

AMNESTY INTERNATIONAL PUBLIC STATEMENT

2 October 2021 ASA 35/4911/2021

PHILIPPINES: GOVERNMENT REVIEW A WOEFULLY INSUFFICIENT RESPONSE TO VICTIMS OF “WAR ON DRUGS”

The Philippine’s Department of Justice’s (DOJ) recently released [matrix](#) – containing limited information from its review of a mere 52 cases among thousands of deaths during police anti-drug operations – is another deeply disappointing indicator of the continuing lack of accountability for the thousands of unlawful killings and other crimes under international law, and human rights violations committed under the so-called “war on drugs”. The review is woefully inadequate, fails to meet international standards, and is a distressingly belated effort for the thousands of families in their grueling quest for justice. Amnesty International remains concerned that the Philippine authorities, including DOJ’s current review, continue to show no meaningful progress toward ensuring access to justice and reparations for victims, nor provides a clear commitment to end its bloody crackdown on illicit drugs.

This investigation by the DOJ comes amid further domestic and international demands for accountability for crimes under international law and human rights violations committed as part of the “war on drugs” launched by the Duterte administration in 2016. On 15 September 2021, the pre-trial chamber of the International Criminal Court (ICC) announced that it has authorized the Office of the Prosecutor to open an investigation into [crimes against humanity](#) in the context of the drug war and also those in Davao City by the alleged Davao Death Squad from 2011 to 2016. The UN Human Rights Council, while falling short of mandating an investigative mechanism, recently provided a grim update on the country’s human rights situation as part of the High Commissioner for Human Rights’ report in September this year. Moreover, within the country itself, there are increasing calls from civil society and the public for candidates in the upcoming May 2022 national elections to condemn and propose more humane and human rights-compliant alternatives to address the health and human rights impacts of the use and sale of drugs.

Despite mounting domestic and international concerns, the DOJ review is grossly insufficient and insincere. As Amnesty International said when it was first announced by the Philippine government in July 2020, this review’s timing and circumstances were clearly designed to shield the government from international scrutiny and includes the very agencies involved in the killings and other human rights violations. Under international standards, investigations into the unlawful use of force by the police must be carried out by a department or unit that has no link with the officials under investigation, to guarantee the independence and impartiality of the process.

Despite tens of thousands of killings during police anti-drug operations, majority of which are known to be extrajudicial executions, the matrix published by the DOJ examines merely 52 cases, the only ones submitted by the Philippine National Police to the DOJ for review. Police killings in anti-drug operations continue to be reported even during the Covid-19 pandemic, but both the police and the DOJ have yet again failed to launch credible investigations into the recent killings. Whilst the DOJ matrix presents limited and no new information about abuses committed by the police, it does further confirm the human rights violations that [Amnesty International](#) and many other civil society organizations have repeatedly documented.

AMNESTY INTERNATIONAL PUBLIC STATEMENT

The DOJ's documentation of the 52 cases contradicts the police narrative that people killed in police operations fought back, thereby justifying the use of lethal force. It illustrates the brutality with which anti-drug operations are carried out by the police: many victims suffered multiple gunshot wounds, some at close range, and some to the head, showing clear intent to kill. The review identifies grave lapses in police procedures, such as the absence of autopsy reports, ballistics or paraffin tests, medical or death certificates, and other requisite forms and reports. Additionally, it provides confirmation of the pervasive impunity that has characterized the "war on drugs", with only seven cases resulting in the dismissal of police officers involved, while most of the other officers accused were merely demoted or suspended from service for a few months.

Furthermore, the methodology of the DOJ's investigation is deeply concerning. The details of the full review remain unavailable to the public, with the report itself classified as a confidential memo to the President by the DOJ. The DOJ also said it is still consulting with the Philippine National Police – whose members are widely believed to be behind the killings and other human rights violations – on whether families of victims could be given copies of the report. The Philippines' Commission on Human Rights was not involved in the review process, contrary to the Philippine government's earlier commitment. To date, there have been no concrete proposals for redress and reparations for victims' families, who have also not been interviewed or otherwise included in the preparation of the report, nor have they been able to access the results of the review other than through this recently released matrix.

These procedural problems, the disturbingly small number of cases included in the report, and the significant delay in publishing the results of the review cause grave concern that the rest of the investigative process will be similarly flawed and will lead to neither justice for the families of victims nor bring an end to the anti-drug campaign that has left a legacy of violence, death and suffering. The DOJ will reportedly work with the Philippine's National Bureau of Investigation for further evidence-gathering and build-up of cases before suspects can be prosecuted in court, which represents a further delay in the families' search for justice.

With the sole exception of three police officers convicted for the killing of 17-year-old Kian delos Santos in 2017, the Philippine authorities have failed to credibly investigate and prosecute those responsible for extrajudicial executions and other human rights violations during anti-drug operations.

The continued incitement from higher levels of the Philippine government to kill people suspected of using or selling drugs completely undermines any attempts by the authorities to strengthen domestic mechanisms for accountability or redress. With the ICC investigation having begun, this government review appears to be insincere and launched merely as an attempt to shield the authorities from international justice mechanisms that could bring justice to the bereaved families. The DOJ investigation must be exposed and denounced for what it is: an attempt by the government to divert attention from the thousands of killings and other crimes under international law that continue to be committed under the guise of the "war on drugs" by the police and unknown armed individuals – some of whom are believed to be directly linked to the police – for which perpetrators must urgently be brought to justice in fair trials.