. “They wrote a story on a paper, and they were trying to convince [the family member] to sign it.” The family refused to comply. “We were afraid. The police said, ‘you’re now on your own, whatever happens to you, we have nothing to do with it.’”

In addition to previously establishing direct links between unknown armed persons and state authorities, Amnesty International has repeatedly warned that the lack of effective investigations into killings by unknown armed persons has not only contributed to an environment in which police and members of the public have free rein to kill with impunity but has also amounted to authorities being complicit or acquiescent in extrajudicial executions.

⁷⁹ This pattern was also identified in previous research by Amnesty International. See for example, ASA 35/5517/2017, p.35.

⁸⁰ ASA 35/5517/2017, p. 37.

⁸¹ ASA 35/5517/2017, p. 37.

⁸² Amnesty International interview with relative of a victim, Bulacan, 18 April 2019.

⁸³ Amnesty International interview, Bulacan, 18 April 2019.

⁸⁴ Amnesty International interview with relative of a victim, Bulacan, 18 April 2019.

⁸⁵ Amnesty International interview with relative of a victim, Bulacan, 16 April 2019.



Onlookers gather behind police crime scene tape at the site of the killing of a man who was shot by unknown armed persons, 21 March 2019, Malabon City, Metro Manila. A sign reading "Don't emulate me, I'm a [drug] pusher" was left on the body. © Amnesty International

2.4 POLICE LEADERSHIP

Activists and those investigating human rights violations and other crimes committed as part of the “war on drugs” insist that the 2018 rise in unlawful killings in Central Luzon, specifically in Bulacan, happened for a reason. They say the increase must be understood in the context of who is in charge of the police there, at both the city and provincial levels. A closer look shows that several commanders who previously held posts in Metro Manila when it was the region where most drug-related killings were reported have been promoted and are now at the helm in various positions in Bulacan and the wider Central Luzon region.⁸⁶

“We are surprised,” a local human rights investigator from Bulacan said. “Instead of being fired, they are only transferred,” he said of senior officers who have been accused of overseeing anti-drug operations in Manila where many unlawful killings were documented.⁸⁷

Some of these names have been reported in Philippine media, with accusations that senior police officials are implicated in unlawful killings by virtue of being in command when their subordinates committed human rights violations that they knew or should have known were being committed. One of the names that has taken centre stage is that of the provincial director himself, Senior Superintendent Chito Bersaluna.

Bersaluna was the police chief of Caloocan City, one of the townships where a staggering number of killings were reported as part of police anti-drug operations and the place where police officers in August 2017 shot 17-year-old Kian delos Santos in a dark alley, sparking national outrage. There was no case filed against Bersaluna over Kian’s killing; he was put on “administrative leave” in what higher ups described as a “procedural measure” to ensure an impartial investigation into his subordinates.⁸⁸ Three junior officers who were under his command at the time of the killing were charged and ultimately convicted and sentenced.⁸⁹

⁸⁶ Rambo Talabong, “Central Luzon: New killing fields in Duterte’s drug war,” Rappler, 24 February 2019. Opposition Senator Leila de Lima, an outspoken critic of the Duterte administration’s “war on drugs” who has been arbitrarily detained for more than two years, has filed a senate resolution calling for an investigation into the spike in drug-related killings in Central Luzon, raising questions whether it is tied to the transfer of certain policemen from Metro Manila to Central Luzon. Senate of the Philippines, “De Lima seeks Senate probe on Central Luzon as ‘new killing field’ in drug war,” 27 May 2019, bit.ly/2RBV98F.

⁸⁷ Amnesty International interview with human rights investigator, Bulacan, 11 April 2019.

⁸⁸ Priam Nepomuceno, “Caloocan police chief placed on ‘administrative relief,’” Philippine News Agency, 21 August 2017, bit.ly/2VRxAhC.

⁸⁹ Manuel Mogato and Neil Jerome Morales, “Philippine court jails three police officers for drugs war murder,” Reuters, 28 November 2018, reut.rs/2AxtwE5.

An investigation into the conduct of 200 policemen by the *Philippine Daily Inquirer* found that PO1s, who hold the lowest police rank, are often blamed for human rights abuses, leaving those in charge out of any investigation. In the case of Kian, the *Inquirer's* report said that although superiors, including Bersaluna, were also involved "by commanding the intelligence-gathering, coordination and execution," they rarely face charges like PO1s.⁹⁰

Roughly nine months after Kian's killing, Bersaluna and another senior Caloocan cop were promoted, with the former being named police chief of Bulacan province. Human Rights Watch described the move as "a cruel affront to the families of victims."⁹¹

The Filipino human rights alliance Karapatan issued a statement at the time saying the promotions showed complicity at the very top and were proof that the "most avid implementers" of the government's anti-drug campaign are rewarded. The statement added that the senior officers had not done anything to stop the killings: "in human rights parlance we say that shows either the complicity or direct role of the higher officials concerned."⁹²

In several cases examined in this report, Bersaluna showed up at the crime scene and addressed the media, rather than the precinct or city police chief who is normally entitled to do so. At times, he alerted media before large-scale "simultaneous anti criminality operations," once even telling journalists to expect a high death toll, journalists familiar with the incident said.⁹³



A policeman waits at the scene of an anti-drug police operation, 17 August 2017, Manila. ©Amnesty International

Amnesty International did not obtain information linking Bersaluna to a direct order in any of the killings documented in this report, however, to the organisation's knowledge, there is no indication that Bersaluna, in line with his chain of command responsibilities, has taken necessary and feasible steps within his power to punish or prevent violations such as extrajudicial executions by his subordinates.

Commenting in an interview on the rise of police killings in Bulacan, Bersaluna had defended them, saying: "If there is no violent resistance from the target of apprehension, then no one would die."⁹⁴

⁹⁰ Krixia Subingsubing and Mariejo S. Ramos, "Command Responsibility? Chiefs of erring cops go scot-free," The Philippine Daily Inquirer, 4 November 2018, bit.ly/2JuKKn2. Also see, Krixia Subingsubing and Mariejo S. Ramos, "PO1s as drug war pawns: Reproved, relieved, recycled," The Philippine Daily Inquirer, 3 November 2018, bit.ly/2QeHluH.

⁹¹ Carlos H. Conde, "Philippine police promotions an affront to 'drug war' victims," Human Rights Watch, 7 June 2018, bit.ly/2EieM0c.

⁹² Matthew Reysio-Cruz, "'Recycling' of cops can be used in ICC probe," The Philippine Daily Inquirer, 11 June 2018, bit.ly/2LW1k8.

⁹³ Amnesty International interviews, April and June 2019.

⁹⁴ Rambo Talabong, "Central Luzon: New killing fields in Duterte's drug war," Rappler, 24 February 2019.

EXTRAJUDICIAL EXECUTIONS

An extrajudicial execution is the unlawful and deliberate killing of a person carried out by state agents or by people acting with the authorisation, support or acquiescence of state agents. That would therefore include unlawful drug-related killings by the Philippine police as well as by unknown armed persons whose actions the state is complicit or acquiescent in at the very least by failing to properly investigate and prosecute.

Extrajudicial executions violate the Philippines' obligations under the International Covenant on Civil and Political Rights (ICCPR), which states that "no one shall be arbitrarily deprived of his life" and which spells out that the right to life cannot be derogated from.⁹⁵ Other relevant obligations under the ICCPR include the right to a fair trial,⁹⁶ and the duty to investigate, prosecute and provide a remedy when rights or freedoms are violated.⁹⁷

International standards on the use of force by police and other law enforcement officials, which aim to uphold the right to life, require police officers to comply with the principles of necessity, proportionality, and sufficient warning before lethal force is used.⁹⁸ In practice, this means that the firearms may be used only against an imminent threat either to protect life or to prevent life-threatening injuries.⁹⁹

The practice of extrajudicial executions also violates the Philippines' constitution and penal code.¹⁰⁰

CRIMES AGAINST HUMANITY

Crimes against humanity are prohibited acts committed as part of widespread or systematic attack against a civilian population as part of a government or organisational policy. The Rome Statute of the International Criminal Court, to which the Philippines was until recently a state party, defines crimes against humanity in Article 7: "For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack"¹⁰¹ Article 7(1) lists 11 crimes, or "acts," including "[m]urder" and "[p]ersecution against any identifiable group" on any "grounds that are universally recognised as impermissible under international law," as well as "[o]ther inhumane acts."¹⁰² An "attack directed against any civilian population" is defined in Article 7(2)(a) as "a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a state or organizational policy to commit such attack."¹⁰³ The definition in the Rome Statute reflects to a large extent rules of customary international law binding on all states, regardless of whether or not a state is party to the Statute.

Amnesty International concluded in its 2017 report that crimes committed as part of the "war on drugs" may amount to crimes against humanity. As demonstrated in this report, these crimes have continued over a period of several years in a widespread as well as systematic manner, with frequent statements of support and approval from senior government officials and almost absolute impunity for the perpetrators, who appear to be in the most case either police officers or linked to the police. This report provides further indication that these extrajudicial executions, murders, unlawful killings, assaults and unlawful detentions have been committed in the furtherance of a governmental policy to direct an attack against, at least, a part of the civilian population. These acts should therefore be investigated as possible crimes against humanity.

⁹⁵ International Covenant on Civil and Political Rights (ICCPR), Articles 4 and 6.

⁹⁶ ICCPR, Articles 14 and 16.

⁹⁷ ICCPR, Article 2(3).

⁹⁸ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Principles 4, 5, 9, and 10.

⁹⁹ UN Human Rights Council, *Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies*, UN Doc. A/HRC/31/66, 4 February 2016, para. 59.

¹⁰⁰ See the Constitution of the Republic of the Philippines, 1987, Art. III: Bill of Rights, Sec. 1, bit.ly/2VeJyhc, and the Revised Penal Code of the Philippines (Act No. 3815), 8 December 1930, Art. 248 (Murder), Art. 249 (Homicide), bit.ly/2K3MSc3.

¹⁰¹ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, entered into force 1 July 2002, Art. 7(1).

¹⁰² Rome Statute of the International Criminal Court, Art. 7(1).

¹⁰³ Rome Statute of the International Criminal Court, Art. 7(2)(a).

3. ABUSIVE ‘DRUG WATCH LISTS’

“It’s very hard not to be afraid because we don’t really know if indeed our names were really removed from the master list, it’s hard for me to move around [freely].”

A person who used drugs in the past and completed a community rehabilitation programme.

“Drug watch lists” are at the centre of the Duterte administration’s anti-drug campaign. Compiled by local authorities and the police, the lists are said to name people using drugs, “users,” people selling drugs, “pushers,” and others involved in the trade, including “financiers” and “protectors.” It is primarily from these lists that police choose targets to be arrested, and sometimes to be killed.

“Drug watch lists” reinforce the government’s punitive approach towards drugs and create a system that facilitates the state’s targeting of segments of the civilian population. People on these lists – established outside of any judicial process – have ended up being subjected to unlawful arrest, assault, and killings by the police and armed persons linked to the police.

The idea of assembling such lists predates the Duterte government.¹⁰⁴ But they were not actually compiled in a widescale manner nor effectively used as part of a systematic policy until the Duterte administration took office in 2016. That is when – despite concerns over transparency and verification – local officials began collecting names for the lists from each neighbourhood within their districts.

In its 2017 report on the Philippine anti-drug campaign, Amnesty International raised concerns about these lists.¹⁰⁵ Three years later, it is clear that the lists continue to be drawn up, and that local authorities have created an expansive network of informants who provide information that feeds into them. The individuals named in these lists seem to be stuck on them indefinitely, with no way of getting their names removed.

Amnesty International’s research attests to the potentially deadly impact of appearing on a “drug watch list.” In at least 15 of the 20 incidents of drug-related killings examined in this report, the individuals killed were said by family members or police to have been on such a list. Consistent with Amnesty International’s previous report, practically all of them were poor.

¹⁰⁴ ASA 35/5517/2017, p. 19; Luke Lischin, “Duterte’s drug war: The local government dimension,” *The Diplomat*, 14 April 2018, bit.ly/2VYMa3e.

¹⁰⁵ ASA 35/5517/2017, p. 20.

3.1 PRESSURE TO COMPILE LISTS

The first entity responsible for collecting a primary list of names is the barangay, which then hands the names over to the police and other security agencies.¹⁰⁶

Barangays operate under the leadership of an elected barangay chairman or captain. The captains supervise the administrative affairs of the barangay and play a key role in maintaining order and security, including chairing a Barangay Anti-Drug Abuse Council (BADAC). It is the captains who are primarily tasked with putting the lists together, and – according to a captain and two barangay tanods (public safety officers) from Bulacan as well as others who spoke with Amnesty International about the situation nationwide – captains are under immense pressure to regularly collect and submit names to the police and to municipal and provincial authorities.¹⁰⁷

As detailed in Amnesty International's 2017 report, the names of “drug personalities” collected by barangays form the basis of the flagship activity of the Duterte administration's anti-drug campaign, Oplan Tokhang, or Operation Knock and Plead.¹⁰⁸ “[T]he strategy involves door-to-door visitations by the police to request that people involved in drugs ‘voluntarily’ surrender to the authorities and cease their drug activities.”¹⁰⁹ In theory, these people are meant to take part in drug rehabilitation and treatment programmes. In practice, however, Amnesty International has documented how these people are barely provided with any medical care they may require due to their use of drugs and instead are faced with a punitive or even lethal outcome.¹¹⁰

A variety of official circulars issued by different government entities – including the Department of the Interior and Local Government (DILG) and the Dangerous Drugs Board (DDB) – as well as interviews conducted by Amnesty International show how a system has been created to evaluate barangays based on their compliance with the government's anti-drugs policy. Barangays are classified as being “affected” by drugs or “cleared” of them.¹¹¹ The goal, as stated in a 2018 circular, is to “ultimately achieve drug-free status and maintain the status of drug-cleared and unaffected barangays [and] to [e]mpower the community in reporting drug related cases through an Award/Condemnation System.”¹¹²

“We have to follow instructions about what [to] do with these drug personalities in our barangay,” said a barangay captain.¹¹³ The barangay captain and other local officials Amnesty International spoke to made it clear that “drug personalities” must “change their ways” or face the consequences – being arrested or killed. In one “drug-cleared” barangay visited by Amnesty International in Bulacan, a public safety officer said those whose names were on the barangay's “drug watch list” were now “gone,” explaining that some had left the area and others were killed.¹¹⁴

It is clear that the lists are not the product of a fair legal process. The persons who are named on the lists have no right to submit evidence in their defence, or to challenge the source of the information that purports to implicate them. Rather than verifiable evidence, the lists reflect the barangay captains' personal and informal knowledge of local “drug personalities,” as well as information they have collected from their contacts and others, which might be little more than rumour. Some captains directly engage community members and families to inform on their neighbours and loved ones, and have even set up “drop boxes” for residents to anonymously report people allegedly involved in drug use or sale.¹¹⁵ Asked how they verify the names they collect to hand over to the police and local authorities, the barangay captain said they mainly rely on public safety officers who are “monitoring our residents.”¹¹⁶

¹⁰⁶ Luke Lischin, “Duterte's drug war: The local government dimension,” *The Diplomat*, 14 April 2018.

¹⁰⁷ Tanods are the most junior law-enforcement personnel in the Philippines. They are supervised by the Department of the Interior and Local Government (DILG), not the PNP. Names and other details of the captain and tanods who spoke with Amnesty International are withheld for their confidentiality and safety.

¹⁰⁸ Tokhang merges the two Visayan words “toktok” (knock) and “hangyo” (plead). See, for example, Third Anne Peralta-Malonzo, “What you need to know about Oplan Tokhang,” *Sun Star*, 28 January 2018, bit.ly/2EQX8AU.

¹⁰⁹ ASA 35/5517/2017.

¹¹⁰ Indeed, the word Tokhang is now enshrined in Filipino vernacular and has become the catch-all name for Duterte's “drug war.” As drug-related killings by the police and unknown armed persons have mounted over the years, victims of drug-related killings have been, at times, colloquially described as “Tokhanged.”

¹¹¹ Dangerous Drugs Board (DDB), Board Regulation No. 3 Series of 2017, 14 February 2017.

¹¹² DILG, DDB, Joint Memorandum Circular No. 2018-01, 21 May 2018, p. 6.

¹¹³ Amnesty International interview with barangay captain, Bulacan, 18 April 2019.

¹¹⁴ Amnesty International interview with barangay tanod, Bulacan, 18 April 2019.

¹¹⁵ Carlos H. Conde, “Deadly drop boxes fuel Philippine's ‘War on Drugs.’ Anonymous informant system risks more arbitrary arrests, killings,” *Human Rights Watch*, 25 September 2017, bit.ly/2fo68A1.

¹¹⁶ Amnesty International is using gender neutral pronouns (they, them, their) when referring to the barangay captain and tanods to protect their identity and safety.

A former public safety officer who had served in various security roles in their community for more than a decade told Amnesty International that in their experience, “drug personalities” with connections do not end up on these lists. “I know a big-time pusher [in our area], but his name is not on the list,” they said.¹¹⁷ Documentation by Amnesty International and others, as well as extensive media reports suggest that this is not unusual and that the vast majority of those on the lists are poorer, more marginalised members of the community.



Crime scene investigators handle the body of a man killed by unknown armed persons, 11 May 2018, Caloocan City, Metro Manila. Local officials said the man was on a “drug watch list.” © Amnesty International

The former public safety officer emphasised the pressure that barangays are under to provide names. In their previous capacity, they had attended a seminar organised by the PNP for barangay officials in Bulacan in 2018 in the presence of representatives from agencies involved in drug operations.¹¹⁸ The orders by the PNP were unequivocal: barangay captains were to submit their watch lists within the span of two months, said the public safety officer, adding:

The barangays were ordered to submit names and were sort of threatened that if they don’t submit a list, then the barangay group or chairman will be held responsible for [being involved in] the drug trade. What has happened is that barangay officials as a result of the pressure from the police included names of people who already have changed [and are no longer involved in using or selling drugs].¹¹⁹

Asked if they knew to what extent barangay officials who attended had complied with the two-month deadline, the public safety officer laughed and said they don’t have specifics, but “If they (the barangay captains) don’t submit [the lists], their heads are at stake.”¹²⁰

In an interview with Amnesty International, Manila-based Bishop Pablo Virgilio David, a vocal critic of Duterte’s anti-drug campaign, cited the specific example of a barangay captain from Metro Manila who came to him in 2017 seeking help. The captain told the bishop he had ended up being branded on a watch list as

¹¹⁷ Amnesty International interview with former barangay tanod, Bulacan, 11 April 2019.

¹¹⁸ Exact details about the event, including location and date, are withheld to protect the identity and safety of the interviewee.

¹¹⁹ Amnesty International interview with former barangay tanod, Bulacan, 11 April 2019.

¹²⁰ Amnesty International interview with former barangay tanod, Bulacan, 11 April 2019.

a “drug protector” after he stopped updating his barangay’s watch list to spare his constituents from the killings. David said that the captain was ultimately gunned down by unknown armed persons.¹²¹

In January 2018, the PNP released new guidelines for Tokhang activities in an apparent effort to stave off concerns about human rights violations, specifically in the wake of a push by human rights lawyers to have the Supreme Court declare unconstitutional the government’s anti-drugs policy circulars.¹²² Among several provisions, the new police guidelines required special training for the policemen and local officials conducting the “knock and plead” house visits, set certain rules and hours for these visits (weekdays only, 8 a.m. to 5 p.m.), and stated that watch lists will be “validated” by the PNP’s intelligence directorate.¹²³

But several people who spoke with Amnesty International, including local human rights defenders and investigators and families of victims of police killings questioned the extent of verification undertaken by the police. If anything, several interviewees, including the former tanod, said that even after the new guidelines were released some barangay captains were “recycling” names of people already visited in previous rounds of the operation and who have stopped using drugs.

The police also appear to have further weaponised the watch lists to expand their network of informants, which typically include sources such as tricycle drivers and former inmates, by enlisting “watch-listed” individuals who have “surrendered” under the “knock and plead” programme to provide information about other people connected to drugs. Practically every family interviewed by Amnesty International said they knew police “assets” in their neighbourhoods, and many said they personally knew persons who formerly used drugs who have been used by the police to specifically report others.¹²⁴ Some families said they believed that is how their loved ones ended up being targeted in operations, raising concerns about pressure on the informants to do anything to save their own skin.

3.2 NO DELISTING?

Three years into the “war on drugs,” one of the main concerns of proponents of drug policy reform is whether individuals on the “drug watch lists” can get their names expunged from these illegitimate – and potentially lethal – records. Interviews with local human rights investigators, barangay personnel, and others have made it quite clear that, in essence, there is no way to get delisted, in effect putting in place a system of perpetual surveillance that unlawfully interferes with people’s safety and privacy. Names end up being forwarded to multiple security agencies and local authorities, where more lists are drawn, saved, and, at times, acted upon.

Asked what happens to people who “surrender” and go through the government programme, a barangay captain from Bulacan said: “They are still monitored.”¹²⁵ The monitoring is done by local public security officers, informants, and police personnel. The police “will not remove them,” the captain said. “Names are submitted to [the provincial police] in Malolos and the PDEA. They will monitor these personalities.”

Government circulars reviewed by Amnesty International codify this continuous monitoring into policy. A joint 20-page memorandum issued in May 2018 by the department of interior and the drugs board stipulates that barangays must submit a quarterly “monitoring report” of persons who use drugs who surrendered, in addition to the regular updates they turn in on “suspected drug personalities.”¹²⁶ The PNP’s 2018 supplemental Tokhang guidelines, under the “Post Tokhang Phase,” lists among other steps “monitoring the status of personalities who surrendered as a result of the Tokhang activities.”¹²⁷

The former public security officer who attended a seminar organised by the PNP in 2018 said it was made clear during that gathering that barangay officials no longer have any say or power after the names are

¹²¹ Amnesty International interview with Bishop Pablo Virgilio David, Diocese of Caloocan, Metro Manila, 15 April 2019.

¹²² See, for example, Neil Jerome Morales, “Philippines lawyers ask Supreme Court to halt ‘illegal’ war on drugs,” Reuters, 11 October 2017, reut.rs/2LGov6B; Jodesz Gavilan, “What do gov’t circulars ‘operationalizing’ Duterte’s war on drugs say?” Rappler, 21 November 2017, bit.ly/2HgUPZt.

¹²³ PNP Office of the Chief, PNP Supplemental Operational Guidelines in the Conduct of Tokhang Activities, 23 January 2018. Amnesty International does not believe these new guidelines are in line with the Philippines’ obligations under international human rights law. Among other concerns, they primarily still perpetuate a punitive approach, rather than ensuring a policy that puts the protection of public health and human rights at the centre.

¹²⁴ Local human rights investigators and community figures also corroborated the existence of this practice.

¹²⁵ Amnesty International interview with barangay captain, Bulacan, 18 April 2019.

¹²⁶ DILG, DDB, Joint Memorandum Circular No. 2018-01.

¹²⁷ PNP Office of the Chief, PNP Supplemental Operational Guidelines in the Conduct of Tokhang Activities, 23 January 2018.

submitted. “Barangay captains and officials are now telling people, ‘This time, we really cannot assist you anymore.’ They can’t do anything.”¹²⁸

Church leaders and activists said when people find out their name is on a list, many try doing anything they can, including reaching out to influential figures in the community, police, or government to have their names removed. It is a luxury – indeed some interviewees described it as “naivete” – that has proven ineffective in some cases of well-connected individuals.¹²⁹ And it is far from attainable for the hundreds of thousands of the poor who have ended up on these lists and are at the receiving end of the government’s policy.

A person who has used drugs in the past told Amnesty International many people who “surrendered” continue to experience crippling fear and uncertainty even after they have gone through the motions required by the government’s anti-drug policy, including “graduating” from community programmes.¹³⁰ “It’s very hard not to be afraid because we don’t really know if indeed our names were really removed from the master list, it’s hard for me to move around [freely],” he said.¹³¹

In several cases examined by Amnesty International, family members said their “watch-listed” loved ones were killed despite having gone through community programmes and no longer using drugs. Once on a list, their loved ones were, in effect, tagged with no recourse to clear their name, families said – something activists and community leaders who spoke with Amnesty International corroborated.¹³²

The lack of transparency when it comes to these lists and getting on or off them is underscored by the very fact that it is hard to determine how many varieties of lists exist. Inez Feria, a drug policy reform advocate as well as others said the way things are done would indicate that multiple entities have different versions of these lists, from the barangays to the PNP with its different hierarchies to the PDEA, and other authorities. “And then [the question becomes] delisted from where?” exclaimed Feria.¹³³

It remains unclear exactly how many people are on the lists nationwide. For example, the mere fact that someone “surrenders” means that their name is on a list somewhere (either before or after the person came forward), and according to 2018 police figures, some 1.5 million people “surrendered” under Tokhang.¹³⁴ Meanwhile, in remarks in March 2019, PDEA Director General Aaron Aquino indicated that an intelligence database maintained by *his* agency has more than 60,000 “drug personalities” including public figures; in fact, according to the reported remarks, he admitted the difficulty of verifying “the drug links” of all those on that list.¹³⁵

¹²⁸ Amnesty International interview with former barangay tanod, Bulacan, 11 April 2019.

¹²⁹ Including the case of the slain barangay captain Bishop David referenced.

¹³⁰ In this particular case, the community programme constituted attending a series of lectures and sports activities. More on these programmes and their effectiveness in a later section in this report.

¹³¹ Amnesty International interview with a person who formerly used drugs, Bulacan, 18 April 2019.

¹³² Amnesty International interviews with families of victims, activists, and community leaders, Bulacan, April 2019.

¹³³ Amnesty International interview with Inez Feria, drug policy reform advocacy group NoBox, Metro Manila, 16 April 2019.

¹³⁴ See, for example, Jasper Marie O. Rucat, “Gov’t seeks true freedom in fight against corruption, criminality, illegal-drugs – DILG,” Philippine Information Agency, 15 June 2018, bit.ly/2MqyHwa.

¹³⁵ Eimor Santos, “PDEA warns 31 celebrities in drug watchlist,” CNN Philippines, 26 March 2019, bit.ly/2LEhuTJ; Kristina Maralit, “60,000 on drugs watch list,” Daily Tribune, 27 March 2019, bit.ly/2YkuwHw.

4. IMPUNITY

“Here in the Philippines, justice is so unfair.”

Woman whose brother was killed in a police operation in early 2019.

The Philippine authorities have consistently failed to credibly investigate and prosecute those responsible for killings as a result of anti-drug operations or by unknown armed persons.

In interviews with Amnesty International, families of victims, witnesses, lawyers, religious leaders and human rights defenders time and again expressed despair at the obstacles preventing them from seeking justice and their complete lack of hope given the total climate of impunity within the country.

Many families expressed their mental anguish and guilt about not being able to fight for justice for their child or loved one. A mother who rushed to the scene where her son was allegedly shot dead by the police outside his house, told Amnesty International:

Whenever I look at a photo of my son, I feel my heart pierced. It's like my son is telling me 'Mama, give me justice.' That's what he's telling me. I can't sleep at night. We're just poor. But he wants me to fight for him. What do I do? I don't want to remember anymore. For me, a parent who lost a child, I hope this does not happen to other parents because it's very difficult.¹³⁶

Another mother, whose daughter was allegedly killed in a “buy-bust” operation, said that the current political climate made justice impossible. “I don’t know about justice in the Philippines... Knowing the dirty politics here I don’t know that poor people can win.” She also expressed distrust in the authorities. “How can I trust the police if they killed my daughter who had no ability to defend herself?”¹³⁷

Numerous families were desperate and tormented by what they had experienced but felt there was nowhere to turn. “I want to ask for justice, I need justice,” one uncle of a victim told Amnesty International. “I am leaving it up to the Lord.”¹³⁸

¹³⁶ Amnesty International interview with mother of victim, Bulacan, 11 April 2019.

¹³⁷ Amnesty International interview with mother of victim, Bulacan, 9 April 2019.

¹³⁸ Amnesty International interview with uncle of victim, Meycauayan 11 April 2019.



Families of victims of extrajudicial executions gather at the Shrine of Jesus Parish, 15 March 2019, Quezon City, Metro Manila. They were holding a prayer and rally demanding justice for the victims. © Amnesty International

4.1 TOKEN CASES

Since President Duterte took office, just one case among thousands has been brought to justice, resulting in the conviction in November 2018 of the three police officers who murdered 17-year-old Kian delos Santos, in Caloocan.¹³⁹

Lawyers and NGOs, including Amnesty International, see the case as an exception – the result of overwhelming public pressure that forced the government to take action. “Kian was a case of public outcry, the government had no choice, they had to investigate,” Maria Socorro Diokno of the Free Legal Assistance Group (FLAG), told Amnesty International.¹⁴⁰

Nonetheless, the government has argued that this single conviction shows that it is willing and able to carry out investigations.¹⁴¹ Gilbert Andres, a lawyer at CenterLaw Philippines, told Amnesty International that: “They’ve used it as a cover, for complementarity. The [presidential] spokesman has been using it as an example that the courts are willing to investigate and prosecute.”¹⁴²

Apart from Kian, Amnesty International knows of no other conviction of a police officer for a murder related to the “war on drugs.” Lawyers told Amnesty International that while as many as 20 other cases have been filed before the courts, or Ombudsman, most appear to have stalled. “We filed a case at the Ombudsman,” lawyer Gilbert Andres said, referring to that of extrajudicial execution survivor, Efren Morillo, whose testimony was included in Amnesty International’s 2017 report. There has been no progress on the case. “We filed murder charges in March 2017 – it has been two years now.”

Lawyers whom Amnesty International spoke to emphasised that token cases are not proof that the Philippines can conduct genuine investigations. “If you have 20 cases... that’s not enough. If we have three to five convictions that’s not going to be enough to stop the killings,” said Krissi Conti, an attorney with the National Union of People’s Lawyers.¹⁴³

¹³⁹ Lara Tan, “3 cops found guilty of murdering Kian delos Santos,” CNN Philippines, 29 November 2018, bit.ly/2XmsOFy.

¹⁴⁰ Amnesty International telephone interview with Maria Socorro Diokno, Secretary General of the Free Legal Assistance Group (FLAG), 11 May 2019.

¹⁴¹ See, for example, ABS-CBN News, “3 cops found guilty of murder over Kian delos Santos slay,” 29 November 2018, bit.ly/2DQohnG.

¹⁴² Amnesty International telephone interview with Gilbert Andres, a lawyer at CenterLaw Philippines, 6 May 2019.

¹⁴³ Amnesty International telephone interview with Krissi Conti, an attorney with the National Union of People’s Lawyers, 15 May 2019.

Notably, President Duterte has repeatedly reassured law enforcement officials who commit killing in anti-drug operations that they will not face punishment.¹⁴⁴

4.2 FAILURE TO INVESTIGATE

Despite at least 6,600 killings in police operations, few if any effective investigations are believed to have taken place since the “war on drugs” began in 2016. Police killings are usually not investigated by police, who rely on the “presumption of regularity” as their standard response to critical scrutiny.¹⁴⁵ However, as documented previously by Amnesty International, there is a clear requirement to do so according to the Philippine National Police Operational Procedures.¹⁴⁶ “The PNP manual requires police to investigate killings in police operations. There is actually an obligation to investigate. [But] there is no [credible] investigation at all,” said Gilbert Andres.

According to international law and standards, states have an obligation to enforce procedures designed to ensure that law enforcement operations are reported, reviewed, and investigated when there are lethal incidents or other life-threatening incidents.¹⁴⁷ In particular, states must ensure that when an unlawful deprivation of life takes place, authorities conduct a prompt, thorough and effective investigation through independent and impartial bodies and that those responsible are brought to justice.¹⁴⁸

Of the 20,000 or so “homicides under investigation” committed by unknown armed persons that the police have informed of, it is unclear how many have been effectively investigated, and/or solved by the police.¹⁴⁹ Regardless of the nature of the killing, families of victims, lawyers, human rights defenders and forensic experts who spoke to Amnesty International expressed dismay at the standards of investigation they have encountered to date. Indeed, in every case in which Amnesty International spoke to key witnesses, none were interviewed by the police, a basic step in any investigation.¹⁵⁰

Lawyers and experts repeatedly expressed concern over how police were responsible for investigating themselves. According to Dr Raquel Fortun, one of the only forensic pathologists in the country, who has carried out over a dozen autopsies of drug-related killings:

There's nobody really sitting down to reconstruct shootings. Because in the first place, they already have a conclusion, it was a 'buy-bust.' This was a bad person. He deserved to die ... basically, you've got killers investigating themselves. I say that over and over again. There is no independence when it comes to investigators here.¹⁵¹

State institutions that have an obligation to investigate killings by the police have been largely silent over the past three years. In June 2018, Inspector General Alfezar Triambulo told journalists that the Internal Affairs Service, responsible for investigating every death in police operations, had investigated 4,152 cases from July 2016 to April 2018. Of what he said were 150 administrative cases of police agents involved in anti-drugs operations, 85 resulted in dismissals. Amnesty International is unable to verify these figures but stresses that cases of suspected unlawful killings by police must be investigated and prosecuted as criminal offences rather than dealt with through administrative and disciplinary processes, which must never be a substitute for criminal procedures in such cases.

The Commission on Human Rights (CHR), an independent constitutional body that has come under attack by the President for its critical views of the government, has been unable to investigate the large number of killings due to their scale. Jasmin Navarro-Regino, CHR Regional Director of Central Luzon told Amnesty International that her office only has nine specialised investigators to cover seven provinces,¹⁵² and that she has had to reassign four lawyers to join them.

¹⁴⁴ See, for example, Reuters, “Philippines' Duterte vows to protect police after inquiry shows 'rub out,’” 7 December 2016, [reut.rs/2XtthbE](https://www.reuters.com/article/Philippines-duterte-vows-to-protect-police-after-inquiry-shows-rub-out-idUSKBN131001); ABS-CBN News, “Duterte tells troops in drug war: 'I will protect you,’” 17 September 2016, [bit.ly/2WHZJRd](https://www.abs-cbnnews.com/17-09-2016/1).

¹⁴⁵ See, for example, Rambo Talabong, “Serenio casts doubt on PNP's 'presumption of regularity' defense,” Rappler, 21 November 2017, [bit.ly/2WdiNcc](https://www.rappler.com/2017/11/21/211111).

¹⁴⁶ See, for example, ASA 35/5517/2017, p. 49.

¹⁴⁷ Human Rights Committee General Comment 36, The right to life (art 6), 30 October 2018, para. 13.

¹⁴⁸ Human Rights Committee, General Comment 36, The right to life (art 6), 30 October 2018, para. 27.

¹⁴⁹ Lian Buan, Rambo Talabong, and Jodesz Gavilan, “Duterte gov't allows 'drug war' deaths to go unsolved,” 14 January 2019, [bit.ly/2ESovui](https://www.rappler.com/2019/01/14/211111).

¹⁵⁰ Amnesty International found the same lack of investigative diligence when it conducted research in the Philippines in late 2016. ASA 35/5517/2017, p. 49.

¹⁵¹ Amnesty International interview with Dr. Raquel Fortun, forensic pathologist, Metro Manila, 17 April 2019.

¹⁵² The seven provinces have a combined population of 11 million, as of September 2015. Philippine Statistics Authority, *Urban population in the Philippines (Results of the 2015 Census of population)*, [bit.ly/21Z4aor](https://www.psa.gov.ph/2015/09/01/urban-population-in-the-philippines).

“We are overstretched ... with so many cases in Region III [Central Luzon],” she said. Apart from a lack of personnel and monetary resources, in numerous cities in her jurisdiction, the police had not been cooperating with the CHR’s requests for documentation. “We’re having a hard time; the police are not giving out spot reports. Now if we go to the precinct to ask for the spot report, they won’t give it. We are being given the runaround.”¹⁵³

4.3 INABILITY TO FILE CASES

“When people allege there are victims of [extrajudicial killings] EJKs, they immediately say, ‘Why don’t you sue us, why don’t you bring a case to court’ – as if it were so easy.”

Bishop Pablo Virgilio David, Diocese of Caloocan.

Although the primary duty to investigate killings by police and unknown armed persons lies with the government, the Duterte administration has repeatedly stated that any individual who has sufficient evidence of extrajudicial executions should file a case before the courts. Setting aside the government’s unwillingness to investigate, Amnesty International has found that filing a case of this nature is almost impossible for lawyers and families of victims in the current climate.

In the Philippines, complaints about human rights violations can be filed with the National Prosecution Service. However, prosecutors do not conduct fact-finding investigations of their own and rely only on the affidavits and other evidence presented by the parties to determine whether there is “probable cause” to proceed. Where the victims’ evidence is based on their own description of events and nothing else, it is unlikely to lead to a prosecution.¹⁵⁴ It is therefore left upon the family of the victim to bear the brunt of collecting the necessary proof, with the high risks such activity entails.

Relatives of victims and legal experts told Amnesty International whereas previously, families may have been able to obtain police reports pertaining to the death of their family member, they are in the vast majority of cases now being denied these records. Police reports that describe the circumstances of their loved one’s death are necessary for challenging the police’s version of events. As such, building a case almost always hinges upon the sharing of documents by police, which is now a dead end. The vast majority of families who spoke to Amnesty International said that they were unable to obtain a police report when they requested it.¹⁵⁵

Families repeatedly described how they were turned away from police stations, either informed that the relevant investigator was not there, or given the runaround from station to station. One relative told Amnesty International they had been to Meycauayan police headquarters “five times” to ask, “but every time we go there they keep saying the investigator is not here.”¹⁵⁶ Another was asked to file a “formal request” – the requirements of which were unclear.¹⁵⁷

This problem has not been limited to police reports, but also extends to autopsies. One eyewitness and relative of a victim from San Jose del Monte told Amnesty International:

When I was saying, ‘Can I get the autopsy report, the [police] spot report, who’s the arresting officer, who’s the officer conducting operations?’ They said, ‘Go to Malolos.’ I go to Malolos, they said, ‘Go to your place in San Jose del Monte.’ So that’s why I cannot pursue the case if I want.

¹⁵³ Amnesty International interview with Attorney Jasmin Navarro-Regino, CHR Regional Director (Regional Office III), San Fernando City, 12 April 2019.

¹⁵⁴ See, for example, Amnesty International, *Above the Law: Police torture in the Philippines*, November 2014 (Index: ASA 35/007/2014).

¹⁵⁵ A few families had obtained police reports by other means.

¹⁵⁶ Amnesty International interview with relative of a victim, Meycauayan, 16 April 2019.

¹⁵⁷ Amnesty International interview with relative of a victim, Meycauayan, 15 April 2019.

When the same witness tried to go to the prosecutors and Public Attorney's Office to ask advice on how to file a case against the police, he noticed someone was following him. "After I felt someone was following me, I never went back. It's frightening the thought that someone was following me."¹⁵⁸

The problem of obtaining police or other reports to file cases has gone all the way to the Supreme Court. In April 2019, legal organisations Free Legal Assistance Group and CenterLaw Philippines won a victory when the Solicitor General's Office was ordered to furnish both with copies of police reports relating to victims they are representing, following a battle which lasted almost two years.¹⁵⁹ FLAG and CenterLaw are still waiting to be provided copies of documents of over 20,000 cases believed to be related to the "war on drugs," which according to them, the Solicitor General's office, is delaying.¹⁶⁰

Poverty remains a primary obstacle to filing complaints. Many families told Amnesty International that they could not afford the funeral costs for burial, let alone any other costs for the legal fees, transport, or time off work that would be required to file a case. "When people allege there are victims of [extrajudicial killings] EJKs, they immediately say, 'Why don't you sue us, why don't you bring a case to court' – as if it were so easy," Bishop Pablo Virgilio David told Amnesty International.¹⁶¹

In addition, an unfathomable climate of fear continues to prevent families from seeking justice and speaking out. This situation has worsened the longer police impunity has been allowed to prevail. Relatives of victims and witnesses repeatedly told Amnesty International how they were terrified for the safety of themselves or their family if they filed a case against the police. A relative of a victim killed in Pulilan in an alleged buy-bust operation told Amnesty International how she had to move away from her neighbourhood, in order to try and pursue a case. "I was afraid," she said, "because I want to get justice. I'm afraid. That's why we moved."¹⁶² She spoke of her anxiety of making a living from a sari-sari, or local sundry store, that she was trying to set up in her new neighbourhood. Relocating is not an option for many others. Fear also prevents witnesses from coming forward, another key element to a case in a court system that is heavily reliant on testimonial evidence.¹⁶³ "We're finding that the majority of the cases we investigate here, they don't want to file cases for fear of reprisal," Navarro-Regino, Regional Director at the Commission on Human Rights, told Amnesty International.¹⁶⁴

Even the church – an institution that still retains some power in the country despite coming under attack by the president – seems to find the climate of impunity chilling. Father Rico Trinidad, one of the few outspoken priests in Bulacan, explained how multiple forces stop many church leaders, who often have family members amongst their congregation, from speaking out, or providing protection for families of victims, lest they be seen as drug protectors. "Not all of the priests are involved with the efforts [of assisting victims]. Maybe out of fear, they don't have time ... or it's possible these priests support the efforts [of the government]."¹⁶⁵

4.4 NOWHERE TO GO

Almost everyone whom Amnesty International interviewed stated that they had no hope at present of obtaining justice within the country. "It seems like personally I am not going to win because this is a drug-related case. I might not have a chance. Because it's drugs," said the wife of a man who was shot by police in San Jose del Monte.¹⁶⁶

"Here in the Philippines, justice is so unfair," said the sister of another. "When you consider money and political influence, here in the Philippines filing a case of a lower level family – it won't succeed, considering Duterte is the president and he ordered Tokhang to all drug addicts. That's it!" she said, thumping her fist on the table.¹⁶⁷

¹⁵⁸ Amnesty International interview with witness, San Jose del Monte, 7 April 2019.

¹⁵⁹ See, for example, Jason Gutierrez, "Philippine Supreme Court orders release of documents in Duterte's drug war," 2 April 2019, nyti.ms/2YKuZDT.

¹⁶⁰ Amnesty International telephone interview, with Gilbert Andres, a lawyer at CenterLaw Philippines, 6 May 2019

¹⁶¹ Amnesty International interview with Bishop Pablo Virgilio David, Diocese of Caloocan, Metro Manila, 15 April 2019.

¹⁶² Amnesty International interview with relative of a victim, Metro Manila, 6 April 2019.

¹⁶³ Amnesty International telephone interview, with Krissi Conti, an attorney with the National Union of People's Lawyers, 15 May 2019.

¹⁶⁴ Amnesty International interview with Attorney Jasmin Navarro-Regino, CHR Regional Director (Regional Office III), San Fernando City, 12 April 2019.

¹⁶⁵ Amnesty International interview, Father Rico Trinidad, Holy Angels Parish, Plaridel, 18 April 2019.

¹⁶⁶ Amnesty International interview with wife of a victim, San Jose del Monte, 14 April 2019.

¹⁶⁷ Amnesty International interview with sister of a victim, Meycauayan, 8 April 2019.

Most human rights defenders and experts echoed these views, stating that they had given up on domestic accountability, and were documenting evidence for the future. Their work, they said, could be of use if the government changed or if international justice mechanisms intervened. “You cannot expect real justice right now here. That’s the reality,” said forensic pathologist Raquel Fortun. “I recommended maybe at some point [my work] can be part of the ICC later, that’s one option. UN is an option ... The thing is we’re lost. What do you do? What can you do at this time? I am just waiting. I have got the documentation, I have got the bullets. I am waiting to be called somewhere to contribute what I can.”¹⁶⁸

Others agreed that there was no hope that things would change under the current administration, “The ICC we ask them, please come and investigate us, please, as we are not going to win here,” said attorney Krissi Conti.¹⁶⁹ Many others whom Amnesty International spoke to said they were putting their hopes in the International Criminal Court or United Nations to provide justice for the victims.

Domestically and internationally, the Philippine government has taken steps to thwart accountability for extrajudicial executions and other human rights violations. Domestically, not only have the authorities failed to launch credible investigations into the extrajudicial executions that have taken place, but they have also undermined institutions that have attempted to address impunity, including the Senate, the House of Representatives, and the Supreme Court. At the international level, the government withdrew the country from the ICC following the latter’s announcement that it will launch a preliminary examination into possible crimes in the context of the “war on drugs,” another blatant attempt to evade accountability.

Given this reality, and in light of the failure of the Philippine authorities to act, Amnesty International believes it is imperative that international justice mechanisms, including the UN Human Rights Council, and the ICC take action to establish the facts, hold perpetrators to account and provide justice and reparations for families of victims.

¹⁶⁸ Amnesty International interview with Dr. Raquel Fortun, forensic pathologist, Metro Manila, 17 April 2019

¹⁶⁹ Amnesty International telephone interview with Krissi Conti, attorney with the National Union of People’s Lawyers, 15 May 2019.

5. REHABILITATION AND TREATMENT

“People who have fallen into the trap of drug reliance need help to rebuild their lives; drug policies should not be more of a threat to their lives than the drugs they are abusing.”

Michelle Bachelet, UN High Commissioner for Human Rights.

The Philippine government insists that its anti-drug policies are not solely punitive, and that it also puts effort into rehabilitating and reintegrating people using drugs into society. However, an examination of these programmes suggests that they are woefully inadequate, both in number and in quality.

It is unclear precisely how many people have undergone treatment and rehabilitation in the Philippines in recent years.¹⁷⁰ The authorities have failed to provide clear information of the different health and social services available for people who use drugs to comply with their obligations under the right to health. According to the Department of Health, there are only 56 accredited drug treatment and rehabilitation centres in the country, of which no more than 18 are public.¹⁷¹ The shortage of drug treatment services means that many of those who use drugs are unable to obtain the medical help they may require and are forced to stop using drugs by themselves and without any medication that could provide relief for the pain and suffering associated with abstinence.

Drug use is not a medical condition, which means it does not necessarily imply dependence and therefore not all drug use requires treatment. According to the UN, only 10% of all people who use drugs develop a drug dependence.¹⁷² However, for those who voluntarily consent, effective rehabilitation should be available through scientific, evidence-based drug treatment programmes.¹⁷³

5.1 NON-EXISTENT SERVICES

“Surrender” programmes of the government claim to be “voluntary” but many people who use drugs say they see their choice as between surrendering or being killed.¹⁷⁴ Those who surrender are supposed to be

¹⁷⁰ See, for example, Rambo Talabong, “No real number on drug rehab: Here’s why,” Rappler, 23 July 2018, bit.ly/2NC3fuF.

¹⁷¹ Azer Parrocha, “More drug rehab centers set for completion by late 2019”, Philippine News Agency, 6 September 2018, bit.ly/2XICsYV.

¹⁷² UNODC, *World Drug Report 2018*, bit.ly/2IUa744, p. 7.

¹⁷³ UN General Assembly, Resolution S-30/1: Our joint commitment to effectively addressing and countering the world drug problem, 19 April 2016, UN Doc. A/RES/S-30/1.

¹⁷⁴ As previously assessed by Amnesty International in 2017, the policy of surrendering and getting admitted to drug treatment programmes is far from a voluntary process. Amnesty International determined that such measures constitute a violation to the right to

offered drug treatment and rehabilitation, but many families of victims who spoke to Amnesty International stated that no rehabilitation programme had ever been available. Several lamented that had there been a real option for their relatives to undergo treatment and rehabilitation, perhaps their loved one would not have been killed. Previous research by Amnesty International in 2017 expressed concern about both the quality of health services for those that use drugs and their relative scarcity.¹⁷⁵

A relative of a person who used drugs, and who was killed in a “buy-bust” operation, told Amnesty International that the family wanted her brother to get treatment, but none was available. “My mother really wanted him to [undergo] rehab, but in our place, there was no real programme. Because of the lack of programme, my brother continued to use drugs.”¹⁷⁶ The family encouraged him to leave the area, knowing his life was at risk. “He changed for a while, but when he came back, he continued to take drugs,” she stated.

Local officials also spoke of the lack of treatment and rehabilitation services in their areas. When interviewed by Amnesty International, a former barangay public security officer said that “nothing” was available for people who use drugs in their neighbourhood when they “surrendered.” “We thought [our area] would have a rehabilitation programme for using drugs.” Instead, the former officer said, they put people who use drugs in jail and “they have no programme for them at all.”¹⁷⁷

A joint memorandum circular issued by the Dangerous Drugs Board (DDB) and the Department of Interior and Local Government (DILG) in 2018, sets out the “minimum standard functionality and effectiveness” for Barangay Anti-Drug Abuse Councils (BADAC).¹⁷⁸ Recognising the wide gap between the number of drug rehabilitation centres and the needs of the number of people using drugs, another circular required barangays to implement Community Based Drug Rehabilitation Programmes at the local level for those with a “low” or “mild” dependency on drugs.¹⁷⁹

In spite of these requirements, according to families, local officials and other credible sources, it remains largely up to community leaders to determine what treatment and rehabilitation programmes are available in a given area. Although their municipality had 19 barangays, a barangay captain told Amnesty International that theirs was the only one that had ever had a community programme available for people who use drugs. “It’s too much effort, too much work, so that’s why some barangays after they submitted names [in the drug watchlist], that’s all [they do]. No programmes at all,” they said.¹⁸⁰

5.2 EMPHASIS ON ‘RESULTS’

Where programmes do exist, their goals appear to be largely to report high numbers of attendance, rather than provide effective treatment that responds to the needs of the individuals. According to the joint memorandum circular for BADACs, a failure to deliver community level programmes could incur sanctions.¹⁸¹ Inez Feria, a drug policy reform advocate, told Amnesty International that “It’s not anymore about health and wellbeing. For providers it’s just about numbers. Barangay workers have to submit regular reports to PDEA, barangay kagawads (officials), big binders ... and they have to show they are performing.”¹⁸²

One way that performance is measured in programmes is via drug testing. According to Feria one facilitator at a barangay programme told her that “drug testing is part of it, it’s not written in policy, but it’s an understanding, if they test positive, she has to report them. She actually said, ‘for operation.’ It’s scary how they speak of it as the most natural thing.” A barangay captain who spoke with Amnesty International confirmed the use of drug tests. After participating in a community programme that included lectures by church leaders and policemen, Zumba, planting, and jogging, participants underwent a drug test before their “graduation.”

enjoy the highest attainable standard of health, to privacy and to bodily integrity, as well as to freedom from torture and other ill-treatment. See ASA 35/5517/2017, p.58

¹⁷⁵ ASA 35/5517/2017, p. 57.

¹⁷⁶ Amnesty International interview with sister of victim, Bocaue, 8 April 2019.

¹⁷⁷ Amnesty International interview with former tanod, Bulacan, 11 April 2019.

¹⁷⁸ Department of Interior and Local Government, Dangerous Drugs Board, Joint Memorandum Circular 2018-01, 21 May 2018.

¹⁷⁹ Department of Interior and Local Government, Memorandum Circular, 2018-125, 8 August 2018.

¹⁸⁰ Amnesty International interview with barangay captain, Bulacan, 18 April 2019.

¹⁸¹ Department of Interior and Local Government, Dangerous Drugs Board, Joint Memorandum Circular 2018-01, 21 May 2018.

¹⁸² Amnesty International interview with Inez Feria, drug policy reform advocacy group NoBox, Metro Manila, 16 April 2019.

Mandatory drug testing is an arbitrary interference with an individual's privacy and is counterproductive from a right to health perspective, since it deters people from seeking the help they may need. Moreover, the consequences of having a positive result after a drug test can be deadly, as Feria attested. Far from allowing people using drugs to seek help, the requirement for them to expose themselves to local authorities and others so publicly has increased stigma and demonisation of people using drugs further.



In this photo taken 18 April 2019, murals supporting the government's anti-drug campaign can be seen in Bocaue, Bulacan. © Amnesty International

The continued monitoring of "surrenderees," and possible deadly consequences, means that those with a dependence on drugs "don't know who to trust ... there's so much fear," according to Feria. "We hear reports of people wanting to ask for help, then deciding not to." As asking for help means going to the barangay and exposing yourself to the risk of being included on the drug watchlist, "the way things are is actually keeping people away."¹⁸³

Several families told Amnesty International that inadequate treatment and rehabilitation programmes had been ineffective in helping their loved ones. The relative of a man who was killed in a police anti-drug operation cried as she recalled the efforts of her brother to stop using drugs. Sitting next to a photo of her brother in the family home, she described the programme he completed at a drug reformation centre in Malolos. According to her testimony, people using drugs "were brought into rehab for one month only... what is the effect of this?... they are just planting and cleaning and jogging, I think there is praying or something like that."¹⁸⁴

Although she expressed bitterness over her brother's time at the centre, their mother told Amnesty International that she visited her son twice a week and that policemen in charge liked him because he was industrious, sweeping and cutting grass and weeds. She said that she would not forget the day that her son "graduated" from the programme in 2018. The sister, a nurse, said there were no doctors there to provide medical care and services that could really allow people to overcome a dependence to drugs. "I think one month is not enough... there are many demons outside even if you want to change, but they (people selling drugs) keep on going here."¹⁸⁵

In a directive from the Dangerous Drugs Board, local government units were instructed in January 2018 to set up "drug reformation centres." Not only did this come over a year and a half after the government's anti-drug campaign began, the plan reinforces a punitive and stigmatising approach to people using drugs, including that they require a "process of rectifying or modifying negative attitude and behaviour to enable the person to be more productive and acceptable to society." The programme is supposed to "serve as an

¹⁸³ Amnesty International interview with Inez Feria, drug policy reform advocacy group NoBox, Metro Manila, 16 April 2019.

¹⁸⁴ Amnesty International interview with sister of victim, Bulacan, 10 April 2019.

¹⁸⁵ Amnesty International interview with sister of victim, Bulacan, 10 April 2019.

alternative intervention for drug personalities that are not eligible for Treatment and Rehabilitation Facilities that are supervised by the Department of Health.”¹⁸⁶

The directive instructs that the centres be located in PNP or military “camps/bases” for “security” reasons. As noted by Amnesty International in 2017, the implications of placing a rehabilitation centre inside a law enforcement facility are that treatment is then seen as a form of punishment, thus deterring people who may require medical care to seek it and reinforcing a stereotype that people who use drugs are criminals. Amnesty International researchers saw from the outside a “drug reformation centre” in Plaridel, which was located on the grounds of a local police jail, confirming this arrangement.

The barangay captain interviewed by Amnesty International said that places were available for those who were seen to require greater intervention at a drug reformation centre, but that it was costly for the government and that they were taking in limited numbers from each barangay.¹⁸⁷

5.3 FALSE HOPE

In November 2016, President Duterte inaugurated the country’s first “mega” drug rehabilitation centre in Fort Magsaysay in Nueva Ecija, to great fanfare. Originally supposed to accommodate 10,000 patients the Magsaysay rehabilitation centre is providing treatment for only some 1,200 patients, staff of the Commission on Human Rights of the Philippines told Amnesty International.¹⁸⁸ It was reported in November 2018 that other problems, including a series of staff resignations, had beset the facility.¹⁸⁹ Used as a showpiece at the time by the government of how it was prioritising treatment and rehabilitation for people who use drugs, it is clear the centre has failed to provide evidence-based medical care and services of good quality.

In its 2017 report, Amnesty International expressed alarm that the centre had been situated in a military camp. While the organisation is relieved that plans to open similar sites now appear to have been halted,¹⁹⁰ the centre illustrates how the rehabilitation of people using drugs has been deeply neglected.¹⁹¹

Amnesty International was told of the failing of government agencies, including the Department of Health and the Dangerous Drugs Board, to consult with drug policy reform advocates and public health experts to design and implement a comprehensive change in the approach to drug treatment and rehabilitation. At the centre of drug control policies must be the respect and protection of the right to health by ensuring evidence-based health services at the individual, family and community level. As such, the Department of Health, rather than the DILG should play a greater role, at the local level. These services must be compliant with human rights law and standards, and should include prevention, information, harm reduction, treatment and rehabilitation services, including in prisons and other places where people are deprived of their liberty. Those with a dependency on drugs should feel safe about asking for help, and their perspectives should also be included.

In March 2019, the UN High Commissioner for Human Rights, Michelle Bachelet stated that drug policies in the Philippines “should not be considered a model by any country.”¹⁹² She further emphasised that: “People who have fallen into the trap of drug reliance need help to rebuild their lives; drug policies should not be more of a threat to their lives than the drugs they are abusing.”

¹⁸⁶ Dangerous Drugs Board, Board Regulation No.2, Series of 2018.

¹⁸⁷ Amnesty International interview with barangay captain, Bulacan, 18 April 2019.

¹⁸⁸ Amnesty International interview, San Fernando City, 12 April 2019.

¹⁸⁹ The Philippine Daily Inquirer, “WHAT WENT BEFORE: Fort Magsaysay drug rehab center,” 10 April 2019, bit.ly/2Z3YeAQ.

¹⁹⁰ See, for example, The Philippine Daily Inquirer, “Rehab center in need of rehab,” 27 November 2018, bit.ly/2WjidKg.

¹⁹¹ See, for example, Centre for Media Freedom and Responsibility, “Mega rehab center woes: Addict rehabilitation not a government priority,” 6 December 2018, bit.ly/21j3oSV.

¹⁹² UN OHCHR, *High Commissioner Bachelet calls on States to take strong action against inequalities*, 6 March 2019, bit.ly/2Z5kuKz.

6. 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.

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TO ONE PERSON, IT
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'THEY JUST KILL'

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

Three years on, President Duterte's murderous "war on the poor" continues. More than 6,500 killings of alleged drug offenders at the hands of the police have been acknowledged by the government. In addition, there have been thousands of killings by unknown armed persons, many of whom may be linked to the police.

In this report, based on 58 interviews and the documentation of 20 specific cases, Amnesty International shows that extrajudicial executions in the Philippines are ongoing. While drug-related killings continue to occur across the country, the epicentre of killings has shifted from Metro Manila to Central Luzon, following the transfer and promotion of senior police officers under whose command the police previously killed large numbers of people in the National Capital Region. Victims of killings are overwhelmingly from poor and marginalised communities.

So far, only one extrajudicial execution has resulted in accountability: the killing of 17-year-old Kian delos Santos, following a public outcry. Besides the killings, illegitimate 'drug watch lists' continue to be drawn up, and there remains a woeful lack of drug treatment programs, in violation of the right to health. Given the government's glaring failure to address these problems, there is an urgent need for international action.