

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Philippines: President's 'Shoot to kill' directive violates fundamental right to life**

Philippine President Duterte's promise on 5 August 2016 to maintain a "shoot to kill" order in his crackdown on crime is a clear violation of the fundamental human right to life and could lead to further killings in the country.

In another statement, two days later, President Duterte claimed that policemen or soldiers would not be held accountable for conducting such so-called 'duties.' This is a deeply alarming call given the rapid rise in killings in the country.<sup>1</sup> Amnesty International strongly opposes such measures, which will further exacerbate the culture of impunity amongst law enforcement officials for human rights violations in the Philippines.

Since 30 June, the day President Duterte took office, reports have documented that hundreds of individuals across the country have been unlawfully killed by police and vigilantes as part of a 'war on crime'. Some of these killings, as reported, clearly amounted to extrajudicial executions. The killings follow a campaign in which the President identified the sale and use of illegal drugs as one of the main problems of the country.

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<sup>1</sup> Credible reports have documented a rapid increase in killings, including the Philippine Daily Inquirer: <http://newsinfo.inquirer.net/794598/kill-list-drugs-duterte> and ABS-CBN: <http://news.abs-cbn.com/specials/map-charts-the-death-toll-of-the-war-on-drugs>.

In an interview on 5 August 2016, the President vowed "this campaign (of) shoot-to-kill will remain until the last day of my term". During a televised address on 7 August 2016, the President listed the names of judges, military, police, lawmakers and local officials that he claimed were linked to the sale and distribution of illicit drugs. He also pledged that policemen and soldiers "will never go to prison. Not under my watch," as they crackdown on people suspected to be involved in the illicit drug trade.

These latest statements by President Duterte give law enforcement agencies unrestricted powers to continue further killings, which affects the most marginalised sectors of the population, including people who use drugs.

Under international human rights law, including treaties which legally bind the Philippines, the right to life is non-derogable. It cannot be restricted even in times of crisis. International standards, which guide states on how to respect this right while protecting order and the lives of individuals, require law enforcement officials to “as far as possible, apply non-violent means before resorting to the use of force”.<sup>2</sup> Where the use of force is unavoidable, they must “exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved”, minimise damage and injury and “ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment”.<sup>3</sup>

Additionally, international standards also emphasise the importance of proportionality in judging whether the use of force is legitimate and strictly unavoidable, in order to protect life.<sup>4</sup> With the exception of circumstances of extreme, immediate danger, law enforcement officials must identify themselves as such and “give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed”.<sup>5</sup>

Whenever unlawful use of force is suspected, in particular where such force has led to injury or death, prompt, impartial and effective investigations must take place. Where sufficient, admissible evidence is found, individuals suspected of responsibility, including those with command responsibility, must face justice in fair proceedings, and victims and survivors must be offered reparation. All relevant officials must at all times be held accountable for their actions through a transparent system of investigatory and judicial proceedings, without the promise of protective immunity or amnesties.

Apart from police killings, many killings appear to have been perpetrated by vigilantes or unknown hitmen. The State has a duty to protect people from all forms of violence, including an obligation of due diligence to prevent or to

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<sup>2</sup> Principle 4 of the 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.

<sup>3</sup> UN Basic Principles, Principle 5.

<sup>4</sup> Principle 9 of the Basic Principles states that “officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury” or to prevent “a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger” and “only when less extreme means are insufficient to achieve these objectives”. The Principle continues: “In any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life”.

<sup>5</sup> UN Basic Principles, Principle 10.

promptly, independently and impartially investigate such killings and bring perpetrators to justice.

Amnesty International is also concerned that the practice of public naming and shaming of individuals, in a climate where anyone can kill anyone in the name of the “war on crime,” is highly dangerous and will not only contribute to unlawful killings, but increased lawlessness, with “punishment” being meted out in the absence of legal authority, cogent evidence and fair legal procedures.

The open accusation of named officials including judges, members of Congress, police and military officers of being involved in the drug trade, without providing sufficient evidence or due process to substantiate these allegations is deeply troubling.

To date, seven judges have been identified by the President as being linked to illegal drugs. However, according to a statement by the Chief Justice Maria Lourdes P.A. Sereno made this week, of these seven judges, one was killed in 2008, one judge was compulsorily retired in June 2016, one was dishonourably discharged in 2007 and has therefore not been part of the judiciary for nine years, whereas several other judges were said to have only heard few and marginal drug cases. In response, President Duterte mentioned the possibility of declaring martial law if the judiciary attempted to stop his campaign.

## **Background**

During his leadership campaign and since becoming President, President Duterte has repeatedly and publicly made commitments to stamp out drug crime, calling on law enforcement agencies “to double your efforts...triple them if need be...we will not stop until the last drug lord, last financier and last pusher have surrendered or put behind bars or below the ground if they so wish”.

Since his election victory on May 10 and inauguration on 30 June 2016, the number killings by police and unknown hitmen throughout the Philippines has risen rapidly.

Counter-narcotic operations and other law enforcement practices based on the use of force and militarization as a means of reducing crime and controlling addiction have proven to be counterproductive. In turn, such policies have increased levels of violence, intimidation and corruption usually associated with drug markets.

Repressive and punitive drug policies have exacerbated discriminatory practices against people who use drugs. The actual or suspected use of drugs cannot constitute grounds for violating the rights of individuals, irrespective whether the applicable drug control regime allows for imprisonment or other sanctions.