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## **UN HUMAN RIGHTS COUNCIL MUST LAUNCH INVESTIGATION INTO THOUSANDS OF EXTRAJUDICIAL EXECUTIONS IN THE PHILIPPINES**

The Philippine government's so-called "war on drugs" has resulted in thousands of extrajudicial executions, the victims of which overwhelmingly come from poor and marginalised communities. Amnesty International considers that the killings—which continue to occur on a daily basis and which appear to be systematic, planned and organised by the authorities—meet the threshold of crimes against humanity and require the international community to take immediate action.<sup>1</sup> The killings continue to take place in a climate of total impunity, with rising attacks on independent media, human rights defenders and even UN experts.

As outlined in this briefing paper, Amnesty International urges the UN Human Rights Council to launch a formal investigation into the serious human rights violations committed in the context of the so-called "war on drugs," given the need to address the continued serious violations, including extrajudicial executions, the total lack of justice and accountability, and the refusal of the Philippine government to engage with the international community to address the situation.

### **LACK OF ACCOUNTABILITY AT NATIONAL LEVEL**

To date, **there has been no meaningful accountability at the national level** for the thousands of executions that have been carried out over the past three years. Since President Rodrigo Duterte took office and launched his anti-drug campaign, 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. This came too late, and this single prosecution is in no way commensurate to the vast number of extrajudicial executions and other human rights violations that have been documented in the country.

Not only have the authorities failed to launch credible investigations into the extrajudicial executions that have taken place, but in fact **President Duterte has continued to encourage the police to commit such acts**, telling them to "destroy the drug industry... including human life" and assuring them that he will "take care" of them if they encounter problems in their performance of their duties.<sup>2</sup> Indeed, police officials with command responsibility over abusive operations in the National Capital Region have been promoted to senior positions in other regions of the country, shifting the epicentre of the killings to those areas. President Duterte also has repeatedly warned, with no contrition, that his bloody campaign is "far from over,"<sup>3</sup> recently saying that the "war on drugs" will be "harsher in the days to come," and that he will "catch up with and kill"<sup>4</sup> people suspected of selling drugs.

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<sup>1</sup> For an analysis for these killings as crimes against humanity, see, for example, Amnesty International, If you are poor, you are killed: Extrajudicial executions in the Philippines "war on drugs," 31 January 2017 (<https://www.amnesty.org/en/documents/asa35/5517/2017/en/>).

<sup>2</sup> Duterte to cops: Kill criminals if you have to, I'll protect you, 18 January 2018, (<https://newsinfo.inquirer.net/961396/duterte-to-cops-kill-criminals-if-you-have-to-ill-protect-you>).

<sup>3</sup> Drug war will be 'as chilling as the day it began' – Duterte, 23 July 2018, (<https://www.rappler.com/nation/208009-duterte-war-on-drugs-chilling>).

<sup>4</sup> Duterte: Drug war to be 'harsher' in the coming days, 21 February 2019, (<https://news.abs-cbn.com/news/02/20/19/duterte-drug-war-to-be-harsher-in-the-coming-days>).

## REFUSAL TO COOPERATE WITH THE INTERNATIONAL HUMAN RIGHTS SYSTEM

The Philippine authorities have aggressively refused to engage with international human rights mechanisms on these human rights violations, despite their membership of—and recent re-election to—the UN Human Rights Council (“the Council”). At the Council’s 36<sup>th</sup> session in September 2017, the government rejected all recommendations received under the Universal Periodic Review (UPR) in relation to the so-called “war on drugs,” including all those on extrajudicial executions, the death penalty, and human rights defenders. In March 2018, President Duterte issued a verbal order to the Philippine National Police not to cooperate with UN Special Procedures or international investigators probing human rights violations in the Philippines<sup>5</sup>, a statement criticized by then-High Commissioner for Human Rights Zeid Ra'ad Al Hussein.<sup>6</sup> In response to Zeid’s criticism, Duterte doubled down on his order, saying that UN human rights investigators should be “fed to the crocodiles.”<sup>7</sup>

Not only has the Philippines refused to cooperate with the Council and its mechanisms to address the critical human rights situation in the country, but government officials at the highest levels have launched threatening verbal attacks on Special Procedures mandate holders. Alarming, the government has repeatedly sought to disparage the UN Special Rapporteur on the rights of Indigenous peoples, Victoria Tauli-Corpuz, by alleging that she is linked to the Communist Party of the Philippines and “terrorist activities.”<sup>8</sup> In addition, President Duterte himself threatened to “slap” the Special Rapporteur on extrajudicial, summary or arbitrary executions if she investigates him for alleged extrajudicial executions.<sup>9</sup> Such attacks constitute a direct attack on the Council’s integrity by a sitting Council member. The High Commissioner for Human Rights has raised concern about these attacks—including in her March 2019 annual update<sup>10</sup>—and the former High Commissioner Zeid Ra’ad Al Hussein asked the Council to respond directly to the attacks on Special Procedures.<sup>11</sup>

In February 2018, the International Criminal Court (ICC) launched a preliminary examination of crimes against humanity allegedly committed by the Philippine government in the context of the “war on drugs.” The following month, in March 2018, President Duterte announced that the Philippines would withdraw from the Court. The withdrawal, which became effective in March 2019, is another blatant attempt by the government to evade accountability.

## ATTACKS ON INDEPENDENT MEDIA AND HUMAN RIGHTS DEFENDERS

The President has increasingly threatened journalists and media agencies critical of the government. Maria Ressa and her news website Rappler, which has published in-depth reports and regular updates on killings and associated human rights violations in the “war on drugs,” are currently facing 11 politically-motivated lawsuits. In March 2019, journalists and human rights lawyers were threatened with charges after the Office of the President accused them, without credible proof, of plotting to destabilize the government. Meanwhile, Senator Leila de Lima, the President’s most vocal critic, is enduring her third year of arbitrary detention on politically-motivated charges, after seeking to carry out a Senate investigation of drug-related killings.

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<sup>5</sup> Duterte tells police to ignore UN rapporteurs’ probe, 1 March 2018, (<https://www.rappler.com/nation/197209-duterte-police-ignore-united-nations-rapporteurs-probe-drug-war-killings>).

<sup>6</sup> High Commissioner’s global update of human rights concerns, 7 March 2018 (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22772&LangID=E>).

<sup>7</sup> Alexis Romero, “Duterte: Feed United Nations rights experts to crocodiles,” Philippine Star, 12 March 2018 (<https://www.philstar.com/headlines/2018/03/12/1795923/duterte-feed-united-nations-rights-experts-crocodiles>).

<sup>8</sup> UN rights chief denounces ‘unacceptable’ charges of terrorism by Philippine’s Duterte against UN expert, 9 March 2018, <https://news.un.org/en/story/2018/03/1004622>.

<sup>9</sup> Press briefing note on Attacks/threats by States against UN human rights experts, 21 November 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22421&LangID=E>.

<sup>10</sup> High Commissioner Bachelet calls on States to take strong action against inequalities, 6 March 2019 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>.

<sup>11</sup> In March 2018 the High Commissioner said, “This is, of course, unacceptable, for a special rapporteur [Agnes Callamard] acting on behalf of the international community, whose expertise is sought by the Human Rights Council, to be treated in this way...And, I hope, and I expect the Human Rights Council to respond accordingly.” <https://news.un.org/en/story/2018/03/1004622>.

Another cause for alarm is the recent surge in killings of human rights defenders and peaceful activists perceived to be affiliated with the political left, following the breakdown of peace talks between the government and the New People's Army. Worrying legislative proposals, such as the revival of the death penalty and the lowering of the minimum age of criminal responsibility from 15 years old to 12, may become law following the election of pro-administration lawmakers in almost all Senate seats in the recently concluded midterm elections.

### **UN HUMAN RIGHTS COUNCIL MUST TAKE URGENT ACTION TO ADDRESS THE SITUATION**

Time and time again, the UN High Commissioner for Human Rights, Special Procedures, national and international NGOs, and the National Human Rights Institution have raised concerns about the situation (see enclosed assessment against the objective criteria). Last June, in a joint statement delivered by Iceland, 38 states called on the Philippines “to take all necessary measures to bring killings associated with the campaign against illegal drugs to an end and cooperate with the international community to investigate all related deaths and hold perpetrators accountable,” noting that “the Council may take further steps, including a more formal Council initiative” to ensure the Philippines meets its human rights obligations.<sup>12</sup> Nearly a year on, however, the human rights violations continue, impunity prevails, and access to international monitors remains blocked.

Despite this, the international community has failed to take meaningful action to address this serious situation. States at the HRC have ignored continued calls for an investigation into the campaign of extrajudicial executions and failed to deliver a robust response to direct attacks on the Council's own Special Procedures mandate holders. The government has used its re-election to the Council in October 2018 to claim international support for its deadly policies.<sup>13</sup>

Meanwhile, other states in the region are looking to the Philippines as a model of how to address drug-related problems. Countries like Bangladesh, Indonesia, and Sri Lanka have cited the country's anti-drug strategy as a positive example, despite the associated human rights violations.<sup>14</sup> The collective failure of UN Member States to meaningfully address the serious human rights violations and crimes under international law committed as part of the “war on drugs” has emboldened the Philippine government to pursue further policies and actions that undermine human rights.

As President Duterte enters the second half of his term, in the wake of the Philippines' departure from the ICC, it is imperative for the HRC to send a clear message that the international community will not continue to look the other way while extrajudicial executions and other human rights violations continue. If the Council is to remain a relevant and credible body, it must take urgent action to address the human rights situation in the Philippines at its 41<sup>st</sup> regular session in June/July 2019.

**Amnesty International calls on States to adopt a resolution at the 41<sup>st</sup> session of the Human Rights Council to create an independent investigation to establish the facts, and to take steps towards ensuring justice for the victims and their families. If the Council fails to take action yet again, it will send a clear message to President Duterte's administration—and others that are watching—that they are free to continue the campaign of killings with impunity.**

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<sup>12</sup> Statement of Iceland on the Human Rights situation in the Philippines, 19 June 2018 <https://idpc.net/alerts/2018/06/statement-of-iceland-on-the-human-rights-situation-in-the-philippines>.

<sup>13</sup> Reuters, Philippines says U.N. rights council seat vindicates Duterte's drug war, 13 October 2018 <https://uk.reuters.com/article/uk-philippines-un-rights/philippines-says-u-n-rights-council-seat-vindicates-its-policies-idUKKCN1MNOON>.

<sup>14</sup> See for example, Hannah Ellis-Petersen, 'Example to the world': Sri Lanka president plans to copy Duterte's war on drugs, The Guardian, 18 January 2019 <https://www.theguardian.com/world/2019/jan/18/example-to-the-world-sri-lanka-president-plans-to-copy-dutertes-war-on-drugs>.