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RIGHTS
WATCH

“License to Kill”

Philippine Police Killings in Duterte’s “War on Drugs”



License to Kill

Philippine Police Killings in Duterte's "War on Drugs"

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Philippine Police Killings in Duterte’s “War on Drugs”


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SUMMARY





Since the inauguration of President Rodrigo Duterte on June 30, 2016, and his call for a “war on drugs,” Philippine National Police officers and unidentified “vigilantes” have killed over 7,000 people. The anti-drug campaign dubbed “Operation Double Barrel” has targeted suspected drug dealers and users ostensibly for arrest but in practice has been a campaign of extrajudicial execution in impoverished areas of Manila and other urban areas. Duterte’s outspoken endorsement of the campaign implicates him and other senior officials in possible incitement to violence, instigation of murder, and in command responsibility for crimes against humanity.

All photos

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Police personnel at a crime scene after unidentified gunmen on motorcycles fatally shot Edgardo Santos in the head at about 4:30 p.m. in Mandaluyong, Metro Manila, November 11, 2016.

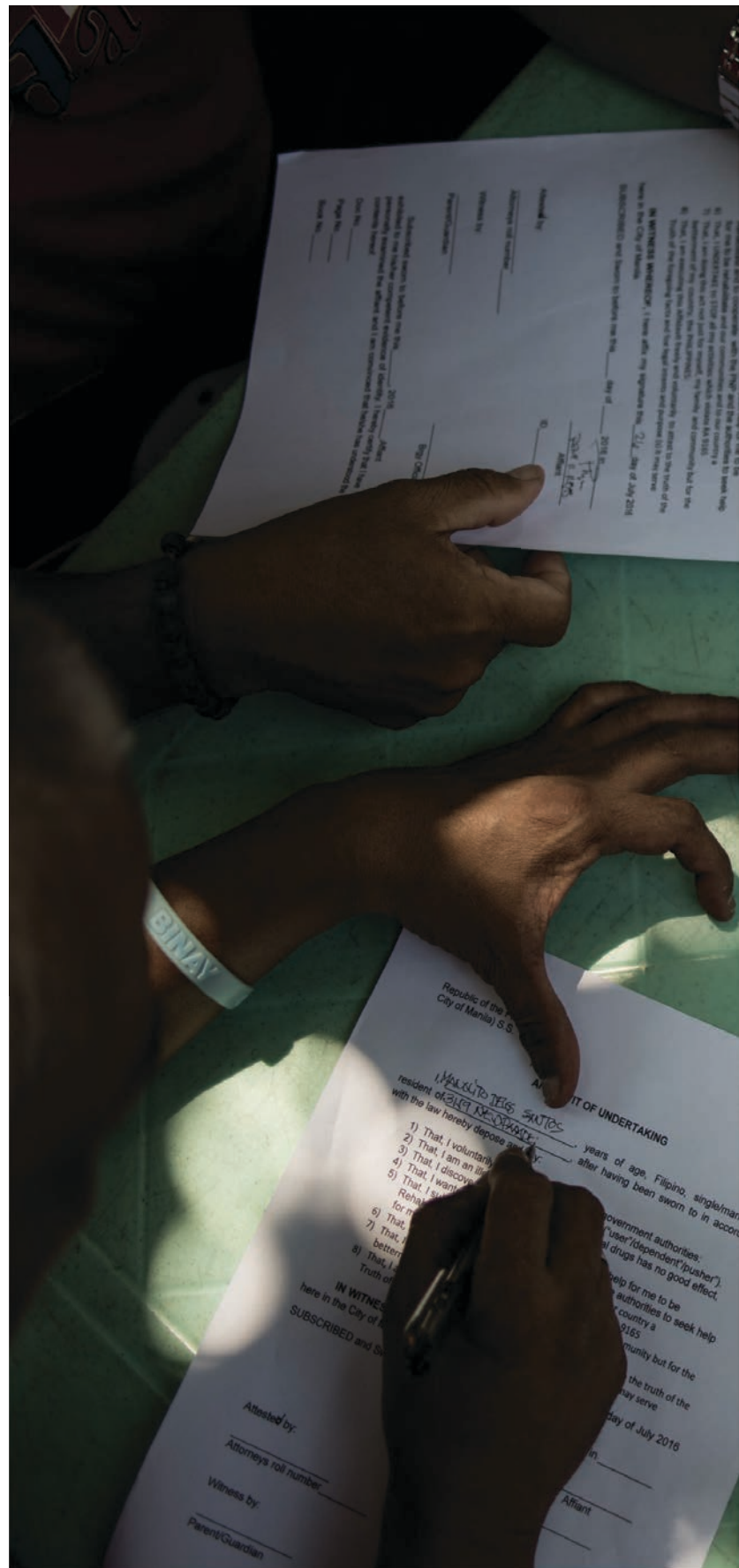
On the afternoon of October 14, 2016, four masked gunmen stormed the Manila home of Paquito Mejos, a 53-year-old father of five who worked as an electrician on construction sites. An occasional user of shabu, a methamphetamine, Mejos had turned himself in to local authorities two days earlier after learning he was on a “watch list” of drug suspects. The gunmen asked for Mejos, who was napping upstairs. “When I saw them with their handguns going upstairs,” a relative said, “I told them, ‘But he has already surrendered to the authorities!’ They told me to shut up, or I would be next.”

Two gunshots rang out. Police investigators arrived moments later and were assisted by the gunmen. In their report, the police referred to Mejos as “a suspected drug pusher” who “pointed his gun [at the police] but the police officers were able to shoot him first hitting him on the body causing his instantaneous death.” They said a shabu packet was found along with a handgun. “But Paquito never had a gun,” said his relative. “And he did not have any shabu that day.”

This report examines 24 incidents, resulting in 32 deaths, involving Philippine National Police personnel between October 2016 and January 2017. Human Rights Watch found that the official police reports of these incidents invariably asserted self-defense to justify police killings, contrary to eyewitness accounts that portray the killings as cold-blooded murders of unarmed drug suspects in custody. To bolster their claims, the police routinely planted guns, spent ammunition, and drug packets next to the victims’ bodies. No one has been meaningfully investigated, let alone prosecuted, for these killings.

Before being elected president, Rodrigo Duterte was the mayor of Davao City for more than two decades. There, the “Davao Death Squad” had killed hundreds of drug users, street children, and other petty criminals. While denying involvement in the death squads, Duterte endorsed their killings as an effective way to combat crime, relishing his “Duterte Harry” nickname and reputation.

Even prior to announcing his candidacy for the May 2016 presidential election, Duterte was already very clear about his intention to eliminate crime by eliminating criminals: “If by chance that God will place me there, watch out because the 1,000 [people allegedly executed while Duterte was mayor of Davao City] will become 100,000. You will see the fish in Manila Bay getting fat. That is where I will dump you.”

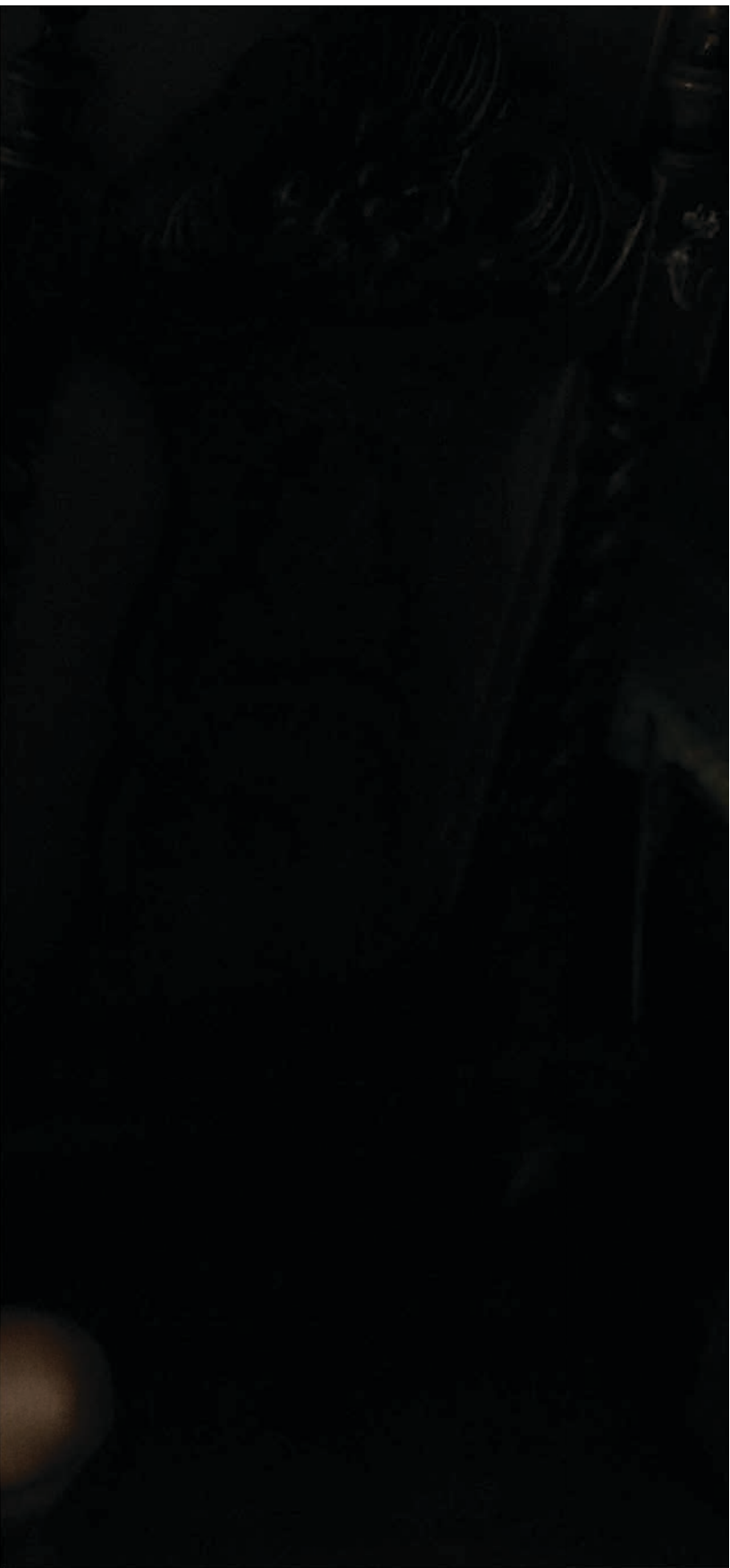




People who voluntarily surrendered during Operation Double Barrel Tokhang sign an affidavit admitting that they've used drugs and that they will cooperate with the authorities in their anti-drug campaign, July 27, 2016.



Jayson Asuncion, 37, surrendered to police after admitting his use of shabu, or methamphetamine, for several years, September 15, 2016.



Duterte's outspoken vow to embark on a nationwide killing campaign against drug dealers and drug users was the foundation of his presidential electoral platform. During a campaign rally on March 15, 2016, for example, he stated:

“When I become president, I will order the police to find those people [dealing or using drugs] and kill them. The funeral parlors will be packed.”

Following his election, Duterte continued to state unequivocally that his anti-drug campaign would focus on killing drug dealers and users. Speaking in Davao City on June 4, he stated:

“If you are still into drugs, I am going to kill you. Don't take this as a joke. I'm not trying to make you laugh. Sons of bitches, I'll really kill you.”

Since taking office, Duterte has repeatedly vowed to kill drug dealers and users in the midst of skyrocketing reports of extrajudicial executions by the police and so-called vigilantes. On August 6, he warned drug dealers:

“My order is shoot to kill you. I don't care about human rights, you better believe me.”


He praised the soaring body count of victims of police killings as proof of the “success” of his “war on drugs.”

The Philippine National Police announced a temporary suspension of police anti-drug operations on January 30 following revelations the previous week of the alleged brutal killing of a South Korean businessman by anti-drug police. The following day, Duterte ordered the Armed Forces of the Philippines (AFP) to fill the gap created by the suspended police operations by taking a frontline role in the anti-drug campaign. Duterte has publicly vowed to continue his “anti-drugs” campaign until his presidential term ends in 2022.

Human Rights Watch's investigations into specific incidents found the police responsible for extrajudicial executions—the deliberate killing by state security forces or their agents of a person in custody. A clear modus operandi of police operations emerged. In many cases, it began with an individual receiving a visit or a phone call from an official from the local barangay (neighborhood) informing them that they were on a drug “watch list” drawn up by barangay officials and the police. Such visits often proved not so much to be warnings as a method of confirming the identity and whereabouts of a target.

A barangay official told Rogie Sebastian, 32, to surrender to the police because he was on the “watch list” as a drug user. He had given up drug use months earlier, so did not go. Two weeks later three armed masked men wearing bulletproof vests arrived at his home in Manila and handcuffed him. “I could hear Rogie begging for his life from outside the room,” a relative said. “We were crying and the other armed man threatened to kill us as well.” A neighbor said: “I heard the gunshots. There were also uniformed cops outside, they did not go inside the house. But the three killers in civilian clothes came and went on a motorcycle without any interference from the uniformed cops.”

Relatives, neighbors, and other witnesses told Human Rights Watch that armed assailants typically worked in groups of two, four, or a dozen. They would wear civilian clothes, often all black, and have their faces shielded by balaclava-style headgear or other masks, and baseball caps or helmets. They would bang on doors and barge into rooms, but the assailants would not identify themselves or provide warrants. Family members reported hearing beatings and their loved ones begging for their lives. The shooting could happen immediately—behind closed doors or on the street; or the gunmen might take the suspect away, where minutes later shots would ring out and local residents would find the body; or the body would be dumped elsewhere later, sometimes with hands tied or the head wrapped in plastic. Local residents often said they saw uniformed police on the outskirts of the incident, securing the perimeter—but even if not visible before a shooting, special crime scene investigators would arrive within minutes.



The body of a suspected drug dealer killed after an alleged shootout with police in Caloocan, Metro Manila, September 9, 2016.



A family picture with the coffin of 5-year old Danica Mae Garcia after a pre-burial mass. An unidentified gunman targeting Garcia's grandfather, Maximo Garcia, killed her while the family sat down to lunch at their home in Dagupan City, Pangasinan. The attack came just three days after Maximo Garcia had registered with local police in response to their suspicions of his involvement in the drug trade. August 31, 2016.



GREATER YOU
ARE AND YOU WILL FIND
FAVOR WITH GOD?" ROMANS 2:13



"EVERY ONE
WHO EXALTS
HIMSELF SHALL BE
HUMBLED, HE
WHO HUMBLER
HIMSELF SHALL
BE EXALTED?"

LUKE 14:11





Detainees in Police Station 6 in Santa Ana, Manila,
July 27, 2016.

Five masked armed men broke into a house in Bulacan province where Oliver Dela Cruz, 43, was playing cards. Said a relative: “[W]e could see him kneeling in a surrendering position. The men grabbed him and slammed him into a concrete wall several times, and then they threw him...outside. We saw the shooting, we were just there. Oliver’s face was bleeding from being hit, and he was begging them for mercy when he was shot.”

After the shooting of Ogie Sumangue, 19, in Manila, uniformed police showed Sumangue’s relatives his body in the house, and a .45 caliber handgun next to his body. Family members said that Sumangue could not afford and did not possess a gun and therefore could not possibly have attempted to shoot at the police. “He cannot even pay the rent,” a relative said. “His sister paid the rent for him.”



Human Rights Watch examined the police reports in nearly all of the cases investigated. The accounts contrasted markedly with those provided by the relatives interviewed, yet they were similar to each other, virtually all claiming to involve “buy-bust” anti-drug operations, differing little besides the names, places, and dates. While the Philippine National Police have publicly sought to distinguish between suspects killed while resisting arrest and killings by “unknown gunmen” or “vigilantes,” Human Rights Watch found no such distinction in the cases investigated. In several cases, the police dismissed allegations of involvement and instead classified such killings as “found bodies” or “deaths under investigation” when only hours before the suspects had been in police custody. Such cases call into question government assertions that the majority of killings were carried out by vigilantes or rival drug gangs.

A small sachet of shabu, a form of methamphetamine, is found wrapped in a 500 peso bill found in Jayson Reuyan's pocket after he was killed in an alleged drug buy-bust operation by the police, January 13, 2017.



The body of Edwin Mendoza lies covered with cardboard boxes after he was shot dead by unidentified gunmen in front of a convenience store on Airport Road, Paranaque, Metro Manila. A sachet of shabu was allegedly found at the crime scene, October 18, 2016.



Six masked armed men burst into a Manila home where a small group, including several teenagers, were watching television. The men arrested and beat drug suspects Aljon Mesa and Jimboy Bolasa, and then took them away on motorcycles. A half hour later, after hearing from a uniformed policeman, relatives rushed to a nearby bridge to find Aljon and Bolasa's bodies, both with gunshot wounds to the head, their hands tied with cloth. The gunmen were still at the scene, while uniformed police cordoned off the area. The police report, headed "Found Bodies," claims that a "concerned citizen" alerted the police to the presence of two dead bodies.

A week after Aljon Mesa's killing, 10 police officers, some in civilian clothes, arrested his brother Danilo Mesa and took him to the local barangay office. That evening masked armed men abducted him from the barangay office; shortly afterwards, his body was found under a bridge a block away. His relatives said that his entire head had been wrapped in packing tape, and his hands had been tied behind his back. He had been shot execution-style through the mouth.

Whether or not the unidentified assailants doing the actual killing were police officers or agents of the police, the similar tactics used in the cases documented by Human Rights Watch showed planning and coordination by the police and in some cases local civilian officials. These killings were not carried out by "rogue" officers or by "vigilantes" operating separately from the authorities. Our research indicates that police involvement in the killings of drug suspects extends far beyond the officially acknowledged cases of police killings in "buy-bust" operations. Furthermore, the government's failure to arrest—let alone prosecute—a single police officer for their role in any of the "war-on-drugs" killings that Duterte has encouraged sends a message that those involved need not fear being held to account, and that future killings can be carried out with impunity.

City Ordinance
Barangay 75 Zone - 10

NO





The body of an unidentified man with face wrapped in packaging tape and hands tied found dumped in a narrow street in Pasay, Metro Manila, November 2016.

Relatives of Edward Sentorias, 34, a jobless father of three killed by the police in Manila, said they had no hope for an investigation of the police: “I saw one of the police go inside with an aluminum briefcase.... [He took] out the gun and some [shabu] sachets, and placed them there [by Sentorias’ body]. I went back to where I was, and was totally shocked. I couldn’t even complain. If we go complain, what is our chance against the authorities?”

President Duterte has frequently characterized his “war on drugs” as targeting “drug lords” and “drug pushers.” However, in all but one of the cases investigated by Human Rights Watch, the victims of drug-related killings by the police or unidentified gunmen were poor (the exception was a middle-class victim who appears to have been killed as a result of mistaken identity), and many were suspected drug users, not dealers at all. Almost all of the victims were either unemployed or worked menial jobs, including as rickshaw drivers or porters, and lived in slum neighborhoods or informal settlements.

The alleged extrajudicial killing of thousands of suspected drug dealers and users in the Philippines needs to be viewed in the context of President Duterte’s repeated death threats against those involved with illegal drugs. There are several legal grounds for which Duterte and his chief subordinates could be held criminally liable in the Philippines or by a court abroad.

No evidence thus far shows that Duterte planned or ordered specific extrajudicial killings. But Duterte’s repeated calls for killings as part of his anti-drug campaign could constitute acts instigating law enforcement to commit the crime of murder. His statements encouraging vigilantes among the general population to commit violence against suspected drug users could constitute incitement to violence.

Furthermore, the doctrine of command or superior responsibility imposes criminal liability on officials for the unlawful acts of subordinates, where the superior knew or had reason to know of the unlawful acts, and failed to prevent or punish those acts. The unlawful killings being carried out by police forces ultimately under Duterte’s command have repeatedly been brought to his attention by the media, the United Nations, foreign governments, and domestic and international nongovernmental organizations, including Human Rights Watch. His public comments in response to those allegations are evidence that he knows about them. As their continuing public statements make clear, Duterte



R.I.P.
GEORGES ALMOCCERA, JR.
MAR. 16, 1980 - MAR. 17, 2012
FAMILY REMEMBRANCE

BELARMI
SEP 10 2012
APR 15 2012

“I will kill you, I will kill you. I will take the law into my own hands... forget about the laws of men, forget about the laws of international law whatever.”

Rodrigo Duterte, August 17, 2016

R.I.P.
ADORACION R. DOMINGO
FEB. 28, 1952
MAY 21, 2012
FAMILY REMEMBRANCE

Bodies of unclaimed drug campaign victims lie beneath graves at a Manila cemetery, January 24, 2017.

ESTRELITA G. TEJADA

AUG. 26, 1948 - APRIL 2, 2012

FAMILY REMEMBRANCE



R.I.P.

LILIA R. MORENO

JUNE 29, 1939 - MAY 8, 2013

FAMILY REMEMBRANCE



R.I.P.

MARVIN P. SANTOS

FEB. 4, 1964

SEPT. 6, 2011

FAMILY REMEMBRANCE



and his top subordinates have denied or downplayed the illegality of police actions, showing no inclination or intent to investigate alleged crimes.

Finally, the president, senior officials, and others implicated in unlawful killings could be held liable for crimes against humanity, which are serious offenses committed as part of a widespread or systematic attack on a civilian population. The numerous and seemingly organized deadly attacks on the publicly targeted group of drug suspects could amount to crimes against humanity as defined by the International Criminal Court, to which the Philippines is a party.

Duterte's War on Drugs not only flagrantly violates human rights, it is also likely to have significant negative public health consequences. Human Rights Watch has documented in various countries that harsh drug enforcement can lead to drug users going underground away from critical health services.¹ This can fuel the transmission of HIV and Hepatitis C among people who used drugs and may discourage people with drug dependence from seeking effective treatment services. Indeed, UN agencies such as UNAIDS and the UN Office on Drugs and Crime recommend a shift away from law enforcement-based approaches to drugs in favor of a public health approach.² Human Rights Watch believes that countries should decriminalize possession of drugs for personal use.

President Duterte has a legal responsibility to publicly direct the Philippine National Police to end their campaign of extrajudicial executions of suspected drug dealers and users. The National Bureau of Investigation and Ombudsman's Office should impartially investigate the killings and seek prosecutions of all those responsible. Congress should hold extensive hearings on the issue and adopt measures to prevent further such killings. Donor countries to the Philippines should end all assistance to the Philippine National Police until the killings cease and meaningful investigations are undertaken and consider redirecting that assistance to community-based harm reduction programs that are appropriate and effective.

¹ See, e.g., Human Rights Watch, *Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States*, October 2016, <https://www.hrw.org/report/2016/10/12/every-25-seconds/human-toll-criminalizing-drug-use-united-states>; *Rhetoric and Risk: Human Rights Abuses Impeding Ukraine's Fight Against HIV/AIDS*, March 2006, <https://www.hrw.org/report/2006/03/01/rhetoric-and-risk/human-rights-abuses-impeding-ukraines-fight-against-hiv/aids>; *Fanning the Flames: How Human Rights Abuses Are Fueling the AIDS Epidemic in Kazakhstan*, June 2003, <https://www.hrw.org/report/2003/06/29/fanning-flames/how-human-rights-abuses-are-fueling-aids-epidemic-kazakhstan>; *Abusing the User: Police Misconduct, Harm Reduction, and HIV/AIDS in Vancouver, Canada*, May 2003, <https://www.hrw.org/report/2003/05/06/abusing-user/police-misconduct-harm-reduction-and-hiv/aids-vancouver-canada>.

² See World Health Organization, "Public health dimension of the world drug problem including in the context of the Special Session of the United Nations General Assembly on the World Drug Problem, to be held in 2016," EB138/11, January 15, 2016, http://www.unodc.org/documents/ungass2016/Contributions/UN/WHO/B138_11-en.pdf; Human Rights Council, Study on the impact of the world drug problem on the enjoyment of human rights, A/HRC/30/65, September 4, 2015, http://www.unodc.org/documents/ungass2016/Contributions/UN/OHCHR/A_HRC_30_65_E.pdf; United Nations Office on Drugs and Crime, Contribution of the Executive Director of the United Nations Office on Drugs and Crime to the special session of the General Assembly on the world drug problem to be held in 2016, UNODC/ED/2016/1, February 26, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/V16/012/25/PDF/V1601225.pdf?OpenElement>.

FROM:




ROD

THE

WIND

LEO

A large wreath of white chrysanthemums is the central focus, resting on a bed of green grass. A white ribbon is draped across the middle of the wreath, with the name 'RODRIGO ROMEO DUTERTE' printed in bold, black, sans-serif capital letters. The background is dark, possibly a night scene or a shadowed area, with some green foliage visible at the top left.

“Hitler massacred three million Jews. Now, there are three million drug addicts. I’d be happy to slaughter them. If Germany had Hitler, the Philippines would have (me).”

Rodrigo Duterte, September 30, 2016

A wreath sent by the Presidential Palace for the September 25, 2016 funeral of police officer Romeo Mandapat Jr, who was killed during a drug bust operation in Caloocan, Metro Manila.

Key Recommendations

To the Philippine Government

- Direct the Philippine National Police to end their campaign of extrajudicial executions of suspected drug dealers and users;
- The National Bureau of Investigation and Ombudsman's Office should impartially investigate the killings and seek prosecutions of all those responsible;
- Congress should hold extensive hearings on the issue and adopt measures to prevent further such killings.

To International Donors

- End all assistance to the Philippine National Police until the killings cease and meaningful investigations are undertaken and consider redirecting that assistance to community-based harm reduction programs that are appropriate and effective.

To the United Nations Human Rights Council

- Urgently create an independent, international investigation into the killings to determine responsibility and ensure mechanisms for accountability.

Methodology

From October 2016 to January 2017, Human Rights Watch investigated 24 incidents of killings of alleged drug dealers and users, involving 32 victims, that occurred in Metro Manila, the National Capital Region of the Philippines, and nearby provinces since President Rodrigo Duterte took office on June 30, 2016. These were a small percentage of the more than 7,080 such killings that the latest statistics from the Philippine National Police indicate have occurred between July 1, 2016 and January 31, 2017.³

Because such killings were ongoing at the time of the research, Human Rights Watch took extensive security precautions to ensure the security of witnesses and relatives of the victims. The impoverished urban neighborhoods where most killings have taken place have a high presence of police informants who can be expected to pass on information about human rights investigations into alleged abuses by the police. So rather than interview people in their neighborhoods, Human Rights Watch spoke to relatives and witnesses in locations where they could be interviewed safely and in private. Interviews were conducted in Tagalog, the dominant language in the Manila area, through the use of an interpreter.

For security reasons, the names of witnesses and relatives interviewed by Human Rights Watch are not included in the report, and other identifying information has also been withheld. Human Rights Watch did not provide incentives to persons interviewed, although we did reimburse the travel and telecommunication costs of interviews, and provided food at mealtimes.

In almost all cases, Human Rights Watch was able to obtain the initial police version of events, contained in police records as “spot” or “incident” reports. The information contained in those reports is also included in our report, and contrasted with the information we collected from witnesses and relatives.

³ Michael Bueza, “In Numbers: The Philippines' 'war on drugs,’” *Rappler*, January 31, 2017, <http://www.rappler.com/newsbreak/iq/145814-numbers-statistics-philippines-war-drugs> (accessed February 14, 2017).

I. Background

Extrajudicial Killings as “Crime Control”

When Rodrigo Duterte was contemplating running for president of the Philippines in 2015, he made clear his intention to eliminate crime by eliminating criminals: “If by chance that God will place me there, watch out because the 1,000 [people reportedly executed while Duterte was mayor of Davao City] will become 100,000. You will see the fish in Manila Bay getting fat. That is where I will dump you.”⁴

Three months after that speech, he renewed his pledge: “If I became president, you better hide. That 1,000 will reach 50,000. I would kill all of you who make the lives of Filipinos miserable.”⁵ A year later, on May 9, 2016, Duterte, then 71, was elected president by winning 39 percent of the vote in a race against five other candidates.⁶ His first six months in office has been a human rights calamity for the Philippines.

For Filipinos who took note of Davao City, where Duterte was mayor for more than two decades, the killing of several thousand suspected drug dealers and users in a matter of months would have come as no surprise. Indeed, his “Duterte Harry” reputation, built on a Davao City body count if not on actual reduction of crime in the city, gained him voters as well as lost them. Duterte’s assertion that his ruthless anti-crime approach resulted in a reduction in Davao City crime rates are belied by Davao City police crime data, close analysis of which indicates a sharp upward trend in crime rates from 1999-2008, when the anti-crime campaign was carried out.⁷ Duterte’s assertion, of course, also ignores the very

⁴ Antonio L. Colina IV, “Duterte: ‘Manila Bay will be dumping ground of criminals,’” *Sun Star Philippines*, May 24, 2015, <http://www.sunstar.com.ph/davao/local-news/2015/05/24/duterte-manila-bay-will-be-dumping-ground-criminals-409246> (accessed December 13, 2016).

⁵ Karlos Manlupig, “Duterte: ‘Am I the death squad? True,’” *Rappler*, May 25, 2015, <http://www.rappler.com/nation/politics/elections/2016/94302-rodrigo-duterte-davao-death-squad> (accessed December 12, 2016).

⁶ “Philippines election: Maverick Rodrigo Duterte wins presidency,” BBC, May 10, 2016, <http://www.bbc.com/news/world-asia-36253612> (accessed December 12, 2016).

⁷ Human Rights Watch, *You Can Die Anytime: Death Squad Killings in Mindanao*, April 2009, <https://www.hrw.org/report/2009/04/06/you-can-die-any-time/death-squad-killings-mindanao>, p.14. Davao City officials appear to have manipulated police crime data to indicate a sharp reduction in crime from 1999-2008 by methods including averaging out years of

real crime wave unleashed by his own policy—namely, the murder of hundreds of alleged drug dealers, petty criminals, and street children.

On numerous occasions as mayor, Duterte claimed personal responsibility for the policy of killing drug suspects. For example, in February 2009, Duterte stated: “If you are doing an illegal activity in my city, if you are a criminal or part of a syndicate that preys on the innocent people of the city, for as long as I am the mayor, you are a legitimate target of assassination.”⁸

Duterte is not the only Philippine mayor implicated in extrajudicial executions of alleged criminals. Alfredo Lim, a former police officer and chief of the National Bureau of Investigation (NBI), was implicated in using similar tactics while mayor of the capital, Manila, from 1992 to 1998. He was never prosecuted for his alleged role in the summary executions of dozens of suspected drug dealers and other alleged criminals. Instead, his

“I will definitely kill you. I will win because of breakdown in law and order. I do not want to commit a crime. But if by chance per chance God will place me there, stay on guard because that 1,000 will become 100,000. You will see the fish in Manila Bay becoming fatter. That is where I will throw you.”

— Rodrigo Duterte, May 24, 2016

statistics and wholly omitting complete annual crime data sets. Instead, according to statistics from the police, between 1999 and 2008, the population in Davao City grew from 1.12 million to 1.44 million, or by 29 percent. Meanwhile, the number of annual crime incidents during this period rose from 975 to 3,391, or by 248 percent. These numbers show that, contrary to the city government’s self-proclaimed success, its tough anti-crime campaign failed to curve crime rates. Instead, an increasing number of death squad killings appears to have contributed to worsening crime rates in the city.

⁸ Andrew R.C. Marshall and Manuel Mogato, “Philippine death squads very much in business as Duterte set for presidency,” Reuters, May 26, 2016, <http://www.reuters.com/article/us-philippines-duterte-killings-insight-idUSKCN0YGoEB>. Duterte has made many such statements as mayor. In 2003, he told the *Washington Post*: “I don’t mind us being called the murder capital of the Philippines as long as those being killed are the bad guys. From day one, I said henceforth Davao [City] will be very, very dangerous for criminals. I’ve been telling criminals it’s a place where you can die any time.” See, Alan Sipress, “Vigilante killings alarm Philippines citizens,” *The Washington Post*, November 30, 2009, <http://www.preda.org/world/vigilante-killings-alarm-philippines-citizens/>. During his 2004 re-election campaign, Duterte told a crowd: “If I win, more criminals will get killed because I have vowed to protect the people of this city. It’s true that there have been killings. But who were those killed? Weren’t they criminals? They were all fools. Now if you tell me you won’t vote for me because I’ve killed many people, then don’t vote for me.” Kathy Marks, “Philippines city flourishes under rule of the gun,” Preda Foundation Inc., May 20, 2004, <http://www.preda.org/world/philippines-city-flourishes-under-rule-of-the-gun/>. In February 2009, addressing a public meeting hosted by the Integrated Bar of the Philippines and the Davao City Council’s committee on human rights, Duterte stated: “What I want is to instill fear. ...If it will send the wrong signals, then I am sorry. But what wrong did I commit? The problem comes if we get the wrong people. ... I have children. And if you give drugs to my children, I will not go to the police to report you. What I will do is to grab a gun and go to you and kill you.” Jeffrey M. Tupas, “Where crime suspects live dangerously,” *Philippine Daily Inquirer*, February 25, 2009.

reputation as an anti-crime crusader buoyed his election to the Philippine Senate in 2004 and his later re-election as Manila’s mayor.⁹ The then-mayor of Tagum City, Rey Uy, along with close aides and city police officers, hired, equipped, and paid for an operation that at its height consisted of 14 hit men and accomplices between January 2007 and March 2013.

That death squad, many members of which were on the city government payroll with the Civil Security Unit, a City Hall bureau tasked with traffic management and providing security in markets and schools, is implicated in the killings of at least 298 people.¹⁰

Duterte the “Death Squad” Mayor

Rodrigo Duterte first ran for mayor of Davao City in 1988 on a campaign to restore law and order in the city, the largest on the main southern island of Mindanao.¹¹ At that time, Davao City was known as the

“murder capital” of the Philippines.¹² Communist insurgents and government security forces gunned down each other—and many civilians—day and night on Davao City’s streets and barrios.¹³

Duterte was elected mayor in part on his reputation as a city prosecutor said to have targeted military and rebel abuses with equal fervor.¹⁴ The son of a former provincial governor, Duterte said his father taught him that elected officials must serve the greater good no matter what it takes, like a father protecting and disciplining his family.¹⁵

“Am I the death squad? True. That is true.”

— Rodrigo Duterte, May 24, 2016

⁹ “Philippines election: Maverick Rodrigo Duterte wins presidency,” BBC, <http://www.bbc.com/news/world-asia-36253612>.

¹⁰ “Philippines: Death Squad Linked to Hundreds of Killings,” Human Rights Watch news release, May 20, 2014, <https://www.hrw.org/news/2014/05/20/philippines-death-squad-linked-hundreds-killings>.

¹¹ “Philippines election: Maverick Rodrigo Duterte wins presidency,” BBC, <http://www.bbc.com/news/world-asia-36253612>.

¹² William Branigin, “Davao Known as Philippines’ ‘Murder Capital,’” *Washington Post*, August 8, 1985, https://www.washingtonpost.com/archive/politics/1985/08/08/davao-known-as-philippines-murder-capital/ce938055-of5d-451c-9420-c2da95277dad/?utm_term=.5da6587255c8 (accessed December 13, 2016).

¹³ Human Rights Watch, *You Can Die Anytime*.

¹⁴ *Ibid.*, p.14.

¹⁵ *Ibid.*

Duterte was Davao City mayor for most of the years between 1988 and 2016. Local activists say death squad killings of alleged drug dealers, petty criminals, and street children in Davao City started sometime in the mid-1990s, during Duterte's second term. The group that

claimed to be responsible for the killings was called *Sulugon sa Katawhan* or "Servants of the People," among other names, but soon the media in Davao City began referring to it as the Davao Death Squad.¹⁶

“All of you who are into drugs, you sons of bitches, I will really kill you. I have no patience. I have no middle ground.”

—Rodrigo Duterte, May 7, 2016

Duterte's active promotion of killing drug suspects led to a sharp increase in such killings during his time as mayor: according to one estimate, at least 1,424 such killings took place in Davao between 1998 and 2015.¹⁷ When confronted with the death toll during his Presidential election campaign, Duterte responded: "They said I killed 700? They miscalculated. It was 1,700."¹⁸

The Philippine National Commission on Human Rights initiated an investigation into the Davao Death Squad in 2009.¹⁹ This prompted the Office of the Ombudsman to investigate police officers for failing to investigate the death squad killings, and in 2012 it found 21 police officers guilty of "simple neglect of duty" and fined each of them the equivalent of one month's salary.²⁰ The Court of Appeals overturned the Ombudsman's verdict that same year. To date, not one person has been convicted for involvement in any of the killings.²¹

¹⁶ Ibid.

¹⁷ Father Amado Picardal, "The Victims of the Davao Death Squad: Consolidated Report, 1998-2015," CBCP News, <http://www.cbcnews.com/cbcnews/?p=76531>.

¹⁸ Paterno Esmaguil II, "Duterte: I killed 700? No, Make That 1,700," *Rappler*, December 8, 2015, <http://www.rappler.com/nation/politics/elections/2016/115315-duterte-killings-amnesty-international>.

¹⁹ Keith Bacongco and Carolyn O. Arguillas, "De Lima: CHR will prove there is a Davao Death Squad," *Mindanews*, April 17, 2009, <http://www.mindanews.com/c166-the-davao-killings/2009/04/de-lima-chr-will-prove-there-is-a-davao-death-squad/> (accessed December 12, 2016).

²⁰ Office of the Ombudsman, "Ombudsman Morales penalizes 21 PNP officers over Davao Death Squad," March 29, 2012, <http://www.ombudsman.gov.ph/index.php?home=1&pressId=MjUz> (accessed December 12, 2016).

²¹ Ibid.

Human Rights Watch also investigated the Davao City killings. While our research found no evidence that directly linked Duterte to any killing, we found complicity and at times direct involvement of government officials and members of the police in these killings. Relatives and friends of death squad members provided detailed and consistent information on Davao Death Squad operations, which was corroborated by journalists, community activists, and government officials.²²

In September 2016, Edgar Matobato testified at a Senate hearing that he had been a hitman for the Davao Death Squad and had killed several people on the specific orders of Duterte and his son Paolo, who is now Davao City’s vice mayor.²³ These include anti-Communist radio broadcaster and fierce Duterte critic Juan “Jun” Pala, who was shot dead by motorcycle-riding gunmen in 2003.²⁴ After winning the 2016 presidential election, Duterte railed against corrupt journalists, who he said deserved to be killed.²⁵

Duterte responded to Matobato’s allegations by calling them lies.²⁶

The use of “death squads” to target petty criminals spread to other cities in the Philippines. US State Department cables released by WikiLeaks in 2005 noted the apparent rise of municipal government-

“Most of you are clean but do not ever expect that all journalists are clean. They take sides. Just because you are a journalist you are not exempted from assassination you son of a bitch.”

—Rodrigo Duterte, June 29, 2016

²² Ibid.

²³ Katerina Francisco, Michael Bueza, and Jodesz Gavilan, “Timeline: Witness lists killings allegedly ‘ordered by Duterte,’” *Rappler*, September 15, 2016, <http://www.rappler.com/newsbreak/iq/146342-timeline-witness-lists-alleged-killings-duterte-davao-city> (accessed December 12, 2016).

²⁴ Bea Cupin, “Duterte ordered killing of Jun Pala—Senate witness,” *Rappler*, September 15, 2016, <http://www.rappler.com/nation/146292-duterte-ordered-killing-jun-pala-senate-witness> (accessed December 12, 2016).

²⁵ “Philippine president-elect says ‘corrupt’ journalists will be killed,” Agence France-Presse, May 31, 2016, <https://www.theguardian.com/world/2016/may/31/philippine-president-elect-says-corrupt-journalists-will-be-killed>.

²⁶ “Duterte says Matobato lied in his testimony,” CNN Philippines, September 20, 2016, <http://cnnphilippines.com/news/2016/09/20/duterte-matobato-lied-testimony.html> (accessed December 13, 2016).

sanctioned death squads in cities including Cebu City, Toledo, and Carcar on the island of Cebu.²⁷

Human Rights Watch’s investigations of summary killings in Tagum City, 50 kilometers north of Davao City, found that Rey Uy, the city’s mayor from 1998 to 2013, created a death squad that mirrored the modus operandi of the Davao Death Squad.²⁸ By 2005, the Tagum Death Squad had morphed into a guns-for-hire operation whose targets included businessmen, police officers, an indigenous tribe leader, a judge, and former death squad members.²⁹

Duterte the “Death Squad” President?

Since taking office on June 30, 2016, Duterte has initiated an anti-drug campaign premised on baseless claims that the Philippines is in the midst of a “drug emergency” and is spiraling toward the status of a “narco state.”³⁰ He even released a list of public officials with alleged links to illegal drugs.³¹

“If I become president, I advise you people to put up several funeral parlor businesses because I am against illegal drugs ... I might kill someone because of it.”

—Rodrigo Duterte, November 27, 2015

In his public pronouncements, Duterte has cited different statistics to justify his “war on drugs,” most recently saying that the number of drug users in the Philippines will grow to four million, hence the need “to stop it now.”³² The Dangerous Drugs Board, in its latest

²⁷ “More Vigilante-Style Killings Reported in Davao City,” WikiLeaks, January 20, 2005, https://wikileaks.org/plusd/cables/05MANILA312_a.html (accessed December 13, 2016).

²⁸ Human Rights Watch, *One Shot to the Head: Death Squad Killings in Tagum City, Philippines*, May 2014, <https://www.hrw.org/report/2014/05/20/one-shot-head/death-squad-killings-tagum-city-philippines>.

²⁹ Ibid.

³⁰ John Paolo Bencito, “Duterte: Kill all the ‘narco-pols,’” *Manila Standard*, August 6, 2016, <http://thestandard.com.ph/news/headlines/212509/duterte-kill-all-the-narco-pols-.html> (accessed December 13, 2016).

³¹ Rosette Adel, “Public officials Duterte said are involved in illegal drugs,” *philstar.com*, August 7, 2016, <http://www.philstar.com/headlines/2016/08/07/1611013/list-public-officials-duterte-said-are-involved-illegal-drugs> (accessed December 13, 2016).

³² Edith Regalado, “Addicts to reach 4 M, so let’s stop this now,” *Philippine Star*, September 25, 2016, <http://www.philstar.com/headlines/2016/09/25/1627232/addicts-reach-4-m-so-lets-stop-now> (accessed December 12, 2016).

statistics available, puts the number of drug users at 1.3 million.³³ This is actually a significant decline from the 6.7 million that the Dangerous Drugs Board recorded in 2004.³⁴

A Reuters investigative report raised concerns about the “dubious data” being used by the Duterte administration to push its anti-drug campaign, quoting officials as saying “data on the total number of drug users, the number of users needing treatment, the types of drugs being consumed and the prevalence of drug-related crime is exaggerated, flawed or non-existent.”³⁵ *Time* magazine sought to debunk Duterte’s justifications for the killings by reporting that the Philippines’s crime rate is not as bad as the president depicts it to be. “In the five years from 2010 to ’15, PNP [Philippine National Police] figures show that total murders across the nation’s top 15 cities averaged 1,202 a year. But many more people have already died in the first seven weeks of Duterte’s drug war,” the report said.³⁶ The Philippine drug problem, it added, is not as bad as Australia’s, for example.³⁷

Since becoming president, Duterte has boasted about killings by the police during anti-drug operations and even ordered the police and public to kill more.³⁸ The day he took his oath of office, Duterte told a crowd mostly from Manila’s Tondo slums: “If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful.”³⁹ He has also publicly told police officers that he would pardon them if they killed drug dealers and drug addicts.⁴⁰ “Do your duty,” Duterte said on his third day in office.

³³ Dangerous Drugs Board, “Facts About Drug Abuse,” May 23, 2013, <http://www.ddb.gov.ph/newsroom/46-sidebar/58-facts-on-drugs> (accessed December 12, 2016).

³⁴ Dangerous Drugs Board, “A Study on the Current Nature and Extent of Drug Abuse in the Philippines,” 2008, http://www.ddb.gov.ph/images/psrsd_report/2008%20National%20Household%20Survey.pdf (accessed December 12, 2016).

³⁵ Clare Baldwin and Andrew R.C. Marshall, “As death toll rises, Duterte deploys dubious data in ‘war on drugs,’” Reuters, October 18, 2016, <http://www.reuters.com/investigates/special-report/philippines-duterte-data/> (accessed December 12, 2016).

³⁶ Rishi Iyengar, “The Killing Time: Inside Philippine President Rodrigo Duterte’s War on Drugs,” *Time*, August 25, 2016, <http://time.com/4462352/rodrigo-duterte-drug-war-drugs-philippines-killing/> (accessed December 13, 2016).

³⁷ *Ibid.*

³⁸ Christina Mendez, “Duterte to PNP: Kill 1,000, I’ll protect you,” *Philippine Star*, July 2, 2016, <http://www.philstar.com/headlines/2016/07/02/1598740/duterte-ppn-kill-1000-ill-protect-you> (accessed December 12, 2016).

³⁹ “Philippines president Rodrigo Duterte urges people to kill drug addicts,” *Guardian*, June 30, 2016, <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterte-urges-people-to-kill-drug-addicts> (accessed December 13, 2016).

⁴⁰ Raymon Dullana, “Duterte: I’ll pardon cops who kill criminals, civilians in line of duty,” *Rappler*, February 11, 2016, <http://www.rappler.com/nation/politics/elections/2016/122044-duterte-pardon-cops-kill-criminals> (accessed December 12, 2016).

“And if in the process you kill one thousand persons because you were doing your duty, I will protect you.”⁴¹ The next month, he said drug dependents are not humans: “These human rights (advocates) did not count those who were killed before I became President.

“If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful.”

—Rodrigo Duterte, June 30, 2016

The children who were raped and mutilated [by drug users]. That’s why I said, ‘[W]hat crime against humanity?’ In the first place, I’d like to be frank with you, are they (drug users) humans? What is your definition of a human being? Tell me.”⁴²

In September, Duterte bizarrely compared himself to Adolf Hitler: “Hitler massacred 3 million Jews [sic]. Now there is 3 million, what is it, 3 million drug addicts (in the Philippines) there are. I’d be happy to slaughter them,” he said.⁴³ The next month he referred to children killed in his drug war as “collateral damage.”⁴⁴

Duterte and his congressional allies have also harassed and intimidated domestic critics of his anti-drug campaign, most notably Senator Leila de Lima, the chair of the Senate Committee on Justice and Human Rights.⁴⁵ De Lima had launched an investigation in August 2016 into the “war on drugs” killings, and earlier, when she was chair of the Commission on Human Rights, investigated the Davao Death Squad.

⁴¹ “Duterte to PNP: Kill 1,000, I’ll protect you,” *Philippine Star*, <http://www.philstar.com/headlines/2016/07/02/1598740/duterte-ppn-kill-1000-ill-protect-you>.

⁴² Marlon Ramos, “Duterte: Junkies are not humans,” *Philippine Daily Inquirer*, August 29, 2016, <http://www.thejakartapost.com/seasia/2016/08/29/duterte-junkies-are-not-humans.html> (accessed December 13, 2016)

⁴³ Euan McKirdy, “Philippines President likens himself to Hitler,” CNN, September 30, 2016, <http://edition.cnn.com/2016/09/30/asia/duterte-hitler-comparison/> (accessed December 13, 2016).

⁴⁴ Oliver Holmes, “Duterte says children killed in Philippines drug war are ‘collateral damage,’” *Guardian*, October 17, 2016, <https://www.theguardian.com/world/2016/oct/17/duterte-says-children-killed-in-philippines-drug-war-are-collateral-damage> (accessed December 13, 2016).

⁴⁵ “Philippines: Committee Chair Ousted for Death Squad Inquiry,” Human Rights Watch news release, September 19, 2016, <https://www.hrw.org/news/2016/09/19/philippines-committee-chair-ousted-death-squad-inquiry>.

Duterte accused de Lima of receiving drug money while secretary of justice from alleged drug lords imprisoned at the national penitentiary.⁴⁶ His allies in the House of Representatives, which his party controls, convened a congressional hearing where felons and accused drug lords testified against de Lima in exchange for immunity.⁴⁷

The Senate committee stripped De Lima of the chairmanship.⁴⁸ The committee later called on two witnesses—de Lima’s former driver and lover, and a self-confessed drug dealer—who claimed they had given money to de Lima.⁴⁹ De Lima, Duterte threatened, “will rot in jail.”⁵⁰

Duterte also threatened human rights activists, saying he would blame them if the drug situation in the Philippines worsened.⁵¹ In his first State of the Nation speech to Congress in July, Duterte painted advocates of human rights as the country’s enemy, saying “human rights cannot be used as a shield or an excuse to destroy the country.”⁵²

On November 28, Duterte threatened to include human rights activists who opposed his anti-drug campaign on the list of those to be targeted:

⁴⁶ Genalyn Kabling, “De Lima should consider quitting or suicide—Rody,” *Tempo*, August 30, 2016, <http://tempo.com.ph/2016/08/30/de-lima-should-consider-quitting-or-suicide-rody/#VcDTX1tCvXiDtyEI.99> (accessed December 13, 2016).

⁴⁷ Anjo Alimario, “Drug lords, high-profile inmates to testify vs De Lima,” CNN Philippines, September 20, 2016, <http://cnnphilippines.com/news/2016/09/17/De-Lima-House-probe-Bilibid.html> (accessed December 12, 2016).

⁴⁸ Rosette Adel, “Senate removes De Lima from justice panel,” *philstar.com*, September 19, 2016, <http://www.philstar.com/headlines/2016/09/19/1625346/pacquiao-moves-remove-de-lima-senate-panel-chairmanship> (accessed December 12, 2016).

⁴⁹ Julliane Love De Jesus, “Kerwin: Ronnie Dayan transacted for De Lima,” *Inquirer.net*, November 23, 2016, <http://newsinfo.inquirer.net/847094/kerwin-ronnie-dayan-was-my-link-to-de-lima> (accessed December 12, 2016).

⁵⁰ The campaign against de Lima included public disclosures about aspects of her personal life and threats to publicly release a sex tape that allegedly depicts de Lima having extramarital relations. See, Dharel Placido, “Duterte slams lady senator, links driver to drug money,” *ABS-CBN News*, August 17, 2016, <http://news.abs-cbn.com/news/08/17/16/duterte-slams-lady-senator-links-driver-to-drug-money> (accessed December 13, 2016); Gil C. Cabacungan, “Duterte sure it’s De Lima in video,” *Philippine Daily Inquirer*, October 5, 2016, <http://newsinfo.inquirer.net/822106/duterte-sure-its-de-lima-in-video-palace> (accessed December 13, 2016); Alexis Romero, “Duterte: De Lima will rot in jail,” *Philippine Star*, October 20, 2016, <http://www.philstar.com/headlines/2016/10/20/1635477/duterte-de-lima-will-rot-jail> (accessed December 12, 2016).

⁵¹ Marlon Ramos, “Duterte threatens to kill rights activists if drug problem worsens,” *Philippine Daily Inquirer*, November 29, 2016, <http://newsinfo.inquirer.net/848933/duterte-threatens-to-kill-human-rights-activists-if-drug-problem-worsens> (accessed December 12, 2016).

⁵² Joseph Tristan Roxas, “Duterte: Human rights not an excuse to destroy country,” *GMA News*, July 26, 2016, <http://www.gmanetwork.com/news/story/574997/news/nation/duterte-human-rights-not-an-excuse-to-destroy-country> (accessed December 12, 2016).

The human rights [activists] said I ordered the killings. I told them, OK, let's stop. We'll let [drug users] multiply, so when it's harvest time, more people will die. ... I will include you [human rights activists] because you are the reason why their numbers [of drug users] swell.⁵³

In December, Duterte threatened to make lawyers of drug suspects targets in his drug war. "That's their style. They were able to post bail because they have lawyers. They are good, high-profile lawyers. Then [their clients] will play again," Duterte said in a speech, adding: "Even their lawyers, I will include them."⁵⁴

Duterte has also attacked and threatened foreign critics of his abusive war on drugs. In August, the UN special rapporteur on extrajudicial killings, Agnes Callamard, issued a statement reminding the Duterte administration of its human rights obligations.⁵⁵ Duterte responded by calling the UN a "stupid body" and threatened to pull the Philippines out of the world body.⁵⁶ He then invited Callamard to visit the Philippines to investigate the killings on the condition that he would engage her in a public debate.⁵⁷ The Philippine foreign minister announced on December 14 that the government had canceled the planned official visit on the basis that Callamard "will not comply with the conditions of our president" for such a visit.⁵⁸ One of those conditions, which Callamard described as "not consistent with the code of conduct for special rapporteurs," included requiring her to participate in a "public debate" with Duterte. Callamard explained that the condition could compromise the confidentiality of victim testimonies.⁵⁹

⁵³ "Duterte threatens to kill rights activists if drug problem worsens," *Philippine Daily Inquirer*, <http://newsinfo.inquirer.net/848933/duterte-threatens-to-kill-human-rights-activists-if-drug-problem-worsens>.

⁵⁴ Marlon Ramos, "Duterte warns drug lords' lawyers," *Philippine Daily Inquirer*, December 9, 2016, <http://newsinfo.inquirer.net/852028/duterte-warns-drug-lords-lawyers> (accessed December 13, 2016).

⁵⁵ "UN experts urge the Philippines to stop unlawful killings of people suspected of drug-related offences," OHCHR news release, August 18, 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20388&LangID=E#sthash.fozMOpnX.dpuf> (accessed December 13, 2016).

⁵⁶ "Duterte threatens to pull Philippines out of UN," Agence France-Presse, August 21, 2016, <http://www.thenational.ae/world/southeast-asia/duterte-threatens-to-pull-philippines-out-of-un> (accessed December 13, 2016).

⁵⁷ "Duterte to UN expert: 'Let's have a debate,'" *Rappler*, August 21, 2016, <http://www.rappler.com/nation/143711-duterte-un-expert-summary-executions-debate> (accessed December 13, 2016).

⁵⁸ Manuel Mogato, "Philippines cancels visit by UN rapporteur on extrajudicial killings," Reuters, December 14, 2016, <http://www.reuters.com/article/us-philippines-drugs-un-idUSKBN1431GM>.

⁵⁹ "Philippines: Police 'Drug War' Killings Need Independent Probe," Human Rights Watch news release, January 30, 2017,

In September, after UN Secretary-General Ban Ki-moon denounced the drug war killings, Duterte said: “Even Ban Ki-moon weighed in. He also gave his statement before, several weeks ago, about the human rights violation. I said, you’re another fool.”⁶⁰ He added: “I will continue the campaign against the criminals. I do not have any pity for them. I don’t give a shit. I am the president of the Philippines, not the republic of the international community.”⁶¹ Later that month, he told the United States to “stop the hypocrisy” after US legislators expressed concern over the killings. “They’re only good at criticizing,” he said.⁶²

In October, Fatou Bensouda, the chief prosecutor of the International Criminal Court (ICC) in the Hague, issued a statement that the court was watching the situation in the Philippines and that “any person in the Philippines who incites or engages in acts of mass violence including by ordering, requesting, encouraging or contributing, in any other manner, to the commission of crimes within the jurisdiction of the ICC is potentially liable to prosecution before the court.”⁶³ Duterte responded by suggesting the Philippines would withdraw from the ICC. “The International Criminal Court is useless. They [Russia] withdrew its membership. I might follow,” he said. “If China and Russia will decide to create a new order, I will be the first to join.”

The Philippine National Police announced a temporary suspension of police anti-drug operations on January 30 following revelations the previous week of the alleged brutal killing of a South Korean businessman by anti-drug police.⁶⁴ The following day, Duterte ordered the Armed Forces of the Philippines (AFP) to fill the gap created by the suspended police operations by taking a frontline role in the anti-drug campaign.⁶⁵ National Security

<https://www.hrw.org/news/2017/01/30/philippines-police-drug-war-killings-need-independent-probe>.

⁶⁰ Edith Regalado, “UN chief a fool, says Duterte,” *Philippine Star*, September 10, 2016, <http://www.philstar.com/headlines/2016/09/10/1622321/un-chief-fool-says-duterte> (accessed December 13, 2016).

⁶¹ *Ibid.*

⁶² Allan Nawal, “Duterte tells US, other critics to stop the hypocrisy,” *Philippine Daily Inquirer*, September 30, 2016, <https://globalnation.inquirer.net/145812/duterte-tells-us-critics-stop-hypocrisy> (accessed December 13, 2016).

⁶³ “Philippines drug crackdown prompts warning from ICC,” Associated Press, October 14, 2016, <https://www.theguardian.com/world/2016/oct/14/philippines-drug-crackdown-warning-icc-rodriigo-duterte> (accessed December 13, 2016).

⁶⁴ “Philippines: Police ‘Drug War’ Killings Need Independent Probe,” Human Rights Watch news release, January 30, 2017, <https://www.hrw.org/news/2017/01/30/philippines-police-drug-war-killings-need-independent-probe>.

⁶⁵ “Abusive Philippine ‘Drug War’ Gets Military Reinforcements,” Human Rights Watch dispatch, February 1, 2017, <https://www.hrw.org/news/2017/02/01/abusive-philippine-drug-war-gets-military-reinforcements>.

Adviser Hermogenes Esperon confirmed that the government had approved the assignment of military units to “arrest drug personalities” in cooperation with the official anti-narcotics agency.⁶⁶ Using military personnel for civilian policing anywhere heightens the risk of unnecessary or excessive force and inappropriate military tactics.⁶⁷ But there is also a deeply rooted culture of impunity for military abuses in the Philippines. Data from the Department of National Defense indicate only one soldier has been convicted of an extrajudicial killing since 2001.⁶⁸ The addition of AFP units in anti-drug operations—along with Duterte’s vow to continue his “anti-drugs” campaign until his presidential term ends in 2022—suggests that killings of suspected drug dealers and drug users will likely continue indefinitely.⁶⁹

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid. See also, Carlos H. Conde (Human Rights Watch), “Philippines: Illegitimate encounters,” commentary, *Philippine Daily Inquirer*, January 28, 2016, <https://www.hrw.org/news/2016/01/28/philippines-illegitimate-encounters>.

⁶⁹ “Duterte pulls police off drug war; taps military, PDEA for drive,” Agence France-Press, January 31, 2017, <http://interaksyon.com/article/136738/duterte-pulls-police-off-drug-war-taps-military-pdea-for-drive> (accessed February 3, 2017).

II. Police Responsibility for Extrajudicial Killings and “Vigilante Killings”

Police killings of drug suspects are not a new phenomenon in the Philippines, but have skyrocketed under the Rodrigo Duterte administration. Between January 1, 2016 and June 15, 2016 police killed a total of 68 suspects in “anti-drug” operations.⁷⁰ Yet, as this report goes to publication Philippine National Police data indicates that since July 1, 2016 police have killed 2,555 “suspected drug personalities,” while the police classify 3,603 killings in the same time period as “deaths under investigation.”⁷¹ Police categorize an additional 922 killings as “cases where investigation has concluded,” but have not provided details of the results of those investigations.⁷²

Following President Duterte’s inauguration, the Philippines National Police launched a nationwide anti-drug operation named “PNP Oplan—Operation Double Barrel Project Tokhang.”⁷³ Working at the national, regional, and local level, “Operation Double Barrel Project Tokhang” aimed to create “watch lists” of known drug users and drug pushers, who would then be visited by local police and/or municipal authorities and urged to “surrender.” The term “double barrel”

“It is going to be bloody. I will use the military and the police to go out and arrest them, hunt for them. And if they offer a violent resistance, and thereby placing the lives of the law enforcers and the military whom I would task for a job to do, I will simply say, ‘Kill them all and end the problem.’”

—Rodrigo Duterte, April 26, 2016

⁷⁰ Phelim Kine, “Asia’s ‘shoot-to-kill’ republic? The rising body count of the Philippines’ ‘war on drugs,’” *Conversation*, July 22, 2016, <https://theconversation.com/asias-shoot-to-kill-republic-the-rising-body-count-of-the-philippines-war-on-drugs-62784> (accessed February 10, 2017).

⁷¹ Michael Bueza, “In Numbers: The Philippines’ ‘war on drugs,’” *Rappler*, January 31, 2017, <http://www.rappler.com/newsbreak/iq/145814-numbers-statistics-philippines-war-drugs> (accessed February 14, 2017).

⁷² *Ibid.*

⁷³ Dax Simbol, “TOKTOK-HANGYO: Tarlac cops conduct ‘Oplan Tokhang,’” *Interaksyon.com*, July 1, 2016, <http://interaksyon.com/article/129823/toktok-hangyo-tarlac-cops-conduct-oplan-tokhang> (accessed February 10, 2017).

meant to indicate that police operations would target both “drug pushers and users of illegal drugs alike.”⁷⁴ *Tok-hang* translates as “knock and plead,” referring to the house visits done by police or municipal authorities to urge individuals to surrender.⁷⁵ However, the “Operation Double Barrel Project Tokhang” also had a more violent element, as documented in this report: the extrajudicial killings of drug suspects in faked “buy-bust” encounters with the police, and so-called vigilante killings by “unknown” gunmen.

The following 24 incidents resulting in 32 deaths are not a scientific sampling of those killings. However, they share similarities with the vast majority of the cases reported in the media. The killings have largely occurred in impoverished urban areas, many in the National Capital Region of Metro Manila but in other cities as well. Those killed have been typically been people struggling to make ends meet for themselves and their families—work is irregular if they have work at all. In many of the cases, family members acknowledged that their relative was a drug user—typically of shabu, a methamphetamine—or a dealer, or used to be one. But none of the cases investigated fit the category of big-time drug lords—they were people at the bottom of the drug chain.

In the days before a killing, a targeted individual might receive a visit from an official from the local barangay (or neighborhood), informing them that they are on a drug “watch list” drawn up by barangay officials and the police, putting them at grave risk. This might cause the individual to lay low, avoid all outside activities or turn themselves in to the police—all to no avail. Or there might be no warning at all.

As told to Human Rights Watch by relatives, neighbors, and other witnesses, the assailants typically worked in groups of two, four, or a dozen. They would wear civilian clothes, often all black, and shielded their faces with balaclava-style headgear or other masks, and baseball caps or helmets. They would carry handguns. They would frequently travel by motorcycle—two to a bike. Often there would be a van, invariably white, and sometimes containing markings signifying a police vehicle. There typically would be banging on doors and barging into rooms, but the assailants would not identify themselves nor provide

⁷⁴ Ibid.

⁷⁵ Euan McKirdy, “‘Knock and plead’—On night patrol with Philippines police,” CNN, August 25, 2016, <http://www.cnn.com/2016/08/25/asia/philippines-police-knock-and-plead-drug-operations/> (accessed February 10, 2017).

warrants. Family members often reported hearing beatings and their loved one begging for their lives. The shootings could happen immediately, behind closed doors or on the street, or the gunmen might take the suspect away, where minutes later shots would ring out and local residents would find the body, often with hands tied or the head wrapped in plastic.

Local residents often said they saw uniformed police in the vicinity before the incident, securing the perimeter—but even if not visible before a shooting, special crime scene investigators would arrive within minutes. A previously unknown .38 caliber handgun and a packet of shabu almost always would be found next to the body. And instead of fleeing from the police, the gunmen would mingle with them. Human Rights Watch is not aware of a single arrest made in connection with any of the killings we documented.

“Now, if you’re really crazy and your body cannot go back to normal, I’ll just be sending you ropes. Hang yourselves, you sons of whores, I already told you no.”

—Rodrigo Duterte, December 13, 2016

Human Rights Watch examined police reports in virtually all of the cases we investigated. The accounts differed markedly from those provided by the relatives we interviewed, yet they were very similar to each other. The suspect was invariably described as a dealer who attempted to sell to undercover officers conducting a “buy-bust” operation. Specialized local anti-drug units called Station Anti-Illegal Drug Special Operations Task Units (SAID-SOTU) were usually involved. According to the reports, the suspect, after being put under arrest and sometimes handcuffed, allegedly pulled out a weapon and sought to shoot the police. In every case, however, the suspect was killed and none of the arresting officers were harmed, with the sole exception of one case in which an officer is alleged to have been shot in the leg. In most cases, the police “found” shabu on or near the victim’s corpse.

While the Philippine National Police have publicly sought to distinguish between suspects killed while resisting police arrest and killings by “unknown gunmen” or “vigilantes,” Human Rights Watch found no such distinction in the cases investigated. In several cases we investigated, the police dismissed allegations of involvement and instead classified such killings as “found bodies” or “deaths under investigation” when only hours before

the suspects had been in police custody. Such cases call into question government assertions that the majority of killings have been committed by vigilantes "fed up with the current justice system" or rival drug gangs.⁷⁶

Whether or not the unidentified assailants doing the actual killing were police officers or merely agents of the police, the similar modus operandi in these operations shows planning and coordination by the police, and in some cases, local civilian officials. These were not killings by individual officers or by "vigilantes" operating separately from the authorities. The cases investigated in this report suggest that police involvement in the killings of drug suspects extends far beyond the officially acknowledged cases of police killings in "buy-bust" operations. Furthermore, the government's failure to arrest—let alone prosecute—a single police officer for their role in any of the "war-on-drugs" killings that Duterte has encouraged and instigated sends a message that those involved need not fear being held to account, and that future killings can be carried out with impunity.

Edwin Ronda, June 8

Barangay Caingin, Purok One, Santa Rosa, Laguna province

While Duterte was inaugurated on June 30, 2016, his election victory a month earlier, on May 30, led to an immediate uptick in police killings of drug suspects, many of them under circumstances that indicated extrajudicial killings.

Edwin Ronda, 30, was a construction worker who lived with his parents in Santa Rosa City about 40 kilometers south of Manila. When his father suspected him of being involved in drug dealing in 2015, he surrendered his son to police custody.⁷⁷ Ronda's subsequent arrest and prosecution resulted in a one-year prison term that ended in February 2016. Ronda's family believed that he had steered away from drugs following his release as he was aware that his staunchly anti-drugs family would again turn him over to the police if he again dealt drugs.⁷⁸

⁷⁶ Euan McKirdy, "Dead or alive: Is the Philippines' war on drugs out of control?" August 4, 2016, <http://www.cnn.com/2016/08/03/asia/philippines-war-on-drugs/> (accessed February 15, 2017).

⁷⁷ Human Rights Watch interview with relative of Edwin Ronda, name withheld, Santa Rosa City, October 20, 2016.

⁷⁸ Ibid.

A relative told Human Rights Watch that Ronda went out drinking with a group of friends on the evening of June 7 in nearby town of Biñan. At about 5 a.m. on June 8, Ronda took a moto-taxi home with a friend.⁷⁹ On their way, while in the area of the Polytechnic University of the Philippines at Santa Rosa, they passed a white van with at least three plainclothes armed men inside, who stopped the moto taxi, and identified themselves as policemen.⁸⁰ Ronda's friend ran away, but the armed men detained Ronda and told the driver of the moto taxi to leave.⁸¹

Ronda's family later learned from his friend that the armed men took Ronda into the van and drove off, but apparently remained in the vicinity of the university. Ronda's relative told Human Rights Watch that people in the area heard gunshots. When they went to investigate, they found Ronda's body near the university's basketball court just 100 meters from where he had been detained by the police. He had a gunshot wound to the temple and what looked like ligature marks near his neck. A .38 caliber handgun and packets of drugs were found near his body.⁸² The policemen and the white van were not at the scene when the body was discovered, but Scene of Crimes Operatives (SOCO) investigative officers arrived soon after.⁸³

The police report of the incident, signed by the chief of police of the Santa Rosa City Police Station in Laguna, offered a version of events inconsistent with the witness account. The report states that police killed Ronda during a "buy-bust" operation, alleging that he was shot after he grew suspicious and drew a gun on undercover police officers. The report makes no mention of his detention by the officers in the van:

Investigation conducted disclosed that Intel operatives of this station conducted an anti-illegal drugs operation (buy-bust) operation led by [intelligence officers] against the suspect after police acted as a poseur

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

buyer was to purchase one (1) piece of small heat transparent plastic sachet containing [shabu]. The suspect who seeing the poseur buyer is a police officer armed with a [.38 caliber handgun] suddenly opened fired to the intel operatives forcing them to returned fire wherein the former was hit during exchange of fire and sustained gunshot wound on his body.⁸⁴

The police further claimed that the wounded Ronda was taken to the hospital by a police “rescue team” where he was declared dead, and that a .38 caliber handgun with two fired cartridges was found at the scene by SOCO police investigators.⁸⁵

The family blames the killing on President Duterte’s repeated calls on police to target drug dealers during his election campaign. According to a relative:

Edwin was killed after Duterte was elected, but before he became president. Edwin’s killing was a gift to the President, you see the killing campaign started even before he took [office]. It was like a gift from the police officers to the president [elect].⁸⁶

Oliver Dela Cruz, July 1

Barangay Pala-Pala, San Ildefonso, Bulacan province

Oliver Dela Cruz, 43, was a rice and vegetable farmer in rural Bulacan province north of Manila. However, after becoming ill from lung disease, he no longer could do the vigorous labor required for farming.⁸⁷ According to his family, in 2015 he turned to dealing shabu to try and make enough money to feed his six children, and for the medical treatment for both his own illness and a son’s hepatitis. When the killings of drug dealers began, his family begged him to stop dealing, but Dela Cruz told them he had no other way to support his family.⁸⁸

⁸⁴ Santa Rosa Police Station, “SWR re Violation of Section 5 of Article II of RA 9165 (Buy-Bust) and RA 10591 that resulted to armed encounter,” June 8, 2016, signed Reynaldo M. Maclang, Police Superintendent (on file with Human Rights Watch).

⁸⁵ Ibid.

⁸⁶ Human Rights Watch interview with relative of Edwin Ronda, name withheld, October 20, 2016.

⁸⁷ Human Rights Watch Interview with relative of Oliver Dela Cruz, name withheld, San Ildefonso, October 21, 2016.

⁸⁸ Ibid.

On the evening of June 30, Dela Cruz went to play cards at his neighbor's house. Family members told Human Rights Watch that at about 1 a.m. on July 1, a group of five masked armed men in civilian clothes broke down the door of the neighbor's house and rushed inside.⁸⁹ Awakened by screaming, the Dela Cruz family rushed outside. A relative said:

The other two people inside the neighbor's house were grabbed by the armed men, and told to go outside. Oliver remained inside, we could see him kneeling in a surrendering position. The men grabbed him and slammed him into a concrete wall several times, and then they threw him out of the door, to the outside. We saw the shooting, we were just there. Oliver's face was bleeding from being hit, and he was begging them for mercy when he was shot, he was just lying on the ground at that time. He did not have a gun or try to grab a gun—he was already badly beaten and couldn't have fought back even if he had wanted to.⁹⁰

Family members who witnessed the incident said that uniformed police officers and SOCO officers were already waiting just outside the neighborhood while the masked men carried out the killing:

The van of the local police and the van of the SOCO investigators were already parked on the main road outside the neighborhood even before the killing happened. The five killers came on foot from the main road, they [had] arrived there on motorcycles.... The killers stayed even when the SOCO came. Two of the ones wearing masks spoke to the uniformed police and the SOCO, so they were all together.⁹¹

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

Media accounts of the incident said the killing resulted from a police drug sting.⁹² However, a police report of the incident does not mention any police involvement in the killing, stating only that “an armed encounter transpired in Barangay Pala-Pala...that resulted in the death of one (1) Oliver Dela Cruz,” suggesting a killing by “vigilantes.”⁹³

Ogie Sumangue, July 3

Barangay 621, Zone 26, Binondo, Manila

Ogie Sumangue, 19, lived with his wife in Binondo, Manila’s Chinatown, and was unemployed and dependent on the financial support of his sister. According to the police, Sumangue was involved in drug dealing.⁹⁴

According to family members who witnessed the incident, at about 7:30 p.m. on July 3 a group of about 10 to 15 men in plainclothes arrived at his home on motorcycles and in a white van. Several ordered his pregnant wife to leave the house, and stayed inside with Sumangue.⁹⁵ The wife suddenly heard several gunshots from inside the room.⁹⁶ Soon thereafter, the men turned off the lights inside the house and then left, closing the door. They then departed. Uniformed police officers together with journalists arrived at the scene soon thereafter.⁹⁷

The police, in their report on the operation, claim that officers from Station Anti-Illegal Drugs-Special Operation Task Unit (SAID-SOTU) killed Sumangue inside his home during a “buy-bust” operation:

Sensing the presence of the [officers], the suspect fired at their direction and hit one of the [officers] who was fortunately wearing a bullet [proof] vest. An

⁹² Carmela Reyes-Estropo, “6 suspected pushers killed in Bulacan drug busts,” *Philippine Daily Inquirer*, July 1, 2016, <http://newsinfo.inquirer.net/793656/6-suspected-pushers-killed-in-bulacan-drug-busts>.

⁹³ San Ildefonso Police Station, Certification, dated July 21, 2016 (on file with Human Rights Watch).

⁹⁴ Human Rights Watch interview with relative of Ogie Sumangue, name withheld, Binondo, October 18, 2016.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

exchange of gunfire ensued, killing the suspect, in whose possession police found six sachets containing drugs, live bullets and a gun.⁹⁸

Uniformed police showed Sumangue's relatives his body in the house immediately after the shooting, and what appeared to be a .45 caliber handgun next to his body. Family members told Human Rights Watch that Sumangue did not possess a gun and therefore could not possibly have attempted to shoot at the police. They believe the police planted the gun on Sumangue's body in an attempt to justify his killing.

"He cannot even pay the rent, his sister paid the rent for him," a relative told Human Rights Watch, questioning where he would have obtained the money to get a gun.⁹⁹

Renato Badando, July 7

Barangay 621, Santa Maria, Manila

In 2008, police arrested Renato Badando, 41, on suspicion of involvement in a robbery, for which he subsequently spent nearly eight years in prison.¹⁰⁰ After his release around March 2016, he found occasional work operating a trolley along the railroad tracks where he lived in a shack with his wife. He was an occasional shabu user "when there was money to buy it," but not a dealer, according to relatives.¹⁰¹

On the night of July 7, a large police anti-drug operation took place in Badando's neighborhood, waking up his wife. Badando told her not to worry, as he had not been listed on the neighborhood's watch list, and urged her to go back to bed. An hour later, a policeman knocked on their shack and identified himself, and asked about the whereabouts of some of their neighbors.¹⁰²

⁹⁸ Itchie G. Cabayan and Rhea Parsad, "2 Gangmen-cum-drug pushers shot dead," *Journal Online*, July 4, 2016, <http://www.journal.com.ph/news/metro/2-gangmen-cum-drug-pushers-shot-dead>.

⁹⁹ Human Rights Watch interview with relative of Ogie Sumangue, name withheld, October 18, 2016.

¹⁰⁰ Abigail Kwok, "Cops nab 4 robbery suspects in Quezon City," *Inquirer.net*, September 9, 2008, <https://abikwok.wordpress.com/2008/09/08/cops-nab-4-robbery-suspects-in-qc/>. See also, Human Rights Watch interview with relative of Renato Badando, name withheld, Santa Maria, October 21, 2016.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

Approximately 30 minutes after the first police visit, a group of seven armed and masked men in civilian dress kicked open the door of Badando’s shack. They ordered Badando to come with them “for checking,” allowing Badando, who had been sleeping, to put on a shirt and take his wallet with identification.

Soon thereafter, his relatives heard a gunshot, followed by several more, and rushed to a nearby riverside dock.¹⁰³ By the time they arrived at the scene just minutes later, the media and uniformed police had already arrived, and the plainclothes men who had arrested him—evidently police officers—were standing over Badando’s body.

Police officials told the relatives that they found a .45 caliber handgun, packets of shabu, and money on Badando. However, a relative interviewed by Human Rights Watch disputes this claim, stressing that Badando had been taken by the police from his own home:

“When he was taken from the house, he had been half-naked sleeping, and the police allowed him to put on a shirt and take his wallet with ID. We don’t own a gun, and we don’t have so much shabu, and we don’t have money. All of that was planted [by the police].”¹⁰⁴

Edward Sentorias, July 8

Don Bosco, Tondo, Manila

Edward Sentorias, 34, a father of three boys, was jobless after being injured in a welding accident. According to his relatives, both he and his live-in partner were shabu users, and lived in the house that belonged to his partner’s parents, who were in prison for drug dealing.¹⁰⁵ The relatives believe the police incorrectly assumed that Sentorias and his partner had taken over the drug dealing business of her parents. When the government’s Operation Double Barrel began, Sentorias rejected his relatives’ pleading to surrender to the local officials, telling them that the local officials were shabu addicts long before he was.¹⁰⁶

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Human Rights Watch interview with relative of Edward Santorias, name withheld, Tondo, October 19, 2016.

¹⁰⁶ Ibid.

On the morning of July 8, Sentorias and his partner were having breakfast when a group of five uniformed police officers knocked on their door. When his partner opened the door, the policemen grabbed her and her 2-year-old son and pulled them outside, saying they had come to talk to Sentorias. The police officers then rushed into the home and almost immediately, gunshots rang out. The police officers then blocked Sentorias' partner from re-entering their home.¹⁰⁷

According to the police report, the police recovered drugs from Sentorias' partner when she was outside, and then entered the house to arrest Sentorias who confronted them with a gun and was gunned down by them:

[Sentorias] sense[d] the presence of herein policemen pulled his [.38 caliber] revolver and pointed to [a police officer]. Sensing that his life is in danger, [the officer] fired his service firearm and shots the former hitting EDWARD SENTORIAS Y BULAWAN on the different parts of the body and fell down on the pavement and died on the spot.¹⁰⁸

Relatives of Sentorias dispute the police account that he was armed, and said that they witnessed the police placing the incriminating evidence.¹⁰⁹ A relative of the victim who reached the scene of the shooting almost immediately afterwards told Human Rights Watch:

We were waiting for the SOCO [police investigators] to arrive. I saw one of the police go inside with an aluminum briefcase. Out of curiosity I went to look through the window. I saw the officer open the briefcase and he took out the gun and some sachets, and placed them there. I went back to where I was, and was totally shocked. I couldn't even complain. If we go complain, what is our chance against the authorities? The government declared the evidence was found inside his house, so it is their word against ours. I have

¹⁰⁷ Ibid.

¹⁰⁸ Tondo police department, Spot Report, July 8, 2016, signed by Police Senior Inspector Rommel S. Anicete (on file with Human Rights Watch).

¹⁰⁹ Human Rights Watch interview with relative of Edward Santorias, name withheld, October 19, 2016.

no reason to lie about this. That is when I realized not everyone being killed is guilty of fighting back. If they don't find evidence inside the house, they need to fabricate it, so they don't get busted.¹¹⁰

Henry Francisco, July 20

Barangay Bagbaguin, Bagong Nayon, Valenzuela, Metro Manila

Henry Francisco was, by his relatives' own admission, a drug dealer. For years, his relatives had tried to get him to stop using and dealing drugs, convincing him to go to drug rehab in 2003. Police arrested him in June 2015 for drug dealing, but according to his relatives he managed to avoid prosecution with a 10,000-peso (US\$200) bribe to the police.¹¹¹

When "Operation Double Barrel" began in June, Francisco surrendered to the local police, according to his relatives.¹¹² However, he would not reveal the name of his supplier because he had a relationship with her and he wanted to protect her. Police released him a few hours later but Francisco, realizing he was a marked man because of his refusal to cooperate fully, tried to go into hiding.¹¹³ The Valenzuela police department listed Francisco as the number one suspect on their watch list of drug personalities.¹¹⁴ In mid-July, police officers raided his house looking for him, but he was not at home.¹¹⁵

After hiding at a friend's home, Francisco returned to his home on the night of July 20, and drank some beers with friends in the street outside his home. About midnight, he told his friends he was going to bed.¹¹⁶

¹¹⁰ Human Rights Watch interview with second relative of Edward Santorias, name withheld, Tondo, October 19, 2016.

¹¹¹ Human Rights Watch interview with relative of Henry Francisco, name withheld, Valenzuela, October 19, 2016.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Valenzuela Police Station, NOC: RE Encounter with Drug Personality, July 21, 2016 (on file with Human Rights Watch); Kiersnerr Gerwin Tacadena, "Six suspected drug pushers killed in separate incidents in Metro Manila," *GMA News*, July 21, 2016, <http://www.gmanetwork.com/news/story/574535/news/metro/six-suspected-drug-pushers-killed-in-separate-incidents-in-metro-manila>.

¹¹⁵ Human Rights Watch interview with relative of Henry Francisco, name withheld, October 19, 2016.

¹¹⁶ Ibid.

A relative told Human Rights Watch that Francisco's friends informed them that almost immediately after Francisco entered his home, a dozen men in civilian clothes arrived in the area in a white van. The men, whom later police reports confirm were police officers, ordered Francisco's friends, who were still drinking in the street, to leave the area. The men then entered Francisco's room by kicking down the door, and soon thereafter gunshots rang out, killing Francisco.¹¹⁷

The police report suggests that Francisco's death was part of a "buy-bust" drug operation, and that undercover police killed him after he opened fire on them:

During the operation, [a police officer] posed as the poseur buyer together with [a police officer] as backup. [The police officer] handed over to Francisco the marked money in exchange for the shabu. They were about to buy sensing that suspect had a transaction with the police officer he drew his firearm tucked from his back waistline at this juncture Francisco leveled the said firearm to [the officer] and shot the later one but missed in return they retaliate and shot Francisco twice hitting him on the right portion of his chest that caused instantaneous death.¹¹⁸

According to the police report, police recovered at the scene an ARMSCOR .38 caliber revolver, loaded with five live bullets and a misfired bullet, as well as shabu and drug paraphernalia.¹¹⁹ Francisco's relatives do not dispute the police claim that Francisco was involved in drug dealing. However, the relative interviewed by Human Rights Watch challenged the police version of his death, noting that Francisco had gone to sleep in his room after leaving the company of his friends, and that the police kicked down the door of his room—which is inconsistent with a drug buy-bust sting described in the police report.¹²⁰

¹¹⁷ Ibid.

¹¹⁸ Valenzuela Police Station, NOC: RE Encounter with Drug Personality, July 21, 2016 (on file with Human Rights Watch).

¹¹⁹ Ibid.

¹²⁰ Human Rights Watch interview with relative of Henry Francisco, name withheld, October 19, 2016.

Napoleon Miras Ai-Ai, July 24

Barangay Antipona, Bocaue, Bulacan province

Napoleon Miras, 27, was a tricycle driver whose live-in partner was a drug dealer. He frequently drove her around to make drug deliveries. He also became a shabu user and small-time dealer himself.¹²¹

According to relatives with whom he lived, on July 24 his live-in partner went to see her supplier to purchase shabu. Police followed her on her way back home, and soon after her return at about 11:30 a.m. a team of Philippine Drug Enforcement Agency (PDEA) agents stormed the house, shouting “Police! Police! Nobody move!” Local uniformed police secured the perimeter of the home.¹²² Miras tried to hide under the floor of the home, but when the police asked for him by name, his father told him to surrender to the police and he did so.¹²³

The PDEA agents took Miras outside, but then decided to take him back into the home and take him upstairs while they searched the home for drugs.¹²⁴ A few minutes later, the family members, who were downstairs on their knees with their hands behind their heads, heard eight gunshots upstairs.¹²⁵ One relative said: “A neighbor later told us that he could see inside the room where Napoleon was, and he was also on his knees with his hands up when he was gunned down.” After the shooting, the PDEA agents and police waited for the SOCO investigators to arrive.¹²⁶

According to the police report, the police “conducted anti-illegal drugs buy-bust operation against Napoleon Miras Ai-Ai (alias “Nono”), which led in the death of suspect ‘Nono’ in a shootout after he initiated firefight against [police] operatives.” The police report claims a .38 caliber revolver, live ammunition and one spent shell, and an

¹²¹ Human Rights Watch interview with relative of Napoleon Miras, name withheld, Bulacan, October 21, 2016.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Ibid.

estimated 4 grams of shabu and two marked 100 pesos bills from the drug bust were recovered from Miras's possession.¹²⁷

His family contested the police version of events, asserting that Miras had not sold any drugs to the police team, as he remained home prior to and during the incident, had not engaged in a firefight, and did not own any guns.

Aaron Joseph Paular, August 3

Zamora Interlink, Santa Mesa, Manila

Aaron Joseph Paular, 24, the father of a 3-year-old girl, found irregular work as a house painter. His relatives said he was an occasional shabu user, but was not listed on the neighborhood watch list as a known drug user or dealer. He had not received any warnings from local officials about his drug use.¹²⁸

On August 3, close to midnight, Paular was on his way to his girlfriend's house to pick up his daughter when he encountered a group of about 20 armed men in civilian dress.¹²⁹

Witnesses to the encounter later told Paular's relatives that the men, who the police report stated were police, asked Paular if he was "Ron-Ron," and he answered that his name was Aaron.¹³⁰ One of the men then opened fire on Paular, wounding him in the shoulder, so Paular tried to run away and hide. Paular's relatives said they arrived at the scene soon after the initial shooting but while he was still alive. They assert that Paular was unarmed and was trying to hide from the police. When the police found him, one shot and killed him.¹³¹

According to the police report, a police officer conducted a "buy-bust" operation, purchasing shabu from Paular.

¹²⁷ Bocaue Police Station, Spot Report on Armed Encounter During Anti-Illegal Drugs Buy-Bust Operation, July 27, 2016, (on file with Human Rights Watch).

¹²⁸ Human Rights Watch interview with relative of Aaron Joseph Paular, Santa Mesa, October 22, 2016.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

[T]he suspect sensed that he was being entrapped, as he noticed the presence of [another police officer] who was then serving as back-up. Immediately, Paular reportedly pulled out a gun and fired at [the officer's] chest and then fled on foot. Fortunately [the officer] was wearing a bullet proof vest. A brief chase ensued and as Paular entered a shanty, he reportedly tried to take hostage a baby. However, before he can do that, police caught up with him and engaged in a shootout [killing him].¹³²

Relatives contest this version of events and believe that the police planted the gun, grenade, and shabu they claim to have found in the aftermath of the shooting.¹³³

Angelo Lafuente, Benji, Renato Forio Jr., August 18

Barangay North Bay Boulevard South (NBBS), Navotas, Metro Manila

Angelo Lafuente, 23, had spent time in jail for theft, but following his release in 2012 he had tried to stay out of trouble and ran a small electronic repairs business in his impoverished Manila neighborhood.¹³⁴ His father had recently been arrested for marijuana possession, and Lafuente had saved and borrowed 15,000 pesos (US\$300) to get his father released, according to his relatives.¹³⁵

At about 4 p.m. on August 18, Lafuente was fixing electronics at his house when someone in the street yelled “Enemy!”, apparently signaling a police raid.¹³⁶ Two of Lafuente’s companions, Benji, 24, and Renato Forio Jr., 26, ran out of the house, but encountered outside two uniformed police officers, and four armed masked men in plainclothes who detained all three men. In the presence of his relatives, the police tied Lafuente and his

¹³² Itchie Cabayan, “Laborer busted for shabu shot dead for trying to take baby hostage,” *Journal Online*, August 3, 2016, <http://news.anotao.com/link/ph/www.journal.com.ph/news/metro/laborer-busted-for-shabu-shot-dead-for-trying-to-take-baby-hostage>.

¹³³ Ibid.

¹³⁴ Human Rights Watch interview with relative of Angelo Lafuente, name withheld, NBBS, October 24, 2016.

¹³⁵ Ibid.

¹³⁶ Ibid.

two friends' hands behind their backs, put them into a marked white police van, and drove them away.¹³⁷

The relatives rushed to the Navotas police station, where about 30 detained persons from the raid were being processed, but could not locate the three men. At about 8 p.m., a police officer told the family to wait while the suspects were being tested for drugs.¹³⁸

At 4 a.m., police officers presented the relatives with photos of the bodies of the three men, who police claim they found in two different areas in the neighborhood. The police report of the incident said that Lafuente and Benji had died from gunshot wounds under the C-3 Bridge in the NBBS neighborhood where they were arrested, their hands still tied with the plastic straps put on when they had been detained. The police claim to have found shabu in both of their pockets.¹³⁹ The 15,000 pesos Lafuente had in his pocket for his father's release was missing. According to his relatives, Renato Forio Jr. was similarly found executed, his hands still tied, in a separate part of the neighborhood.

The police report says "unknown" gunmen were responsible for the deaths and does not address the evidence that the three men were taken in police custody hours before their bodies were found, and that their bodies were found still handcuffed. Furthermore, a witness later told Lafuente's relatives that he had witnessed plainclothes men with masks beating Lafuente under the bridge the evening of his death.¹⁴⁰

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Navotas City Police Station, excerpt from police blotter: Found Dead Body, August 24, 2016 (on file with Human Rights Watch).

¹⁴⁰ Human Rights Watch interview with relative of Angelo Lafuente, name withheld, October 24, 2016.

Noel Alberto, “Sarah,” September 10

Barangay North Bay Boulevard South (NBBS), Navotas, Metro Manila

Noel Alberto, 23, a father of three, lived with his grandmother and worked as a pedicab driver. According to a relative interviewed by Human Rights Watch, he was not a drug user or dealer.¹⁴¹

On September 9, Alberto attended a party celebrating a christening, held at the house of a female drug dealer known as “Sarah.” At about 6 p.m., 10 armed men dressed in civilian clothes and wearing facemasks arrived on five motorcycles. They arrested nine people at the party, including Alberto and Sarah. The nine detainees were taken away in a white van.¹⁴²

The police reported that the bodies of Alberto and Sarah were found dumped next to the Navotas Public Cemetery at 2:30 a.m. on September 10 by watchmen from the neighborhood. Both bodies had their heads wrapped in packing tape, a common practice associated with “vigilante” killings of drug dealers in the Philippines, and both had been shot. The police report claims that SOCO police investigators found heat-sealed packets of shabu in the pockets of both deceased.¹⁴³

Police records—referring to the incident as “Found Dead Bodies”—suggest that Alberto and Sarah were not killed in a police encounter, but in a “vigilante” killing. However, the nature of the incident, in which 10 armed men with face masks took suspects away in a van, mirrors countless other operations by undercover police. This suggests that the police and not “vigilantes” were responsible for the killings.

¹⁴¹ Human Rights Watch interview with relative of Noel Alberto, name withheld, NBBS, October 22, 2016.

¹⁴² Ibid.

¹⁴³ Navotas Police Station blotter entry 15077, “NOC: Re Found Dead Bodies,” September 10, 2016 (on file with Human Rights Watch).

Bonifacio Antonio, Mario Rosit, September 13

Barangay Rosario, Pasig, Manila

Bonifacio Antonio, 56, was a driver. His wife worked at a pharmaceutical company, ensuring a middle-class existence for the family and allowing their son and daughter to attend university. After 30 years of marriage, his wife had recently retired and the couple were planning to spend more time together. Family members said Antonio had been an occasional drug user years prior to his killing, but not more recently.¹⁴⁴

On September 13, Antonio spent the afternoon at his parents' home in Rosario in Pasig City, meeting with his friends Mario Rosit, 51, an electrician, and another man who was a plumber to discuss some repairs on his parents' home. In the evening, the three men sat outside in the alley and drank beers together.¹⁴⁵

Shortly before midnight, a group of six men dressed in black civilian clothes, wearing facemasks, and armed with handguns arrived at the end of the alley on three motorcycles. Four of the armed men approached the three friends in the alley.¹⁴⁶

One of the armed men asked Antonio, "Are you Buni?" Bonifacio Antonio, whose nickname is Bonnie, replied, "Yes, I'm Bonnie." One of the armed men immediately shot Antonio in the head, killing him instantly. When Rosit and the other man raised their arms in surrender, one of the armed men shot Rosit in the chest, killing him.¹⁴⁷ The plumber friend shouted at the armed men that Antonio was not the Buni they were looking for, and was spared. The gunmen then quickly left the scene.¹⁴⁸

According to relatives of Antonio, the SOCO police investigators arrived while the armed, masked men dressed in black who had carried out the killing were still in the neighborhood, leading them to believe that the killers were undercover police operatives.

¹⁴⁴ Human Rights Watch interview with relative of Bonifacio Antonio, name withheld, October 23, 2016.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

Antonio’s relatives believe that he was a victim of a case of mistaken identity, and that the actual target of the killing was a known local drug dealer nicknamed “Buni.”¹⁴⁹

Rogie Sebastian, September 19

San Miguel, Binondo, Manila

Rogie Sebastian, 32, was a pedicab driver and a habitual drug user.¹⁵⁰ He, his wife, and their two children lived in a house owned by a drug dealer in Binondo. The drug dealer occasionally used Sebastian to pick up and deliver drugs using his pedicab, according to a relative interviewed by Human Rights Watch. However, the relative said that after Duterte was elected, Sebastian stopped using and delivering drugs, afraid of being killed.

On September 6, a watchman from their barangay came to their home and told Sebastian to report to the barangay chairman. Sebastian and his wife went to see the man the same day, and he told Sebastian that he had to surrender to the police as a drug user.¹⁵¹ He offered to accompany Sebastian to the police station. According to his relatives, Sebastian refused to go and surrender to the police, having explained to the barangay chairman that he had stopped using drugs months prior, and needed to continue working to support his family.¹⁵²

His family said that the police constantly monitored their house, and informed them that they had an arrest warrant for the house’s owner, Fernan, who was a known drug dealer.¹⁵³ However, despite their fears of a police raid, the family was unable to move because they could not afford rent elsewhere.

On September 19, at about 1 p.m., a plainclothes police officer came to Sebastian’s home and asked his wife about the whereabouts of the owner, Fernan. The wife denied any knowledge of Fernan’s whereabouts, and the police officer left. At 3:30 p.m., three armed masked men wearing bullet-proof vests and gloves came to the home. One guarded the

¹⁴⁹ Ibid.

¹⁵⁰ Human Rights Watch interview with relative of Rogie Sebastian, name withheld, Manila, October 18, 2016.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Ibid.

entranceway, while the other two entered the home, woke up the sleeping couple from an afternoon nap, and handcuffed Sebastian.

A relative said the men produced a list of drug suspects and said Sebastian was on the list. The family argued with them, saying they were looking for Fernan, the drug-dealing owner, and not Sebastian, who they said had not used drugs for months. According to the relative:

As soon as they entered, we woke up and Rogie raised his hands, and begged them for mercy. Then they handcuffed him behind his back. Soon after, they shot him in the foot and he fell down in the room.¹⁵⁴

The two gunmen then forced his relatives from the room.¹⁵⁵ Sebastian begged them to allow him to hug and say goodbye to his relatives, believing he was about to be killed, but they refused his request. According to the relative:

I could hear Rogie begging for his life from outside the room. We were crying and the other armed man threatened to kill us as well. I told him, go ahead, then we will be in Heaven together. Then I heard three more gunshots. Then I passed out and lost consciousness.¹⁵⁶

A neighbor who witnessed the incident told Human Rights Watch that he saw the three armed men enter and leave Sebastian's home without being stopped while uniformed police officers were outside securing the perimeter of the house:

I saw the three cops enter, and I heard the gunshots. There were also uniformed cops outside, they did not go inside the house. But the three killers in civilian clothes came and went on a motorcycle without any interference from the uniformed cops. After the ones in civilian clothes ones left, the uniformed officers came to the house. The civilian-dressed

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

cops came on a motorbike. The uniformed cops were standing at the entrance to the alley, and the house is located at the end of the alley. So the civilian-dressed ones just drove their motorcycle away, right past the uniformed police at the entrance to the alley.¹⁵⁷

The police report on the incident acknowledged that police carried out the shooting, identifying the chief of the Station Anti-Illegal Drugs (SAID) Special Operations Task Force (SOTU), Leandro Gutierrez, SAID SOTU officer Juan Carlos Cadelario, Chief Intelligence Officer Edward Samonte, and Police Community Precinct (PCP) commander Fernando Reyes as responsible for the “buy-bust” operation.¹⁵⁸

The police spot report concluded the death was a result of a buy-bust operation against “a notorious drug pusher.” In language that is similar to countless such reports:

[Officer] Juan Carlos Candelario acted as poseur buyer after handing over the 200 [pesos] marked money in exchange for one transparent plastic sachet of shabu. However during their transaction the suspect sensed that the person he was transacting with was an undercover cover police officer wherein he immediately drew his .38 [caliber] revolver and fired twice at [officer] Juan Carlos luckily missing said officer was not hit. Sensing his life was in imminent danger, [officer] Carlos fired back at the suspect thus resulting in four (4) gunshots wound on the trunk of suspect and died on the spot.¹⁵⁹

The police spot report said that the police recovered a .38 caliber revolver, two marked 100 peso bills used as “bust money,” and three packets of shabu from the body. Although the police report itself says the suspect suffered four gunshot wounds, only three 9mm and two .38 caliber rounds were recovered by police investigators.¹⁶⁰

¹⁵⁷ Human Rights Watch interview with neighbor of Rogie Sebastian, name withheld, Manila, October 18, 2016.

¹⁵⁸ Spot Report, “Shooting Incident (Buy-Bust Operation),” September 19, 2016 (on file with Human Rights Watch).

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

Aljon Mesa, Jimboy Bolasa, September 20, and Danilo Mesa, September 26

Barangay North Bay Boulevard South (NBBS), Navotas, Metro Manila

Aljon Mesa, 23, and his brother Danilo Mesa, 34, lived together with relatives in Barangay NBBS, an impoverished area of Manila. They were killed six days apart, their bodies found by their mother under adjacent bridges nearby. Both brothers had only irregular work hauling cargo in the adjacent fish port.¹⁶¹ Aljon had no involvement with shabu, a relative told us, as he suffered from pulmonary disease.¹⁶² Danilo was an occasional shabu user, mainly using the drug to make it through long hours of physically demanding work in the port, according to his relative.¹⁶³

On the afternoon of September 20, Aljon went to the local hospital for a checkup on his pulmonary disease. After his return, a friend named Wilson invited Aljon over to his home to watch TV.¹⁶⁴ Eight people, including five boys under 18, were inside Wilson's house, including a local drug dealer, Jimboy Bolasa. As they watched TV, six masked armed men dressed in civilian clothes burst into the room and asked for Wilson, the owner.¹⁶⁵ The gunmen checked everyone's identity, and allowed Wilson and the five under 18 to leave the room, detaining only Aljon and Bolasa.¹⁶⁶ According to neighbors, the masked men beat the two inside the room before blindfolding them and taken them away on motorcycles at about 5:30 p.m.¹⁶⁷ Aljon's relative said that uniformed police were also deployed in the neighborhood at the time of the abduction, apparently to secure the perimeter.¹⁶⁸

About 30 minutes later, a uniformed policeman told Aljon's relatives that Aljon could be found under a nearby bridge, and that he was "breathing his last breath." His relatives rushed to the bridge, only to find Aljon and Bolasa's bodies, both fatally shot, their hands tied with cloth. The masked armed men were still at the scene, while uniformed police

¹⁶¹ Human Rights Watch interview with relative of Aljon Mesa, name withheld, Barangay NBBS, October 22, 2016.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

blocked off the area and told the family members not to get closer. The masked armed men remained when the SOCO police investigators arrived, demonstrating they were coordinating with the uniformed police and the SOCO investigators.¹⁶⁹

Despite the visible collaboration between the gunmen and the police and SOCO investigators, the police report of the incident does not state that police were responsible for the killings. Instead, in a report headed “Found Bodies,” the police claim that a “concerned citizen” alerted the police to the presence of two dead bodies, which the police then found: “Bolasa sustained gunshot wounds to the head and on the left side portion of his body while [Aljon Mesa] sustained a lone gunshot wound in his head.”¹⁷⁰

Six days later, on September 26, Aljon’s brother Danilo was killed. He was taking a midday nap at the home of a known drug dealer couple, Anne and Jowel, who operated a drug den inside their home.¹⁷¹ At about 1 p.m., a group of about 10 police officers, some uniformed and some in civilian clothes, raided the house and took Danilo, Anne, and Jowel into custody without any resistance. The three were taken to the local barangay municipal office, where a relative of Anne and Jowel managed to bribe officials to release the couple unharmed.¹⁷² Danilo’s family, having just paid for the funeral of his brother Aljon, was unable to raise any money to secure his release, but assumed that he would be safe in the custody of the municipal authorities.¹⁷³

However, at about 6 p.m., a group of masked armed men took Danilo from the barangay municipal office. Shortly afterwards, his body was found under a bridge one block away from the municipal office. His relatives said that his entire head had been wrapped in packing tape, and his hands had been tied behind his back. He had been shot execution-style through the mouth.¹⁷⁴

¹⁶⁹ Ibid.

¹⁷⁰ Navotas City Police Station, Spot Report Re Found Bodies, September 20, 2016, (on file with Human Rights Watch).

¹⁷¹ Human Rights Watch interview with relative of Danilo Mesa, name withheld, Barangay NBBS, October 22, 2016.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

Such execution-style killings are normally reported as “vigilante” killings, but in this case the circumstances indicate involvement by both by the police and barangay officials. Human Rights Watch was unable to find any reference in police reports to the killing of Danilo, despite an extensive search through the police records of that period.

Renaldo Agrigado, Raffy Sardido, Roldan Amora, September 27

Delpan, Binondo, Manila

Renaldo Agrigado, 53, was a shabu user, according to his relatives.¹⁷⁵ In July, following the start of Duterte’s anti-drug campaign, local police officials asked him and his son Reygie Agrigado, a known drug dealer, to surrender to the police.¹⁷⁶ The son was jailed for his suspected involvement in drug dealing, while the father was told to report every two weeks to his barangay chairman to ensure that he had stopped using drugs. The family said that Renaldo had indeed stopped using drugs following his surrender.¹⁷⁷

At about 9 p.m. on September 27, police officers led by SAID-SOTU police conducted one of many large-scale drug raids in the Binondo neighborhood, detaining as many as 100 residents at a local basketball court for screening.¹⁷⁸

According to his relative, Renaldo Agrigado was sleeping at his home with his wife and children when armed men dressed in civilian clothes, knocked on the door. After Agrigado opened the door, the armed men, later identified in the police report as undercover police officers, dragged him outside and ordered everyone out of their one-room home. Once the relatives were outside, the armed men took Agrigado back into the room.¹⁷⁹

From outside, neighbors and relatives heard Agrigado begging for his life and screaming from what they assumed was physical violence being inflicted by the gunmen. Soon

¹⁷⁵ Human Rights Watch interview with relative of Renaldo Agrigado, name withheld, Binondo, October 18, 2016.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

thereafter, gunshots rang out, and the shouting stopped.¹⁸⁰ After the shooting, the family was surprised to find two dead bodies with gunshot wounds in their home: that of Agrigado, who appeared to have been shot in the mouth, and of Raffy Sardido, 31, a neighbor who had also been identified as a drug user and possible drug dealer.¹⁸¹ Sardido was not in the home when the gunmen had arrived, so the family assumes that he was brought inside during the raid.¹⁸²

The police report said the men died under very different circumstances. It stated that an undercover police officer tried to buy drugs from Agrigado, and after completing the deal, removed his baseball cap to signal to his fellow officers to close in, “but one bystander shouted *pulis yang kausup niyo!*” (“That is the police you are talking to!”) and Agrigado fled. The police followed him to a “make-shift house” where “four male suspects [were] having a pot session”:

While searching for the whereabouts of suspect, RAFFY SARDIDO and REYNALDO AGRIGADO fired their respective firearms to the police operatives who luckily did not hit. At this instance, [police officers] retaliated in order to protect themselves from their armed aggressor, hitting both suspects that led to their death.¹⁸³

Agrigado’s family members reject the police version of his death, pointing out that Agrigado did not own a gun, and had been sleeping inside their home when the police came to raid their home.

During the same police operation, police shot a third person, Roldan Amora, 35, inside his home.¹⁸⁴ According to a relative of Agrigado, who is also Amora’s neighbor, Amora was ill with a high fever and sleeping on the ground of his darkened third-floor room when he was

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Binondo Police Station, Spot Report signed by Police Senior Inspector Rommel Anicete, September 28, 2016 (on file with Human Rights Watch).

¹⁸⁴ Human Rights Watch interview with relative of Renaldo Agrigado, name withheld, October 18, 2016.

shot. The neighbor said Amora was not involved in drugs, and held down a steady job carrying freight at the nearby docks.¹⁸⁵

The police report of Amora's death was nearly identical to the police account of Agrigado's and Sardido's deaths, stating he was killed during an active drug bust operation rather than inside his home. The police report said that the undercover operative conducted a successful drug deal with Amora, after which a bystander shouted "*Pulis onse yang kausup mo,*" ("That is police from [station] 11 you are talking to"), causing Amora to flee:

[S]aid suspect [then] suddenly darted to a third floor of a shanty to evade arrest but operative hastily chased the former in order to arrest him but suspect suddenly drew out his weapon and shot the pursuing cop who luckily did not hit. After sensing that his life was in imminent danger, [officer] returned fire and hit his marked who met his instantaneous death.¹⁸⁶

In October, Agrigado's relative, who lived in the same house, received an SMS death threat from a man that was believed to be a police officer involved in the killing of Agrigado. The threat makes explicit reference to the police stations in the area, and a police "asset" who is monitoring the house:

Be ready, I'm gonna shoot you next. Not in PCP but in station 11, just count the weeks and you'll lose someone again in your family, Agrigado. Especially now that my asset sees that you live in your house. Not trying to frighten you, I'm telling the truth, thank me for sending you a warning.¹⁸⁷

¹⁸⁵ Ibid.

¹⁸⁶ Binondo Police Station, Spot Report signed by Police Senior Inspector Rommel Anicete, September 28, 2016 (on file with Human Rights Watch).

¹⁸⁷ SMS (copy on file with Human Rights Watch). The original Tagalog-language text reads: "Humanda ka na susunod na kitang papadutukin. Hindi sa pcpc kundi sa station 11 bumilang ka land nang linggo may mawawala ulit sa pamilya mo agregado. Lalo na ngayon nakikita ka nang asset ko na dyan ka sa bahay nyo naninirmihan. Hindi aka nananakot totoo sinasabi ko pasalamat ka nag warning pa ako sayo."

Virgilio Mirano, September 27

Barangay North Bay Boulevard South (NBBS), Navotas

Virgilio Mirano, 39, was a father of two who had previously worked as a pump operator in the municipal flood control office. He had lost his post following municipal elections when newly elected leaders appointed their supporters to municipal jobs.¹⁸⁸ Following his firing, he worked only occasionally in construction, and began using shabu “occasionally, when he had some money,” according to his relatives.

Mirano’s relative interviewed by Human Rights Watch said that at 11:30 a.m. on September 27, barangay officials hand-delivered him a letter, ordering him to appear at the local municipal grounds on September 30, for a mass “surrender” ceremony. Virgilio discussed the letter with his brother, who advised him to lie low until the ceremony.¹⁸⁹

At about 3 p.m. that day, Mirano briefly left his home, where a lodger was celebrating his birthday, to go buy some coffee nearby.¹⁹⁰ Almost immediately after he returned home, four armed men dressed in civilian clothes and wearing face masks burst through the door, and ordered all the occupants to go outside.¹⁹¹ Minutes later, the armed men took Mirano outside into the alley in front of the home. As he begged for his life on his knees, the men shot Mirano six times, killing him while his relatives watched.¹⁹²

The assailants had arrived on two motorcycles, but a mobile uniformed police unit was nearby, operating an ad hoc checkpoint just two blocks away, according to witnesses. Following the killing, one of the gunman was seen giving a thumbs-up sign to the nearby police officers, and shouted “OK, all clear!” to the uniformed officers.¹⁹³ The four gunmen then proceeded to drive their motorcycles unimpeded away from the scene through the police checkpoint.¹⁹⁴

¹⁸⁸ Human Rights Watch interview with relative of Virgilio Mirano, name withheld, Barangay NBBS, October 22, 2016.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

The relative believes that the surrender letter was delivered just moments before the killing to confirm that Mirano was at home, before mobilizing the gunmen, demonstrating collusion among the barangay officials, the police, and the “death squad.” The relative said: “When he received the letter, he signed for receipt and this was the confirmation they needed that the right person was in the area and then they proceeded with the killing.”¹⁹⁵

The police report on the incident provides a completely different version of events. It states that police officers in the area were engaged in an anti-drug operation when they saw two persons “acting suspiciously.” As they approached the two men:

The duo drew their respective firearms and ran. While fleeing they fired shots on the approaching policemen hitting [police officer] Ryan Mones on the left leg. Exchange of gunfire ensued resulting in the death of [Virgilio Mirano] while his unidentified companion managed to elude [capture].¹⁹⁶

According to the police report, police recovered a .38 caliber revolver with five live rounds and one fired round from the scene, as well as one packet of shabu.¹⁹⁷

Mirano’s relative disputes the police claim that he even owned a gun, telling Human Rights Watch, “Virgilio couldn’t even afford to buy food, we had to support him as he lacked a steady job—how could he have afforded a handgun?” The relative also disputed that there had been a gunfight, telling Human Rights Watch that Mirano had only gone out to buy coffee and had been taken from his home and killed by the armed men.¹⁹⁸

¹⁹⁵ Ibid.

¹⁹⁶ Station Police Blotter Entry No. 1596, September 27, 2016, p. 477 and recorded by duty desk officer, PO3 Antares N. San Antonio (on file with Human Rights Watch).

¹⁹⁷ Ibid.

¹⁹⁸ Human Rights Watch interview with relative of Virgilio Mirano, name withheld, Barangay NBBS, October 22, 2016.

Jury Jana, October 4

Baragay 120, Caloocan, Metro Manila

Jury Jana, 32, worked as a moto taxi driver, and had been both a drug user and a small-time drug dealer, his relatives said.¹⁹⁹ After Duterte's inauguration in July, police officers came to his home and informed his family that Jana on a list of known drug users and dealers, and that he had to surrender.²⁰⁰ Jana promptly went to the police station in Bagong Barrio, Caloocan, and turned himself in to the authorities. At the police station, he signed documents confessing to being a drug user and dealer, and promised to quit dealing and using drugs, according to a relative. He was released by the police the same day.²⁰¹

On October 4, at about 7 p.m., Jana was busy repainting his moto taxi in the street in front of his rented room when about 20 men—some in police uniform and at least a half dozen in civilian dress—entered the area in an apparent anti-drug operation.²⁰² Those in civilian clothes approached Jana and asked if he was Jury Jana; apparently fearing for his life, he denied it. However, a masked informant accompanying the police confirmed Jana's identity.²⁰³

Jana's family said that their neighbors told them that they watched the men in civilian clothes order Jana to stand up and then handcuffed him, before taking him to his tiny room located just 20 meters away. From their rooms, the neighbors could hear Jana being beaten inside the room, and one neighbor told the family that he saw the police dunk Jana's head into a barrel of water inside the room. According to the neighbors, Jana was begging the policemen to spare his life and stop abusing him.

The family said that the neighbors told them that after a few minutes, about 8 to 10 gunshots rang out inside the room.

¹⁹⁹ Human Rights Watch interview with relative of Jury Jana, name withheld, Manila, October 18, 2016.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

At about 7:45 p.m., a barangay watchman came to inform Jana’s relatives, who lived nearby, that Jana had been shot dead by the police while “fighting back.”²⁰⁴ The relatives rushed to the scene, but were prevented by the police from entering Jana’s room. According to a relative:

The police said [Jana] had a gun, and tried to shoot at them, with a .38 caliber revolver. But this is not true, [Jana] doesn’t even know how to use a gun. ...I don’t believe [Jana] fought back.²⁰⁵

Human Rights Watch was unable to obtain any police reports related to the circumstances of Jury Jana’s death. However, a media report on the killing specified that “drug suspect Jury Jana was killed after he allegedly fired at anti-narcotics operatives during a sting [operation].”²⁰⁶

Benjamin Visda, October 4

Barangay 70, Tondo, Manila

Benjamin Visda, 43, was an unemployed father of two who according to his relatives was a drug user who lived with one of his siblings as he was unable to support himself. Following Duterte’s inauguration, barangay officials warned Visda to surrender, as his name was on the barangay’s list of known drug users.²⁰⁷ Visda’s relatives told Human Rights Watch that he went to surrender at the local barangay office in July, during a large “surrender ceremony” also involving other drug users and dealers. According to his relatives, Visda stopped using drugs following his surrender, out of fear that he might be killed, as several others who surrendered together with him were later killed.²⁰⁸

²⁰⁴ Ibid.

²⁰⁵ Ibid.

²⁰⁶ “Alleged narco cop, 9 others killed,” *Philippines Star*, October 6, 2016, <http://www.philstar.com/metro/2016/10/06/1630789/alleged-narco-cop-9-others-killed>.

²⁰⁷ Human Rights Watch interview with relative of Benjamin Visda, name withheld, Manila, October 18, 2016.

²⁰⁸ Ibid.

At about 11 p.m. on October 4, Visda was outside his home with a young relative when a woman approached the two, asking Visda to obtain shabu for her.²⁰⁹ The woman was “very insistent,” according to the relative, but Visda refused her requests, saying he was not a pusher and quit drugs, before going inside his home. The family believes the woman trying to convince Visda to buy drugs for her was part of the ensuing police sting operation.²¹⁰

Shortly afterwards, Visda asked his relatives for 40 pesos, saying he needed to buy some dinner, and left the home. Almost immediately, a neighbor came to inform the family that Visda had been detained down the road by police officers during an anti-drug raid.²¹¹

When the family ran outside, they saw armed men in civilian clothes, wearing face masks and motorcycle helmets, accompanied by local barangay officials and barangay security guards, surrounding Visda, just one block away from their home. The men had tied Visda’s hands, and told his relatives they were taking him to the nearby police station.²¹²

CCTV footage that was later made public shows a group of gunmen in civilian clothes wearing white facemasks escorting Visda out of an alley. The gunmen then tie his hands as other men with facemasks move in and out of the area on at least six motorcycles. Suddenly, Visda is pushed on to a motorcycle driven by a man with a facemask and a raincoat, while a second man with a facemask jumps on the motorcycle behind Visda, sandwiching Visda man between them. The motorcycle speeds away just as Visda’s relatives arrive, and a man in a white shirt stands among them, shouting into a walkie-talkie.

When Visda’s relatives arrived at the nearby police station on motorcycle, he was already dead: they found Visda’s body on the ground just behind the police station, still handcuffed, dumped there by his abductors. “When we found the body, there were no police around, only the neighborhood people. The policemen who had taken him were no longer there,” a relative told Human Rights Watch.²¹³

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid.

An entry in the police log describes the incident as a “shoot-out/armed encounter,” and notes that the “suspect is listed as [drug] user in July Illegal Drug Watchlist of [Raxabago-Tondo Police Station].”²¹⁴ A police memorandum on the incident offers the following version:

[Police] investigation conducted revealed that after the consummated buy-bust transaction, police operatives on board their motorcycles brought the suspect to the Station for inventory. While on the way traversing Raxabago St. going to the Station, arrested suspect who was handcuffed grabbed the service firearms of escorting police operative caused them to fall down. The suspect shot the accompanying police operative but missed. Sensing imminent danger to their life and innocent people in the area, other police operative shot to neutralize the suspect. The suspect, who was shot, was immediately rushed to Gat Andres Bonifacio Memorial Medical Center by police operative but was pronounced dead on arrival (DOA).²¹⁵

Visda’s relatives told Human Rights Watch they have faced constant police surveillance and harassment since his killing. They fear so much for the lives of their other male relatives that they were afraid to make a complaint against the police, even though they are convinced the police executed Visda.²¹⁶

The police memorandum on the death of Visda names Police Officer Jonathan Ubarre—a member of the Station Anti-Illegal Drugs, Special Operation Task Unit that carried out the police operation resulting in Visda’s death—as the investigative officer in the case.²¹⁷ It recommends the opening of a spot inquest by the city prosecutor for attempted homicide “against the killed suspect”; that is, an inquest into the handcuffed Visda’s purported attempt to use a police revolver against the police, rather than into the killing of Visda by

²¹⁴ Raxabago-Tondo Police Station logbook, Entry 14499, October 05, 2016 (on file with Human Rights Watch).

²¹⁵ Raxabago-Tondo Police Station, Spot Report re Shoot-out/Armed Encounter against Benjamin Visa y Capule alias “Jon” (Doa), October 5, 2016 (on file with Human Rights Watch).

²¹⁶ Human Rights Watch interview with relative of Benjamin Visda, name withheld, October 18, 2016.

²¹⁷ Raxabago-Tondo Police Station, Spot Report re Shoot-out/Armed Encounter against Benjamin Visa y Capule alias “Jon” (Doa), October 5, 2016 (on file with Human Rights Watch).

the police.²¹⁸ On October 20, the Office of the City Prosecutor issued a subpoena to the relatives of Visda to appear at such an inquest.²¹⁹

Paquito Mejos, October 14

Barangay North Bay Boulevard South (NBBS), Navotas, Metro Manila

Paquito Mejos, 53, was a father of five and worked as an electrician on construction sites. According to his relatives, he was an occasional shabu user, but not involved in drug dealing.²²⁰ On October 7, barangay officials came to his house and told him his name was on the neighborhood watch list of drug suspects, and that he had to surrender. He went immediately to the barangay municipal hall with his wife, but was told no one was available to process his case, and to return on October 10.²²¹

Mejos did as told, and on his return on October 10, he went to the police station and was photographed and fingerprinted. On October 12, the barangay officials summoned him again to the barangay together with other surrenderees, to determine whether they needed rehabilitation or to attend a series of anti-drug seminars, before sending him home again.

Two days later, on October 14 at about 2 p.m., Mejos was taking a nap upstairs in his home when four masked gunmen in civilian clothes riding on two motorcycles arrived at his home.²²² Witnesses said uniformed policemen were also present in the area at the time.

According to a relative:

They came inside and asked, “Where is Paquito?” I asked them, “Why?”
They pushed me out of the way, and two of them with their weapons drawn went upstairs. When I saw them with their handguns going upstairs, I told them, “But he has already surrendered to the authorities!” They told me to

²¹⁸ Ibid. (“Cases for violation of R.A. 9165 and Attempted Homicide are being prepared for Spot Inquest against the killed suspect before the Office of the City Prosecutor.”).

²¹⁹ Office of the City Prosecutor of Manila, Subpoena, October 20, signed by Senior Assistant City Prosecutor Teresa Belinda Tan-Sollano (on file with Human Rights Watch). The subpoena also is addressed to “All of Station Anti-Illegal Drugs, Special Operations Task Unit, Raxabago-Tondo Police Station (PS1) MPD.”

²²⁰ Human Rights Watch interview with relative of Paquito Mejos, name withheld, October 24, 2016.

²²¹ Ibid.

²²² Ibid.

shut up, or I would be next. Right after this, I heard two gunshots and I got hysterical and they took me outside. The men secured the area. Moments later, the SOCO investigators arrived. The armed men were still here. The police claimed they found a handgun and sachet of shabu in the possession of Paquito. But Paquito never had a gun, and he did not have any shabu that day. He had been inside the house all day, and had not gone outside.²²³

The police report of the incident claims that a police team was in the area to serve a warrant of arrest on a different person when they spotted Mejos, “a suspected drug pusher”:

Seeing the approaching lawmen, Mejos suddenly drew his firearm from his waistline and ran. While fleeing heading towards the second floor of the house, he pointed his gun to the pursuing team but the police officers were able to shoot him first hitting him on the body causing his instantaneous death.²²⁴

Jerome Bayutas, October 18

Barangay 621, Santa Mesa, Manila

Jerome Bayutas, 36, was a rickshaw driver and shabu user.²²⁵ At about 3 p.m. on October 18, five armed men dressed in black with their faces masked arrived at Bayutas’ home.²²⁶ According to a neighbor, the gunmen, later reported to be police, arrested his wife, Catherine Fernandez, 34, an alleged drug dealer, and brought her and their two children out of the house. They then returned inside where Bayutas remained. Minutes later, several gunshots rang out, and soon thereafter the gunmen came outside with Bayutas’

²²³ Ibid.

²²⁴ Navotas Police Department, Blotter Entry 1687, “(For Record) RE: Encounter between PNP personnel and Paquito Mejos aka Pakerey, a suspected drug pusher,” October 14, 2016 (on file with Human Rights Watch).

²²⁵ Human Rights Watch interview with relative of Jerome Bayutas, name withheld, Santa Maria, October 22, 2016.

²²⁶ Ibid.

body. They covered the body with a blanket and left with it before the SOCO police investigators arrived.²²⁷

The police claim to have recovered a .38 caliber handgun and packets of shabu from the house.²²⁸ In an interview with Human Rights Watch, a relative of Bayutas denied he owned a gun, and said he was shot dead by the police without offering any resistance.²²⁹

Norberto Maderal, George Avanceña, October 19

Barangay North Bay Boulevard South (NBBS), Navotas, Metro Manila

Norberto Maderal, 42, was a tricycle driver and a regular shabu user, according to his relatives.²³⁰ On October 19, a relative of Maderal who lived in the same house heard Maderal return home at about 1:30 p.m. Five to ten minutes later, the relative heard a commotion and found three armed, masked men inside the home, with another two masked gunmen standing guard outside the home. The men ordered the relative to return to his room, and one of them held his door closed.²³¹

From his room, the relative heard the men beat Maderal, who begged them to spare him, pleading: “Please sirs, please I am not a pusher, have mercy on me.” Suddenly, the relative heard two gunshots. He waited for a few minutes, and then opened the door and found Maderal’s bloody body on the floor of the living room, with a .38 caliber pistol and a packet of shabu nearby. The relative said Maderal did not own a gun and gave no sign of resistance, so he believes the gun and shabu were planted by the gunmen.

Within five minutes, uniformed police officers arrived at the home.²³² The police cordoned off the area and ordered everyone outside the cordon. After a few more minutes, a policeman in civilian clothes wearing a baseball cap with a “COP” label arrived at the

²²⁷ Ibid.

²²⁸ Ghio Ong and Romina Cabrera, “7 killed in drug war,” *Philippine Star*, October 20, 2016 <http://www.philstar.com/metro/2016/10/20/1635424/7-killed-drug-war>.

²²⁹ Human Rights Watch interview with relative of Jerome Bayutas, name withheld, October 22, 2016.

²³⁰ Human Rights Watch interview with relative of Norberto Maderal, name withheld, NBBS, October 24, 2016.

²³¹ Ibid.

²³² Ibid.

scene and entered the home.²³³ Almost immediately, two more gunshots rang out. George Avanceña, who had apparently arrived with Norberto Maderal but had not been seen by the relative, was killed.²³⁴

Neighbors later told the relative that the armed men responsible for shooting Maderal had trailed Maderal and Avanceña to the home. The neighbors added that they had noticed the home had been under police surveillance since the day before the killings.²³⁵

SOCO police investigators came to the scene, and later asked the relative who witnessed the killing to give a statement to the police.²³⁶ When the relative told the police what he had witnessed, the police responded by asking how long the relative had been aware of Maderal's drug use and why he had not reported this to the police.²³⁷

The police spot report stated:

The initial investigation conducted revealed that on above given time and date, this station conducted a buy-bust operation on the alluded place. When the suspects realized that they were transacting with a police operative, suspects immediately drew their firearms and pointed it to the operatives and tried to open fire, police officers were placed in imminent danger that prompted them to defend themselves which resulted in the instantaneous deaths of the suspects.²³⁸

²³³ Ibid.

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Navotas Police Department, Blotter Entry 1716, "For Record: Re Police Operation that resulted to the death of two (2) male person," October 19, 2016 (on file with Human Rights Watch).

Heart de Chavez, January 10; “Joan,” January 13, 2017

Barangay San Jose, Navotas, Metro Manila

Heart de Chavez, a 26-year-old transgender woman, worked previously as a beautician but had resorted to small-scale drug dealing to help feed her family.²³⁹ Despite her relatives’ repeated pleading to stop selling drugs, de Chavez continued to carry out small deals, telling her mother, “this is just to buy food.”²⁴⁰ A barangay official said that de Chavez was listed on the barangay’s drug watch list.²⁴¹

On January 7, 2017, a police officer detained de Chavez after she left the house of one of her transgender friends. While no drugs were found on her, the police officer found incriminating messages on her mobile phone that appeared to refer to drug dealing.²⁴² The police demanded a 50,000 pesos (US\$100) bribe from the family to release de Chavez. The family said they did not have that much money, so police agreed to release her for a 10,000 pesos (\$20) bribe: “We didn’t get any receipt or sign any documents,” a relative said.²⁴³

Three days later, on January 10 at about 10 p.m., de Chavez came home for the evening. At about 11:30 p.m., seven masked armed men in civilian clothes broke through the door, and grabbed de Chavez. A relative said that de Chavez was begging them not to hurt her: “I will not fight back.” The gunmen pointed their guns at her relatives as they took her outside.

Seven gunmen took de Chavez 50 meters down the alley. A witness told Human Rights Watch that evening that “the gunmen asked everyone to leave the scene before shooting [de Chavez].”²⁴⁴ They shot de Chavez in the chest and face, then immediately left the scene.

²³⁹ Heart’s name at birth was Alvin Ronald de Chavez. She also went by the nickname Ron-Ron.

²⁴⁰ Aie Balagtas See, “Transgender on drug watch list shot dead in Navotas,” *Inquirer*, January 11, 2017, <http://newsinfo.inquirer.net/861529/transgender-on-drug-watch-list-shot-dead-in-navotas>.

²⁴¹ *Ibid.*

²⁴² Human Rights Watch interview with relative of Heart de Chavez, name withheld, Navotas, January 11, 2017.

²⁴³ *Ibid.* “Transgender on drug watch list shot dead in Navotas,” *Inquirer*, <http://newsinfo.inquirer.net/861529/transgender-on-drug-watch-list-shot-dead-in-navotas>.

²⁴⁴ Human Rights Watch interview with a witness, name withheld, Navotas, January 10, 2017.

As de Chavez's relatives left their home in search of her, they crossed the gunmen as they were heading back to their motorcycles parked outside the alley. The relatives said the gunmen were laughing about the killing. The masked, armed gunmen appeared unconcerned about getting caught by the police for the killing, despite the heavy police presence in the neighborhood, suggesting they were collaborating with the police or were police officers themselves.²⁴⁵

The police report on the incident makes no mention of gunmen taking de Chavez into custody, stating only that a dead body had been reported to the police by local officials.²⁴⁶

Three days after the killing of de Chavez, panicked family members contacted local journalists, saying that a group of masked gunmen who they believed were de Chavez's killers had returned to the neighborhood. An hour later, a group of seven masked armed men were seen entering the public cemetery adjacent to the alley where de Chavez was killed. Residents heard gunshots and then saw the gunmen leave, and later found the body of a 27-year-old woman called "Joan," whose real name is unknown, dead from gunshot wounds.²⁴⁷

Local barangay officials said "Joan" was a drug runner on the barangay's drug watch list who had surrendered to the police but was suspected of continuing to be involved with drugs.²⁴⁸

Unidentified person, January 14

Malate, Manila

At about 2:35 a.m. on January 14, a shooting incident took place between the police and an unidentified person at an intersection in the Malate district of Manila. According to the police report of the incident, police officers operating a checkpoint nearby received a call that an armed man was riding tandem on a motorcycle--a common element in drive-by

²⁴⁵ Human Rights Watch interview with relative of Heart de Chavez, name withheld, January 11, 2017.

²⁴⁶ Navotas City Police Station, Spot Report Re: Found Dead Male Body, January 11, 2017 (on file with Human Rights Watch).

²⁴⁷ Human Rights Watch interview with local resident, name withheld, Navotas, January 13, 2017.

²⁴⁸ Edd Reyes, "Woman Killed in Cemetery," *Journal Online*, January 14, 2017, <http://www.journal.com.ph/news/metro/woman-killed-in-cemetery>.

killings. The police report states that the officers proceeded to the scene, where the armed man fired at them and they returned the fire:

Upon seeing [the police, the suspect] pulled out his handgun and shoot [sic] them twice. Luckily, [he] missed thus prompting [the officer] to retaliate and shoot back hitting [the suspect] [who] sustained gunshot wounds on the chest. However, the driver of a scooter motorcycle, color black w/out plate number managed to drove [sic] off going to Estrada Street and evade the arrest.²⁴⁹

However, several witnesses contradicted the official police version of the incident in separate interviews with Human Rights Watch. At least eight people, including several young children, were alerted to the scene when they heard noise in the alley where the alleged shootout took place.

One of the witnesses said:

It was about 2:35 a.m. We were playing computer games. Suddenly a motorcycle arrived, and it was carrying [the victim]. My friend first peeked out, and saw what was being done to that person by the tree, and then I looked and saw that the person's face was being punched until his screaming stopped. Then there were three shots, one after the other.

Then after those three shots, the person driving the motorcycle left, and then four consecutive shots followed immediately, then only one policeman was left. Then suddenly other people arrived and put [police] tape denying entry.²⁵⁰

While the body was being guarded by a single policeman, several witnesses came closer and photographed the body with their cellphones. The witness said:

²⁴⁹ Manila Police District, Spot Report Blotter Entry 3142, January 14, 2017 (on file with Human Rights Watch).

²⁵⁰ Human Rights Watch interview with witness 1, name withheld, Manila, January 14, 2017.

There is a big enclosure there, and behind it you can stand on a water tank and see the scene. There, I saw the suspect sprawled without a gun. Then when the policeman saw us, we were asked to leave because we were taking pictures.... There was no gun yet when we took pictures. When we returned, we saw that a gun appeared at the scene [next to the body]. Then we started to think, that this is not really what happened. Why did they do that?²⁵¹

Based on what he saw, the witness concluded that both the initial three shots and the final four shots were carried out by the police while the suspect was being beaten: “With the seven shots, it seems that three were used as planted evidence for the gun to be left with the suspect. The other four were used to make sure he was dead.”²⁵²

A second witness, interviewed separately by Human Rights Watch, gave a similar account of the incident, saying he watched from a nearby window as the victim was beaten against a tree, and then shot dead:

He was punched on the lips.... He was still alive after the first three shots. Then the four shots that followed, all of those hit him. We could see the gun flashes when it fired.²⁵³

The second witness also confirmed having seen the body first without a gun next to it, and then later seeing the body with a gun next to it after a group of policemen arrived at the scene and stood around the body for a while: “When the police weren’t there yet, we captured the moment when there was no gun yet [next to the body]. ... I was shocked. What they did is really not right, it wasn’t fair. The police will claim he fought back even if he didn’t. They deliberately killed him.”²⁵⁴

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Human Rights Watch interview with witness 2, name withheld, Manila, January 14, 2017.

²⁵⁴ Ibid.

III. Prohibition of Extrajudicial Executions under International and Philippine Law

International Law

The cases investigated in this report are apparent extrajudicial executions, which can be defined as the deliberate killing by state security forces or their agents of a person in custody.

Summary, extrajudicial, or arbitrary executions are prohibited under international human rights law. Those prohibitions are derived from the right to life protected under the Universal Declaration of Human Rights, endorsed by all United Nations member countries,²⁵⁵ and the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a party,²⁵⁶ among other international instruments.²⁵⁷

The UN Human Rights Committee, which monitors state compliance with the ICCPR, has stated in its General Comment No. 6 that governments should prevent arbitrary killings by their own security forces.²⁵⁸ In addition, the UN General Assembly, the Commission on Human Rights and the Human Rights Council have repeatedly called for governments to stop unlawful executions. For instance, all governments “must ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations.”²⁵⁹

²⁵⁵ Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A (III), U.N. Doc A/810 at 71 (1948), art. 3.

²⁵⁶ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21, U.N. Doc. A/6316 (1966), entered into force March 23, 1976, art. 6. The Philippines ratified the ICCPR on October 23, 1986.

²⁵⁷ See, e.g., Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 6; Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, August 27 to September 7, 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), principle 5.

²⁵⁸ UN Human Rights Committee, General Comment No. 6, art. 6, The Right to Life, para. 3.

²⁵⁹ See, e.g., Extrajudicial, summary or arbitrary executions, G.A. Res. 69/182, December 18, 2014, para. 2; Commission on Human Rights Resolution 34 (2005), Extrajudicial, summary or arbitrary executions, E/CN.4/RES/2005/34, para. 3; Human

International law specifies that governments have a duty to investigate and prosecute serious violations of physical integrity, including violations of the right to life. The Human Rights Committee has frequently reminded government of their obligation to ensure effective remedies for violations of the right to life, including extrajudicial executions. Governments are obligated to conduct prompt, thorough and effective investigations through independent and impartial judicial bodies; bring to justice those responsible for criminal offenses; provide prompt and full reparations to victims; and prevent future violations.²⁶⁰

The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions affirm that “extra-legal, arbitrary, and summary executions” cannot be carried out “under any circumstances” and that “[g]overnments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws.”²⁶¹ According to the principles, governments “shall prohibit orders from superior officers or public authorities *authorizing or inciting* other persons to carry out any such extralegal, arbitrary or summary executions. All persons shall have the right and the duty to defy such orders” (emphasis added). The principles also affirm that training of law enforcement officials shall emphasize these duties and prohibitions.²⁶²

Rights Council Resolution 26/12, Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/26/L.23, para. 3.

²⁶⁰ UN Human Rights Committee has stated that the ICCPR “requires that States Parties make reparation to individuals whose Covenant rights have been violated. Without reparation to individuals whose Covenant rights have been violated, the obligation to provide an effective remedy which is central to the efficacy of [enforcing the ICCPR] is not discharged. ... [T]he Covenant generally entails appropriate compensation.” Human Rights Committee, General Comment No. 31, International covenant on civil and political rights, para. 16. Compensation covers material losses, such as medical expenses and the loss of earnings, as well as economically assessable moral damage, such as pain and suffering. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted on December 16, 2005, U.N. Doc. A/Res/60/147, principle 20.

²⁶¹ UN Economic and Social Council, Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Resolution 1989/65 (1989), U.N. Doc. E/1989/89 (1989), principle 1.

²⁶² *Ibid.*, paras. 1, 3.

Philippine Law

The Philippine Constitution’s Bill of Rights protects the right to life, specifying that “No Person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the law.”²⁶³

Under domestic law, members of the Philippine National Police (PNP) have a duty to protect lives and property, investigate and prevent crimes, arrest criminal offenders, bring offenders to justice and assist in their prosecution, and exercise powers of arrest, search, and seizure in accordance with the law, among other duties.²⁶⁴ PNP guidelines

further detail the duties of police officers in crime scene investigations, including cordoning off the crime scene, evacuating injured persons to the nearest hospital, interviewing witnesses, gathering physical evidence, and arresting suspects, among other tasks.²⁶⁵

“I don’t care about the Supreme Court because of the right to preserve one’s life and my nation. My country transcends everything else, even the limitation.”

—Rodrigo Duterte, January 14, 2017

²⁶³ Constitution of the Republic of the Philippines, 1987, <http://www.gov.ph/constitutions/1987-constitution/>, art. III, sec. 1.

²⁶⁴ Republic of the Philippines, Republic Act No. 6975, http://www.lawphil.net/statutes/repacts/ra1990/ra_6975_1990.html, art. III, sec. 24.

²⁶⁵ Revised Philippine National Police Operational Procedures, Conduct of Crime Scene Investigation, December 2013, http://www.pnp.gov.ph/images/transparency_seal/2016/manuals/PNPOperationsManual.pdf, rule 22.

IV. Criminal Responsibility of President Duterte and Senior Government Officials

Legal Bases for Criminal Responsibility

The alleged extrajudicial executions of thousands of suspected drug dealers and users in the Philippines needs to be viewed in the context of Rodrigo Duterte’s election to the presidency and his repeated calls during the campaign and since taking office threatening those involved with illegal drugs with death. Even if not directly involved in any specific operations to summarily execute any specific individual, President Duterte appears to have instigated unlawful acts by the police, incited citizens to commit serious violence, and made himself criminal liable under international law for the unlawful killings as a matter of command responsibility. Other senior leaders of his administration have likewise made themselves criminally culpable for their alleged complicity in unlawful killings.

International law holds an individual criminally responsible if they plan, instigate, order commit or otherwise aid and abet a criminal offense.²⁶⁶ Instigating means prompting another to commit an offense that is actually committed.²⁶⁷ A causal link between the act of instigation and the commission of a particular crime

“If I want to, and if it will deteriorate into something really very virulent, I will declare martial law if I want to. No one can stop me.”

—Rodrigo Duterte, January 14, 2017

²⁶⁶ See, e.g., Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Res. 827, adopted May 25, 1993, http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf, art. 7(1); Statute of the International Criminal Tribunal for Rwanda (ICTR), United National Security Council, Resolution 955 (1994), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatuteInternationalCriminalTribunalForRwanda.aspx>, art. 6(1).

²⁶⁷ See, e.g., ICTY, *Prosecutor v. Dario Kordić and Mario Čerkez*, Case No. IT-95-14/2-A, Appeals Chamber, December 17, 2004, http://www.icty.org/x/cases/kordic_cerkez/acjug/en/cer-ajo41217e.pdf, para. 27; ICTR, *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze*, Case No. ICTR-99-52-A, Appeals Chamber, November 28, 2007, <http://www.un.org/en/preventgenocide/rwanda/pdf/NAHIMANA%20ET%20AL%20-%20APPEALS%20JUDGEMENT.pdf>, para. 480. Unlike the crime of direct and public incitement, instigation does not give rise to criminal responsibility unless the crime is ultimately committed. ICTR, *Prosecutor v. Jean Mpambara*, Case No. ICTR-01-65-T, Trial Chamber I, September 11, 2006, http://hrlibrary.umn.edu/instreet/ICTR/MPAMBARA_ICTR-01-65/MPAMBARA_ICTR-01-65-T.pdf, para. 18.

by the physical perpetrators needs to be shown, including where the instigation arises from public utterances.²⁶⁸

While international law says little about incitement outside the context of incitement to genocide, it does set out basic requirements. In common law jurisdictions, incitement to commit a crime is defined as encouraging or persuading another to commit a crime, whether or not the crime is actually committed. Civil law systems punish direct and public incitement assuming the form of provocation, which is defined as an act intended directly to provoke another to commit a crime or a misdemeanor through speeches, shouting, or threats, or any other means of audiovisual communication.²⁶⁹ The “direct” element involves specifically urging another individual to take immediate criminal action rather than merely making a vague or indirect suggestion.²⁷⁰

The prosecutor of the International Criminal Court (ICC), Fatou Bensouda, issued a statement to President Duterte in October, warning him that: “Any person in the Philippines who incites or engages in acts of mass violence including by ordering, requesting, encouraging or contributing, in any other manner, to the commission of crimes within the jurisdiction of the ICC is potentially liable for prosecution before the court.”²⁷¹

“Here is Congress and here is the Supreme Court drawn into a stalemate just to have the safety nets of an abusive despot or dictator. Where will I go then? So if the Supreme Court decides otherwise and here is Congress, what will I do now? There is no more control. The three great branches of government, two are against one another so I, as President, will decide.”

—Rodrigo Duterte, January 14, 2017

²⁶⁸ See, ICTY, *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-T, Trial Chamber II, September 1, 2004, <http://www.icty.org/x/cases/brdanin/tjug/en/brd-tjo40901e.pdf>, para. 359.

²⁶⁹ See, ICTR, *Prosecutor v. Juvénal Kajelijeli*, Case No. ICTR-98-44A-T, Trial Chamber II, December 1, 2003, http://hrlibrary.umn.edu/instreet/ICTR/KAJELIJELI_ICTR-98-44A/KAJELIJELI_ICTR-98-44A-T.pdf, para. 850.

²⁷⁰ See, ICTR, *Prosecutor v. Tharcisse Muvunyi*, Case No. ICTR-2000-55A-T, Trial Chamber II, September 12, 2006, http://hrlibrary.umn.edu/instreet/ICTR/MUVUNYI_ICTR-00-55/MUVUNYI_ICTR-2000-55A-T.pdf, para. 502.

²⁷¹ “Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda concerning the situation in the Republic of the Philippines,” ICC news release, October 13, 2016, <https://www.icc-cpi.int/pages/item.aspx?name=161013-otp-stat-php>.

In addition, the doctrine of superior responsibility under international law imposes liability on superiors for the unlawful acts of their subordinates where the superior knew or had reason to know of the unlawful acts, and failed to prevent and punish those acts.²⁷² The doctrine of superior responsibility is a well-established component of customary international law.²⁷³

Superiors possess the requisite culpable mental state for the imposition of criminal responsibility when they have actual knowledge or “reason to know” that their subordinates were committing crimes.²⁷⁴ Superiors’ actual knowledge is “established through direct and circumstantial evidence.”²⁷⁵ The second type of knowledge—“had reason to know”—requires superiors to remain informed about the activities of their subordinates; they cannot willfully blind to what is going on.²⁷⁶ Superiors can be liable if they possessed any information that should have put them on notice of crimes committed or about to be committed by their subordinates. Although superiors cannot be expected to “perform the impossible,” they can be held criminally liable for failing to take actions within their “material possibility.”²⁷⁷

Finally, customary international law and the Rome Statute of the International Criminal Court, to which the Philippines is a party, prohibit crimes against humanity. Crimes against humanity are certain acts, including murder, torture, and other inhumane acts committed as part of a widespread or systematic attack against a civilian population.²⁷⁸

²⁷² ICTY, *Prosecutor v. Zejnil Delalić, Zdravko Mucić, Hazim Delić, and Esad Landžo*, Case No. IT-96-21-T, Trial Chamber, November 16, 1998, http://www.icty.org/x/cases/mucic/tjug/en/981116_judg_en.pdf, para. 346 (*Celebici*). In *Celebici*, the Trial Chamber of the ICTY traced the development of the concept of superior responsibility from its first international judicial recognition in the Nuremberg and Tokyo trials after World War II. The Trial Chamber broke down the principle of superior responsibility into three essential elements: (i) the existence of a superior-subordinate relationship; (ii) the superior knew or had reason to know that the criminal act was about to be or had been committed; and (iii) the superior failed to take the necessary and reasonable measures to prevent the criminal act or punish the perpetrator thereof.

²⁷³ *Ibid.* This decision was later amended, see, ICTY, *Prosecutor v. Delalić et al.*, Appeals Chamber, February 20, 2001, <http://www.icty.org/x/cases/mucic/acjug/en/cel-ajo10220.pdf>, para. 333.

²⁷⁴ *Ibid.*, para. 383.

²⁷⁵ *Ibid.*

²⁷⁶ *Ibid.*, paras. 387-88.

²⁷⁷ *Ibid.*, para. 395.

²⁷⁸ Rome Statute of the International Criminal Court (“Rome Statute”), U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, http://legal.un.org/icc/statute/99_corr/cstatute.htm, arts. 7, 34(b), 35(1), 36(1), 36(6)(a), 36(9)(a).

Unlike war crimes, crimes against humanity can be committed during times of peace if they are part of a widespread or systematic attack against a civilian population.²⁷⁹ The Rome Statute defines an “attack against a civilian population” as “a course of conduct involving the multiple commission of [acts such as murder] against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.”²⁸⁰

“Widespread” refers to the scale of the acts or number of victims.²⁸¹ A “systematic” attack indicates “a pattern or methodical plan.”²⁸² However, while a plan or policy may be evidentially relevant in proving that an attack was directed against a civilian population, it is not a legal element of a crime against humanity.²⁸³

For individuals to be found culpable of crimes against humanity, they must have had knowledge of the crime. That is, perpetrators must have been aware that their actions formed part of the widespread or systematic attack against the civilian population.²⁸⁴

²⁷⁹ The attacks underlying the commission of crimes against humanity must be widespread or systematic, it need not be both. See ICTY, *Prosecutor v. Duško Tadić*, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, <http://www.icty.org/x/cases/tadic/tjug/en/tad-ts705071T2-e.pdf>, para. 646 (“it is now well established that...the acts...can...occur on either a widespread basis or in a systematic manner. Either one of these is sufficient to exclude isolated or random acts.”).

²⁸⁰ Rome Statute, art. 7 (2) (a).

²⁸¹ Widespread is defined as “massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims.” See, ICTR, *Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-T, Judgment (Trial Chamber I), September 2, 1998, <http://unictr.unmict.org/sites/unictr.org/files/case-documents/ict-96-4/trial-judgements/en/980902.pdf>, para. 579; see also ICTY, *Prosecutor v. Dario Kordić and Mario Čerkez*, Case No. IT-92-14/2, Trial Chamber III, February 26, 2001, http://www.icty.org/x/cases/kordic_cerkez/tjug/en/kor-tjo10226e.pdf, para. 179; ICTR, *Prosecutor v. Clément Kayishema and Obed Ruzindana*, Case No. ICTR-95-1-T, Trial Chamber II, May 21, 1999, <http://unictr.unmict.org/sites/unictr.org/files/case-documents/ict-95-1/trial-judgements/en/990521.pdf>, para. 123.

²⁸² ICTY, *Prosecutor v. Duško Tadić*, Case No. IT-94-1-T, Opinion and Judgment (Trial Chamber), May 7, 1997, <http://www.icty.org/x/cases/tadic/tjug/en/tad-ts705071T2-e.pdf>, para. 648. In *Prosecutor v. Dragoljub Kunarac, Radomir Kovač, and Zoran Voković* the Appeals Chamber stated that “patterns of crimes—that is the non-accidental repetition of similar criminal conduct on a regular basis—are a common expression of [a] systematic occurrence.” ICTY, *Prosecutor v. Dragoljub Kunarac, Radomir Kovač, and Zoran Voković*, Case No. IT-96-23 and IT-96-23-1A, Judgment (Appeals Chamber), June 12, 2002, <http://www.icty.org/x/cases/kunarac/acjug/en/kun-ajo20612e.pdf>, para. 94.

²⁸³ ICTY, *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-A, Appeals Chamber, July 29, 2004, <http://www.icty.org/x/cases/blaskic/acjug/en/bla-ajo40729e.pdf>, para. 120.

²⁸⁴ See ICTY, *Prosecutor v. Kupreskić et al.*, Case No. IT-95-16-T, Trial Chamber, January 14, 2000, <http://www.icty.org/x/cases/kupreskic/tjug/en/kup-tj000114e.pdf>, para. 556 (“[T]he requisite mens rea for crimes against humanity appears to be comprised by (1) the intent to commit the underlying offence, combined with (2) knowledge of the broader context in which that offence occurs.”) See also, ICTY, *Prosecutor v. Duško Tadić*, Case No. IT-94-1-A, Judgment (Appeals Chamber), July 15, 1999, <http://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf>, para. 271; ICTR, *Prosecutor v. Clément Kayishema and Obed Ruzindana*, Case No. ICTR-95-1-T, Judgment (Trial Chamber II), May 21, 1999, <http://unictr.unmict.org/sites/unictr.org/files/case-documents/ict-95-1/trial-judgements/en/990521.pdf>, paras. 133-34.

Those in a position of command can be held criminally responsible for failing to prevent crimes against humanity by those under their command, or to submit the matter for prosecution when they knew or should have known about the crimes.²⁸⁵ Because crimes against humanity are considered crimes of universal jurisdiction, all states are responsible for bringing to justice those who commit crimes against humanity.

To determine whether the attack satisfies either or both requirements of a “widespread” or “systematic” attack vis-à-vis this civilian population, factors include the “consequences of the attack upon the targeted population, the number of victims, the nature of the acts, the possible participation of officials or authorities or any identifiable patterns of crimes.”²⁸⁶ It is also important to consider:

The existence of an acknowledged policy targeting a particular community, the establishment of parallel institutions meant to implement this policy, the involvement of high-level political or military authorities, the employment of considerable financial, military or other resources and the scale or the repeated, unchanging and continuous nature of the violence committed against a particular civilian population are among the factors which may demonstrate the widespread or systematic nature of an attack.²⁸⁷

Responsibility of President Duterte

Even prior to announcing his candidacy for the May 2016 presidential election, Duterte made it clear that as president he would apply nationwide the abusive “crime control” tactics he had deployed as Davao City mayor.²⁸⁸ At a May 22, 2015 public rally in Davao City before he was officially a candidate, he made a blunt warning:

²⁸⁵ Rome Statute, art. 28.

²⁸⁶ ICTY, *Prosecutor v. Dragoljub Kunarac, Radomir Kovač, and Zoran Voković*, Case No. IT-96-23 and IT-96-23-1A, Appeals Chamber, June 12, 2002, <http://www.icty.org/x/cases/kunarac/acjug/en/kun-aj020612e.pdf>, para. 95.

²⁸⁷ ICTY, *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-T, Trial Chamber, December 14, 1999, <http://www.icty.org/x/cases/jelusic/tjug/en/jel-tj991214e.pdf>, para. 53.

²⁸⁸ Pia Ranada, “Dissecting and weighing Duterte’s anti-crime strategy,” *Rappler*, May 7, 2016, <http://www.rappler.com/newsbreak/in-depth/131871-duterte-anti-crime-strategy-assessment>.

If I became president, you all should hide. That 1,000 [killed in Davao City], it will reach 50,000. I would kill all of you who make the lives of Filipinos miserable. I will definitely kill you. I will win because of the breakdown in law and order. I do not want to commit this crime. But if by chance per chance God will place me there, stay on guard because that 1,000 [killed in Davao City] will become 100,000. You will see the fish in Manila Bay becoming fat. That is where I will dump you.²⁸⁹

Duterte's outspoken vow to embark on a nationwide killing campaign against drug dealers and drug users was the foundation of his presidential electoral platform. For example, during a campaign rally on March 15, 2016 in the northern city of Lingayen, Duterte stated: "When I become president, I will order the police to find those people [dealing or using drugs] and kill them. The funeral parlors will be packed."²⁹⁰ On April 26, addressing business leaders at Manila's Makati Business Club, Duterte repeated his pledge: "It is going to be bloody. I will use the military and the police to go out and arrest them, hunt for them. And if they offer a violent resistance, and thereby placing the lives of the law enforcers and the military whom I would task for a job to do, I will simply say, 'Kill them all and end the problem.'"²⁹¹ On May 7, the final day of campaigning for the presidential elections, Duterte made it clear that his threats were to be taken literally: "All of you who are into drugs, you sons of bitches, I will really kill you. I have no patience. I have no middle ground."²⁹²

Following his election as president, Duterte continued to state unequivocally that his anti-drug campaign would focus on killing drug dealers and users. Speaking in Davao City on

²⁸⁹ "Duterte: 'Am I the Death Squad? True,'" *Rappler*, <http://www.rappler.com/nation/politics/elections/2016/94302-rodrigo-duterte-davao-death-squad>. Duterte spoke in a mixture of Tagalog and English, original statement on file with Human Rights Watch.

²⁹⁰ Emily Rauhala, "Philippine witness: We killed for Philippine President Duterte, fed body to crocodile," *Washington Post*, September 15, 2016, https://www.washingtonpost.com/world/witness-we-killed-for-duterte-fed-body-to-crocodile/2016/09/15/48448984-7b20-11e6-a482-61b767c17607_story.html?utm_term=.d54c3b99dcf9.

²⁹¹ "Duterte curses in front of businessmen," [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=WjatnTXrHv8>.

²⁹² "Full Speech: Rodrigo Duterte's speech during his miting de avance," [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=l2ujrIjHSaM>.

June 4, he warned: “If you are still into drugs, I am going to kill you. Don’t take this as a joke. I’m not trying to make you laugh. Sons of whores, I’ll really kill you.”²⁹³

Even in his June 30 inauguration speech, Duterte indicted his intent to take the law into his own hands in his anti-drug campaign:

They say that my methods are unorthodox and verge on the illegal.... The fight will be relentless and it will be sustained. I know what is legal and what is not. Due process and the rule of law are uncompromising. You mind your work, and I will mind mine.²⁹⁴

Even at the inaugural dinner that night, Duterte repeated his vow to kill those involved with drugs, even if they were policemen—and urged ordinary citizens to take part in killing drug suspects:

These sons of whores are destroying our children. I warn you, don’t go into that, even if you are a policeman, because I will really kill you.... If you know any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful.... For those of you still doing drugs, I finished warning you during the election. Whatever happens...I will tell you now: no regrets. I told you to stop. If something happens to them [addicts], they wanted it.²⁹⁵

Since taking office, Duterte has again and again vowed to kill drug dealers and users in the midst of skyrocketing reports of extrajudicial executions by the police and so-called vigilantes. Speaking in Davao City on August 6 after visiting a wounded policeman, he warned drug dealers: “My order is shoot to kill you. I don’t care about human rights, you

²⁹³ “Rodrigo Duterte’s speech at his thanksgiving party,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=XXNv7qetYKA>.

²⁹⁴ “The inaugural address of President Rodrigo Duterte,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=YST2E-i6OKM>.

²⁹⁵ “Full Speech: President Rody Duterte Solidarity Dinner at Tondo, Manila,” June 30, 2016, video clip, YouTube, <https://www.youtube.com/watch?v=yL7STAuHIsE>. See also, “Speech of President Rodrigo Roa Duterte at the Solidarity Dinner,” *Official Gazette of the Government of the Philippines*, June 30, 2016, <http://www.gov.ph/2016/06/30/speech-of-president-rodrigo-roa-duterte-at-the-solidarity-dinner/>.

better believe me.”²⁹⁶ Duterte told military officers in Cebu City: “All those deaths happening here? Let’s add to them. Let me take care of it.”²⁹⁷

As the death toll rose, international pressure and criticism of Duterte’s anti-drug campaign increased, but he announced he was not bound by international law. On August 17, addressing police commanders at the national headquarters of the Philippine National Police, he said:

If I was an ordinary citizen, and I lost my daughter to drugs, she gets pregnant five times a year, she’s despoiled because of drugs, I have lost my son and another son...Bullshit, I will kill you, I will kill you. I will take the law into my own hands. I will not take it sitting down. Forget about the laws of men, forget about the laws of international law, whatever.²⁹⁸

When various UN officials criticized the widespread killings, Duterte responded by threatening to withdraw the Philippines from the United Nations saying, “What are [the] repercussions [for the widespread killings]? I don’t give a shit [about] them. They are the ones interfering.”²⁹⁹ At a 1 a.m. news conference, Duterte repeatedly took personal responsibility for the policy of killing drug suspects, and sought to justify the rising death toll by comparing it to the victims of the drug epidemic in the Philippines:

Extrajudicial killing? I will do the explanation in public for international release if you want. For the things that really happened during the criminals and the police in operations—punitive operations, police action—I am willing to answer all of them. I assume full responsibility for what happened because I was the one who ordered it. Now, my instructions at the very first

²⁹⁶ “Rodrigo Duterte: ‘I don’t care about human rights,’” *Al Jazeera*, August 6, 2016, <http://www.aljazeera.com/news/2016/08/rodrigo-duterte-human-rights-160806211448623.html>.

²⁹⁷ “24 Oras: Pres. Duterte, muling nagbanta laban sa mga nasa gobyernong sangkot umano sa droga,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=yxkeyWQ1xmk>.

²⁹⁸ “‘I will Kill You’ President Duterte Message to All Drug Lords,” [n.d.], video clip, YouTube, <https://www.youtube.com/watch?v=qUPYL426iMo>.

²⁹⁹ “‘I don’t give a sh*t about them’: Philippines president threatens to leave ‘stupid’ UN,” *Russia Today*, August 21, 2016, <https://www.rt.com/news/356662-duterte-un-threat-drug/>.

day of my term was that: Go out and hunt for these criminals. Arrest them if they surrender peacefully but if they put up a violent stunt then you just have to kill him?? because I do not want people in government dying needlessly for doing his work when you were then leaving behind a family and children.... For the extrajudicial killing, we say it's not the work of the police to be wrapping people with [plastic tape] and put him in the bag, that is not a job of the police. I just told him one bullet will do. Why do you have to wrap it [the head]? I said [don't] waste your time....

The Human Rights Commission, I don't know why, but they would insist in counting the dead criminals and never made a comparison to the dead victims, innocent people, law-abiding people being killed in the streets, at the same time last year.... You are publishing the side of the criminal. How about now publishing the side of the government protecting people or preventing the killing of people, innocent victims?

My job, ladies and gentlemen, and of the United Nations, my job as president is to protect the innocent law-abiding citizens. I was never tasked by any law to protect the life of criminals....

You know, I am forced to [take these actions]. I'm just saying, you forget the law. Forget the United Nations. Forget your outrage. It is misplaced. Now I tell you now, by what right do you have in this universe to cook shabu, feed it to my children, and destroy their lives forever? ... You destroy with your drug [the children who take care of me.] You destroy me in advance. Now I ask the question. Do I have the right to destroy you? In advance also, so that nothing of this sort would happen to other families?³⁰⁰

³⁰⁰ "Press Conference of President Rodrigo Roa Duterte," *Official Gazette of the Government of the Philippines*, August 21, 2016, <http://www.gov.ph/2016/08/21/press-conference-of-president-rodrigo-roa-duterte-august-21-2016/>.

On September 20, Duterte responded similarly to expressions of concern raised by the European Union about the rising death toll from alleged extrajudicial killings, again taking personal responsibility for the policies:

When I was mayor, it was very simple. I told [criminals and drug dealers] to leave. If you are into drugs, murder for hire, leave. Because if you don't—this is true—I will kill you. And in the process, I have killed many upon my direction. That's not a problem.... I read the EU condemnation of me. I told them, Fuck you.... What about me? Me, who have I killed? Assuming it would be true, 1,700. Who are they? Criminals. You call that genocide? How many have they killed? ... If you destroy the youth of the land, I will kill you. And it is never a crime to say that. So don't go using my words against me, "he's calling for death." When did it become bad to scare criminals?³⁰¹

By mid-December, Duterte was boasting of his personal participation in the killings in Davao City as an apparent instruction to law enforcement officials currently: "In Davao, I used to do it personally—just to show to the guys that if I can do it, why can't you? ... I was really looking for a confrontation, so I could kill."³⁰²

These statements are only a sample of those made by Duterte and other senior officials during the presidential campaign and since taking office that indicate an intent to use the country's law enforcement agencies to engage in extrajudicial killings of criminal suspects rather than treat them

“If I want to, and if it will deteriorate into something really very virulent, I will declare martial law if I want to. No one can stop me.”

—Rodrigo Duterte, January 14, 2017

in accordance with Philippine and international law. He has praised the soaring body count of victims of police killings as proof of the “success” of his “war on drugs.” In the context of an anti-drug campaign that has unlawfully killed thousands, and may result in many more

³⁰¹ “Speech of President Rodrigo Roa Duterte during the 2016 Sulong Pilipinas: Local Governance Series,” Republic of the Philippines, Presidential Communications Operations Office, September 20, 2016, <http://pcoo.gov.ph/sept-20-2016-speech-of-president-rodrigo-roa-duterte-during-the-2016-sulong-pilipinas-local-governance-series/>.

³⁰² Russell Goldman, “Rodrigo Duterte on Killing Criminal Suspects: ‘I Used to Do It Personally,’” *New York Times*, December 14, 2016, <https://www.nytimes.com/2016/12/14/world/asia/rodrigo-duterte-philippines-killings.html>.

unlawful deaths, there are several grounds for which Duterte and his chief subordinates may be held criminally responsible.

No evidence thus far shows that Duterte planned or ordered specific extrajudicial killings. Some of the killings, particularly during the campaign period, appear to have been carried out in anticipation of a broad anti-drug campaign in which legal constraints would be lifted. But once in office, Duterte's repeated calls for killings as part of his drug campaign could constitute acts instigating the crime of murder. In addition, Duterte's statements that seek to encourage vigilantes among the general population to commit violence against suspected drug users would constitute incitement to violence.

Furthermore, the doctrine of superior responsibility imposes criminal liability on officials for the unlawful acts of subordinates, where the superior knew or had reason to know of the unlawful acts, and failed to prevent or punish those acts. The unlawful killings being carried out by police forces ultimately under Duterte's command have repeatedly been brought to his attention by the media, the United Nations, foreign governments, and domestic and international nongovernmental organizations, including Human Rights Watch. His public comments in response to those allegations are evidence that he knows about them.

With respect to possible crimes against humanity, the repeated calls by President Duterte encouraging the killing of alleged drug dealers and users is indicative of a government policy to attack a specific civilian population. Information on specific cases gathered by the media and nongovernmental organizations including Human Rights Watch show this attack to be widespread. The "repeated, unchanging and continuous nature of the violence" used by the police appears reflective of an attack that has been systematic. Any killings of drug suspects by police with an awareness of such a policy or plan would amount to crimes against humanity, for which senior officials could be held responsible as a matter of superior responsibility.

There is no evidence that Duterte has taken any steps to prevent or punish those responsible for the killings. As his continuing public statements make clear, he has discounted the illegality of police actions, showing no inclination or intent to investigate alleged crimes. As

noted, since Duterte has taken office, not a single police officer has been arrested let alone prosecuted for their role in an alleged extrajudicial killing of a drug suspect.

Responsibility of Duterte’s Senior Officials

While President Duterte has led calls for violence in his “war on drugs,” many of his most senior officials have similarly urged illegal killings, effectively blocking meaningful efforts to investigate police killings of suspected drug dealers and users.

Duterte’s national police chief Ronald dela Rosa, a long-term ally who was police chief of Davao City for many years, including during Duterte’s “war on drugs” there, has similarly urged vigilante killings against drug dealers. On August 27, 2016, he told a gathering of thousands of surrendering drug users: “Let us help each other. But don’t forget those drug lords. They know where they will go. You want me to kill them? I’ll kill them. You can them [also] because you are the victims. Pour gasoline on their houses and burn them. Show your anger.”³⁰³

After the Senate sought to investigate the killings in July, dela Rosa attacked the effort as “legal harassment,” claiming the investigations would “dampen the morale” of Philippine National Police officers.³⁰⁴ At the same press conference, the government’s top lawyer, Solicitor-General Jose Calida, also attacked the Senate effort to investigate the police killings as an attempt to get “media mileage,” and stated:

I am here to indicate the support of the Duterte government for the anti-drug campaign. The office of the Solicitor General is the defender of the Republic of the Philippines and the people of the Philippines. The people of the Philippines have had enough of this drug menace that is corrupting and destroying our youth and society.

³⁰³ Stacy Dela Fuente, “‘You can kill drug lords’—Bato Dela Rosa tells drug users,” *kami.com*, <https://kami.com.ph/45684-video-watch-bato-dela-rosa-tell-drug-users-to-kill-drug-lords-and-burn-their-houses.html>.

³⁰⁴ Bea Cupin, “Dela Rosa: PNP ‘legally harassed’ by De Lima,” *Rappler*, July 11, 2016, <http://www.rappler.com/nation/139327-dela-rosa-pnp-harassed-by-de-lima>.

We will not allow anybody to derail this effort of the [police] and its officers to implement the order of our president to stop this drug trafficking and drug menace in our society. I am here to encourage the PNP not to be afraid of any congressional or Senate investigations. We will defend them [the police]. If there is a “fiscalizer,” I am the neutralizer and the defender of the PNP.³⁰⁵

Similarly, Secretary of Justice Vitaliano Aguirre II, a classmate and law school fraternity brother of Duterte, has repeatedly refused to respond to calls to investigate the war-on-drugs deaths, “[D]esperate times call for desperate measures,” he said. “So that is what the president is doing and we support it.”³⁰⁶ He has dismissed allegations that the police are involved in extrajudicial killings, claiming that the police only kill armed suspects resisting arrest, and blamed many of the drug killings on the drug dealers themselves:

I think we have to take [the killings] in the proper perspective. These are desperate times. We are in a crisis. ...President Duterte was very clear on this matter: there will be no killing of unarmed offenders. You use force only when your life is in danger and that’s what the police forces in the Philippines are doing. You must remember also that many of the deaths were caused by the drug lords themselves. They are afraid that their lieutenants might squeal on them, might be witnesses against them, and so they are the ones who kill [them].³⁰⁷

On February 1, Aguirre responded to allegations by Amnesty International that the “drug war” killings constituted possible crimes against humanity by stating that “Criminals... drug lords, drug pushers, they are not the humanity. You consider them humanity? No. I believe not.”³⁰⁸

³⁰⁵ Ibid.

³⁰⁶ “The Stream—Philippines’ war on drugs,” August 23, 2016, *Al Jazeera*, video clip, YouTube, <https://www.youtube.com/watch?v=mDZ2KRPQFSI>.

³⁰⁷ Ibid.

³⁰⁸ Kathrina Charmaine Alvarez, “Aguirre on AI report: ‘Drug lords, addicts not part of humanity,’” February 1, 2017, *GMA News*, <http://www.gmanetwork.com/news/story/597886/news/nation/aguirre-on-ai-report-drug-lords-addicts-not-part-of-humanity-nbsp#sthash.keF34hRD.dpuf> (accessed February 3, 2017).

Promised Immunity to Subordinate Commanders

President Duterte, in encouraging the police to carry out his anti-drug campaign, has repeatedly said he would protect them from prosecution. On July 19, 2016, at a fellowship dinner with his former law school classmates, Duterte said that police officers could carry out the “war on drugs” without worrying about being prosecuted: “The president can grant pardon, conditional or absolute; or grant amnesty with the concurrence of Congress. I’ll use it, believe me.”³⁰⁹

During an August 21 press conference, he explained that his promises to protect the police was one of the reasons why the “war on drugs” had become so bloody:

Remember, I went in warning everyone, I said, it could be bloody because I knew that the police would now be equipped with a certain mindset, that they will be protected by law if they go in and have this, you know, violent confrontation. Because before they were afraid of these human rights, and a lot of them lost their jobs because they could not even have a lawyer to defend themselves.³¹⁰

Duterte has also warned human rights organizations not to file cases against police and army officers for extrajudicial killings saying, “I would like to say now—they will never go to prison—not under my watch.”³¹¹

On November 5, police officers shot dead inside the Leyte prison Albuera Mayor Rolando Espinoza Sr., whom Duterte had accused of involvement in the drug trade, and a fellow inmate. The National Bureau of Investigation (NBI) determined that the killings were a

³⁰⁹ Christina Mendez, “Duterte to pardon cops in drug killings,” *Philippine Star*, July 19, 2016, <http://www.philstar.com/headlines/2016/07/19/1604381/duterte-pardon-cops-drug-killings>.

³¹⁰ “Press Conference of President Rodrigo Roa Duterte,” *Official Gazette of the Government of the Philippines*, <http://www.gov.ph/2016/08/21/press-conference-of-president-roa-duterte-august-21-2016/>.

³¹¹ Cris Larano, “Philippine leader Rodrigo Duterte links judges, politicians, police to illegal drugs trade,” *Wall Street Journal*, August 8, 2016, <https://www.wsj.com/articles/philippine-leader-duterte-links-judges-politicians-police-to-illegal-drug-trade-1470588037>.

“rub-out” of two unarmed prisoners inside their cell, and filled murder charges. Duterte responded by saying that the officers would not be prosecuted:

I will not allow these [officers] to go to prison. I don't care if the NBI says it is murder. Anyway, the NBI and the [Department of Justice] are both under [my authority]. I will be the one to answer for it and go to prison.³¹²

Police and military personnel in the Philippines have long enjoyed impunity from prosecution for serious abuses at the expense of respect for human rights. The president as a practical matter can make prosecutions of police or military personnel accused of crimes difficult or impossible. Doing so would be contrary to prosecutorial independence and undermine respect for the rule of law in the Philippines. Under the constitution the president can also grant amnesties with the concurrence of Congress, and grant commutations and pardons.³¹³

A state's failure to prosecute or the provision of immunity to those implicated in serious crimes in violation of international law would have no bearing internationally. Foreign courts acting on the basis of universal jurisdiction or international criminal tribunals, including the International Criminal Court, are in no way bound by domestic grants of immunity, and may prosecute protected wrongdoers as well as officials implicated on grounds of superior responsibility.

³¹² Marlon Ramos, “Cops won't go to prison,” *Philippine Daily Inquirer*, December 8, 2016, <http://newsinfo.inquirer.net/851719/cops-wont-go-to-prison>.

³¹³ Constitution of the Republic of the Philippines, 1987, <http://www.gov.ph/constitutions/1987-constitution/>, art. VII, sec. 19.

V. International Response to Duterte’s “War on Drugs”

The escalation in unlawful killings associated with the “war on drugs,” as well as President Duterte’s open defiance of international human rights standards and confrontational stance towards his critics, has roiled the Philippines’ relationships with its closest Western allies. Historically, the Philippines has had close relationships with the United States and the countries of the European Union. In the face of persistent US pressure by the Obama administration, Duterte has responded with profane and bombastic remarks. Those reactions have included Duterte’s threats to curtail existing relationships and seek out stronger ties with countries such as China and Russia, which have been much less critical of drug-campaign abuses.³¹⁴

The United States

The US government, the former colonial power and historically one of the closest allies of the Philippines, was slow to criticize the anti-drug campaign. Once it did so, however, it has become a persistent critic and taken direct steps to reduce US support for the Philippine National Police, though not to other security forces. Initial reports indicate, however, that this could change dramatically under President Donald Trump.

The United States is a significant donor to the Philippines, committing some US\$180 million in assistance for the 2017 fiscal year, much of it in the form of direct assistance to the Philippine security services, including the provision of weapons and training to the police.³¹⁵

On July 27, 2016, then-US Secretary of State John Kerry pledged \$32 million in “training and services” to the Philippine National Police.³¹⁶ Four months later, after evidence of

³¹⁴ Hannah Beech, “How Philippine President Rodrigo Duterte is shaking up the South China Sea,” *TIME*, October 27, 2016, <http://time.com/4547711/philippines-rodrigo-duterte-south-china-sea/>.

³¹⁵ Jose Katigbak, “US to provide \$180-M aid to Philippines next year,” *Philippine Star*, October 8, 2016, <http://www.philstar.com/headlines/2016/10/08/1631489/us-provide-180-m-aid-philippines-next-year>.

³¹⁶ Alexis Romero, “US pledges \$32M to Philippine law enforcement,” *Philstar.com*, July 27, 2016, <http://www.philstar.com/headlines/2016/07/27/1607298/us-pledges-32m-philippine-law-enforcement>.

police involvement in abuses became overwhelming, the State Department suspended the sale of 26,000 military assault rifles to the police because of opposition from Senator Benjamin Cardin, a member of the Senate Foreign Relations Committee.³¹⁷ Cardin opposed the deal due to “concerns about human rights violations in the Philippines.”³¹⁸

Duterte responded with insults, saying he would buy weapons from Russia instead with no human rights conditions:

Look at these monkeys. The 26,000 guns we wanted to buy from them, they don't want to sell anymore. Sons of bitches. We have lots of bombs over here. Idiots. ... Russia said, their ambassador said, “You come here to Russia, we have all what you want.”³¹⁹

In August, State Department spokesperson Anna Richey-Allen voiced concern over reports of extrajudicial drug killings saying, “We strongly urge the Philippines to ensure its law enforcement efforts are consistent with its human rights obligations.”³²⁰

On September 29, US Senators Cardin and Patrick Leahy, author of a provision of US law that prohibits the United States from providing assistance to foreign security units that violate human rights with impunity, issued a joint statement criticizing drug-campaign human rights abuses. Leahy's statement concluded that Duterte's “war on drugs” “is not a situation in which there is occasional error or over-zealous application of force. This is systematic, widespread, brutal, and beyond the bounds for a constitutional democracy.”³²¹

³¹⁷ Patricia Zengerle, “US stopped Philippines rifle sale that senator opposed,” Reuters, November 1, 2016, <http://www.reuters.com/article/us-philippines-usa-rifles-idUSKBN12V2AM>.

³¹⁸ Ibid.

³¹⁹ “President Rodrigo Roa Duterte Speech During Ceremonial Send-Off of 17 Vietnamese Fishermen,” Republic of the Philippines, Presidential Communications Operations Office, November 2, 2016, <http://pcoo.gov.ph/nov-02-2016-president-rodrigo-roa-dutertes-speech-during-the-ceremonial-send-off-of-17-vietnamese-fishermen/>.

³²⁰ “US voices concern over extra-judicial killings in Philippines,” Reuters, August 22, 2016, <http://www.reuters.com/article/us-philippines-duterte-usa-idUSKCN10X1MU>.

³²¹ “Senator Patrick Leahy and Senator Benjamin Cardin on Recent Developments in the Philippines and Indonesia,” Office of Senator Patrick Leahy, press release, September 27, 2016, <https://www.leahy.senate.gov/press/senator-patrick-leahy-and-senator-benjamin-cardin-on-recent-developments-in-the-philippines-and-indonesia>.

Duterte responded: “Why are you shooting the black people when they are on the ground? [You] can do it, but we can’t? ... Do not pretend to be the moral conscience of the world.”³²²

The US Embassy in Manila announced on December 14 that the US government would deny the Philippines government a new Millennium Challenge Corporation (MCC) grant due to “significant concerns around rule of law and civil liberties in the Philippines.”³²³ The statement alluded to the government’s full-scale assault on basic rights by specifying that criteria for MCC aid recipients “includes not just a passing scorecard but also a demonstrated commitment to the rule of law, due process and respect for human rights.” The grant denial constitutes a significant loss to the Duterte government. The MCC disbursed \$434 million to the Philippines from 2011 to 2016 and the decision to deny additional funding to the Philippines appears to scuttle a second five-year funding grant likely targeted at large-scale infrastructure projects that the MCC had agreed to in December 2015.³²⁴

US suspension of security assistance to the Philippine police has not affected its assistance to the armed forces. In November, the State Department announced that the \$5 million of assistance earmarked for law enforcement assistance in the \$180 million 2017 fiscal assistance program would be shifted, with \$4.5 million going to maritime law enforcement, and the remaining money to human rights training and internal reform efforts. According to then-State Department spokesperson John Kirby:

Since the start of the drug campaign, our law enforcement assistance has been refocused away from narcotics control to supporting maritime security efforts and to providing human rights training to the Philippine National

³²² “Duterte to US senators: ‘Do not interfere in PH affairs,’” *Rappler*, September 30, 2016, <http://www.rappler.com/nation/147765-duterte-us-senators-do-not-interfere>.

³²³ “US says aid package to the Philippines withheld over rights concerns,” Agence France-Presse, December 15, 2016, <https://globalnation.inquirer.net/150707/us-says-aid-package-philippines-withheld-rights-concerns>. The MCC is a US government foreign aid agency dedicated to poverty relief through funding to health, infrastructure, energy, and other sectors. See, “About MCC,” *Millenium Challenge Corporation*, <https://www.mcc.gov/about>.

³²⁴ Naki B. Mendoza, “The early agenda for MCC’s second Philippine compact,” *Devex*, July 19, 2016, <https://www.devex.com/news/the-early-agenda-for-the-mcc-s-second-philippine-compact-88441>.

Police. ... We decided that the prudent thing to do was refocus the way that assistance was being spent.³²⁵

In October 2016, the San Francisco police department ended a 16-year-long training program for the Philippine National Police that had started in 2000 because of “concerns over allegations of civil rights and human rights violations in the Philippines.”³²⁶

Whenever US officials have raised concerns about extrajudicial killings in the “war on drugs,” Duterte has responded with profane and abusive language. In August, Duterte criticized the US ambassador, saying, “I had an argument with their ambassador, that homosexual son of a bitch, he really annoys me.”³²⁷ When informed that President Obama might raise concern about the killings at a September 6 ASEAN summit in Laos, Duterte launched said, “Son of a bitch, I will curse you at that forum,” prompting the US to cancel a bilateral meeting between the two presidents.³²⁸

Following the ASEAN incident, Obama reaffirmed his commitment to raise human rights concerns in the “war on drugs” with the Philippines, stating:

We are not going to back off from our position that, if we are working with a country—whether it is on anti-terrorism, whether it is on going after drug traffickers—as despicable as those networks may be, as much damage as they do, it is important, from our perspective, to make sure that we do it the right way.³²⁹

³²⁵ Jose Katigbak, “US shifts aid from anti-drug operations to maritime security,” *Philippine Star*, November 30, 2016, <http://www.philstar.com/headlines/2016/11/30/1648922/us-shifts-aid-anti-drug-operations-maritime-security>; “US shifts money away from Philippines police drug efforts,” Reuters, November 28, 2016, <http://www.reuters.com/article/us-philippines-usa-police-idUSKBN13N2CC>.

³²⁶ “San Francisco police end training ties with PNP due to drug war,” *Inquirer*, October 27, 2016, <https://globalnation.inquirer.net/148133/148133>.

³²⁷ Pia Ranada, “Duterte on US Ambassador Goldberg: ‘Buwisit ako diyan,’” *Rappler*, August 6, 2016, <http://www.rappler.com/nation/142109-duterte-us-ambassador-goldberg-buwisit>.

³²⁸ “Obama scraps meeting with Duterte,” *Rappler*, September 5, 2016, <http://www.rappler.com/world/regions/asia-pacific/145322-obama-cancels-meeting-duterte>.

³²⁹ “Obama to Duterte: Fight crime, terror ‘the right way,’” *Rappler*, September 8, 2016, <http://www.rappler.com/nation/145619-obama-duterte-crime-war-right-way>.

Shortly after the November election of Donald Trump as US president, Duterte claimed that President-elect Trump had endorsed his anti-drug campaign during a telephone call, reputedly telling Duterte that he was conducting his anti-drug campaign “in the right way.”³³⁰ The phone call was one of several Trump undertook after his election without seeking advice from the State Department, a break with past practice. A statement from the Trump transitional team did not dispute Duterte’s characterization of the phone conversation, noting only that the two had “noted the long history of friendship” between their countries and would work closely on “matters of shared interest and concern.”³³¹

During the January 11, 2017 US Senate confirmation hearing for Secretary of State Rex Tillerson, Tillerson refused to criticize Duterte’s abusive drug war and instead indicated that ensuring close ties to the Philippine government would be his top priority.³³² When asked by Senator Marco Rubio whether the several thousand Filipinos killed was “the right way to conduct an anti-drug campaign,” Tillerson responded by saying that “the US and the Philippines have a longstanding friendship, and [it’s] important we keep that in perspective in engaging with the Philippines, and they have been an ally, and we need to make sure they stay an ally.”³³³

On January 26, Philippine Defense Secretary Delfin Lorenzana announced that the United States would proceed with an upgrade and expansion of Philippine military base facilities in 2017.³³⁴ Lorenzana said that work was part of the bilateral Enhanced Defense Cooperation Agreement, a 2014 pact negotiated under former President Benigno Aquino III.

³³⁰ Felipe Villamor, “Rodrigo Duterte says Donald Trump endorses his violent antidrug campaign,” *New York Times*, December 3, 2016, https://www.nytimes.com/2016/12/03/world/asia/philippines-rodrido-duterte-donald-trump.html?_r=0.

³³¹ Martin Petty and David Brunnstrom, “Duterte says felt rapport with Trump, assures US-Philippines ties intact,” Reuters, December 3, 2016, <http://www.reuters.com/article/us-philippines-usa-idUSKBN13R2oP>.

³³² “Rush transcript: Rex Tillerson’s confirmation hearing,” CNN Newsroom, January 11, 2017, <http://edition.cnn.com/TRANSCRIPTS/170111/cnr.06.html>. See also, Justin Heifetz, “Tillerson refuses to condemn Duterte’s war on drugs,” CNN, January 12, 2016, <http://edition.cnn.com/2017/01/11/politics/tillerson-philippines-duterte/>.

³³³ *Ibid.*

³³⁴ Manuel Mogato, “Philippines says US military to upgrade bases, defense deal intact,” Reuters, January 26, 2017, <http://www.reuters.com/article/us-philippines-usa-defence-idUSKBN15A18Z> (accessed January 26, 2016).

The European Parliament and European Union

In September 2016, the European Parliament urged the Philippine government “to put an end to the current wave of extrajudicial executions and killings, launch an ‘immediate investigation’ into them and adopt ‘specific, comprehensive policies and programmes,’ in full compliance with national and international obligations and respect for human rights.”³³⁵

The European Union has not announced any restrictions on its current and ongoing training and capacity building for the Philippine National Police through its EPJUST I and EPJUST II programs, which ended last year and has since been replaced with GoJust (Governance in Justice), a program that supports the Philippines’ justice-sector reforms. In October, EU Ambassador to the Philippines Franz Jessen announced that the Philippines would help to fund rehabilitation of Philippine drug addicts, describing drug abuse as “a shared problem, and it has international and national dimensions.”³³⁶

Responding to the European Parliament criticism (and mistaking it for EU criticism), President Duterte denounced colonial-era atrocities by European countries, and stating: “I read the condemnation of the European Union [sic] against me. I will tell them fuck you. You’re doing it in atonement for your sins. [After all their atrocities], the European Union now has the gall to condemn me. I repeat it, fuck you.”³³⁷

In October, following state visits to Brunei and China, Duterte claimed that the EU had threatened to cut aid to the Philippines if abuses in the “war on drugs” continued—an allegation Human Rights Watch cannot confirm—and again launched a tirade against EU and US officials for their threats to end aid in response to the extrajudicial killings:

Son of a bitch, is that how low you think about us? Assistance, US aid, you can go to hell. EU, no wonder you are in shambles now. You cannot even

³³⁵ “Human rights: Philippines, Somalia and Zimbabwe,” European Parliament press release, September 15, 2016, <http://www.europarl.europa.eu/news/en/news-room/20160909IPR41788/human-rights-philippines-somalia-and-zimbabwe>.

³³⁶ Estrella Torres, “Despite lashing from Duterte, EU gives funds for drug rehab in PH,” *Philippine Daily Inquirer*, October 1, 2016, <http://newsinfo.inquirer.net/820933/despite-lashing-from-duterte-eu-gives-funds-for-drug-rehab-in-ph>.

³³⁷ Leila B. Salaverria, “Fuck you, EU—Duterte,” *Philippine Daily Inquirer*, September 21, 2016, <https://globalnation.inquirer.net/145189/fuck-you-eu-duterte>.

agree to be together or not, whether to still form a European community or disintegrate. Why? Because all of your lawyers are all stupid and idiots.³³⁸

Japan

While Duterte was on an official visit to Japan in October 2016, Japanese Prime Minister Shinzo Abe made no public reference to the “war on drugs” and its rising death toll.³³⁹ This was despite the leverage afforded Japan from the visit, which brought in \$1.8 billion in investment pledges from Japanese companies from 12 investment agreements.³⁴⁰ Toyota Motor Corp. and Mitsubishi have reportedly pledged to build subcompacts in the Philippines, and Japanese company Marubeni made a “verbal commitment” to a \$17.2 billion investment for infrastructure.³⁴¹

During his January 12-13, 2017 state visit to the Philippines, Abe announced a five-year US\$800 million Japanese government Overseas Development Assistance (ODA) package to “promote economic and infrastructure development.”³⁴² Abe also promised unspecified financial support for drug rehabilitation projects in the Philippines.³⁴³ While in Manila, Abe stated that, “On countering illegal drugs, we want to work together with the Philippines through relevant measures of support,” without elaborating.³⁴⁴

On February 10, 2017, Japanese Vice-Minister for International Affairs Ro Manabe publicly expressed support for the Philippines’ chairmanship of the Association of Southeast Asian

³³⁸ “‘P*****!’ Duterte blasts EU anew,” *ABS-CBN News*, October 22, 2016, <http://news.abs-cbn.com/video/news/10/21/16/p-duterte-blasts-eu-anew>.

³³⁹ Reiji Yoshida and Ayako Mie, “Duterte vows not to abandon Japan on security matters as he takes more jabs at US,” *Japan Times*, October 26, 2016, <http://www.japantimes.co.jp/news/2016/10/26/national/politics-diplomacy/duterte-vows-not-abandon-japan-security-matters-philippine-china-ties-grow-cozy/#.WKYmLjsrKUK>.

³⁴⁰ “Duterte Japan trip yields Toyota, Mitsubishi deals in \$1.85 billion package,” *ABS-CBN News*, October 27, 2016, <http://news.abs-cbn.com/business/10/27/16/duterte-japan-trip-yields-toyota-mitsubishi-deals-in-185-b-package>.

³⁴¹ Pia Ranada, “Duterte’s Japan trip yields \$1.8B in business deals,” *Rappler*, October 28, 2016, <http://www.rappler.com/nation/150636-duterte-japan-trip-worth-business-deals>.

³⁴² Genalyn Kabling and Roy Mabasa, “Japan offers 1-trillion-yen aid package to PH,” *Manila Bulletin*, January 12, 2017, <http://news.mb.com.ph/2017/01/12/japan-offers-1-trillion-yen-aid-package-to-ph/> (accessed January 27, 2017).

³⁴³ *Ibid.*

³⁴⁴ *Ibid.*

Nations in 2017 and stated Japan’s willingness “to pursue deeper defense cooperation with the Philippines through exchanges and defense equipment transfer.”³⁴⁵

Japan’s failure to publicly criticize the drug campaign’s abuses, and to use its leverage to end them, present a failure by Japan to advance a human rights-focused agenda in its relationship with the Philippines.

China

President Duterte has responded to international criticism of his “drug war” and cuts in US police assistance and weapons sales by repeatedly announcing his intention to end the decades-long partnership with the US in favor of a closer relationship with China.³⁴⁶

Undoubtedly seeing a diplomatic opening, China quickly and publicly supported Duterte’s “war on drugs,” endorsing it without any reservations to the oft-repeated vows to kill thousands of drug dealers and users. On July 19, the Chinese Embassy in Manila issued a statement offering its unconditional support:

The Chinese government has been firm and severe in drug control and in punishing all drug criminals in accordance with laws regardless of their nationalities. The Chinese government has been promoting and has carried out effective international cooperation with many countries. China fully understands that the Philippine government under the leadership of H.E. President Rodrigo Duterte has taken it as a top priority in cracking down drug-related crime. China has expressed explicitly to the new administration China’s willingness for effective cooperation in this regard, and would like to work out a specific plan of action with the Philippine side.³⁴⁷

³⁴⁵ Patricia Lourdes Viray, “Japan willing to fight piracy, terrorism with Philippines,” *philstar.com*, February 15, 2017, <http://www.philstar.com/headlines/2017/02/15/1672528/japan-willing-fight-piracy-terrorism-philippines> (accessed February 15, 2017).

³⁴⁶ Ben Blanchard, “Duterte aligns Philippines with China, says US has lost,” Reuters, October 20, 2016, <http://www.reuters.com/article/us-china-philippines-idUSKCN12KoAS>.

³⁴⁷ “China supports Duterte’s war on drugs,” *ABS-CBN News*, July 19, 2016, <http://news.abs-cbn.com/news/07/19/16/china-supports-dutertes-war-on-drugs>.

Ahead of Duterte’s state visit to China in mid-October, Chinese foreign ministry spokesman Geng Shuang reiterated China’s support, saying “We understand and support the Philippines’ policies to combat drugs under the leadership of President Duterte.”³⁴⁸

While in China, Duterte expressed his appreciation for China’s unconditional support for his “war on drugs,” contrasting China’s support with the criticism from the US and EU:

China is the only country to come out freely and [with] a firm statement that they are supporting the fight against drugs in my country. The other countries, United States, EU, instead of helping us—they know we are short of money, that we are a poor country—all they had to do was just to criticize. China never criticized.³⁴⁹

During the visit, Duterte claimed to have secured US\$24 billion of deals with China for infrastructure development, loan facilities for businesses, tourism, development projects, and industrial projects.³⁵⁰ He even announced that he was abandoning the Philippines’ 70-year alliance with the United States in favor of closer ties with China and Russia:

I announce my separation from the United States, both in military—maybe not social, but military and economic ties. ... I am separated from them and will be dependent on [China] for a long time. ... America has lost me. I have realigned myself in your ideological flow. And maybe I will also go to Russia to talk to Putin and tell him that there are three of us against the world: China, Philippines, and Russia. It is the only way.³⁵¹

³⁴⁸ “China: ‘We understand and support’ the Philippines’ drug war,” Agence France-Presse, October 14, 2016, <http://uk.businessinsider.com/afp-china-says-supports-philippines-duterte-drug-war-2016-10?r=US&IR=T>.

³⁴⁹ Patricia Lourdes Viray, “Duterte: China supported the drug war, US, EU only criticized,” *philstar.com*, October 19, 2016, <http://www.philstar.com/headlines/2016/10/19/1635201/duterte-china-supported-drug-war-us-eu-only-criticized>.

³⁵⁰ Pia Ranada, “Duterte bringing home \$24B worth of deals from China,” *Rappler*, October 21, 2016, <http://www.rappler.com/business/149886-duterte-business-deals-contracts-china-visit>.

³⁵¹ Katie Hunt, Matt Rivers, and Catherine E. Shoichet, “In China, Duterte announces split with US: ‘America has lost,’” CNN, October 20, 2016, <http://edition.cnn.com/2016/10/20/asia/china-philippines-duterte-visit/>.

After his return from China, Duterte backtracked, saying he had only meant to announce that the Philippines would adopt an independent foreign policy, not abandon its ties with the United States, “because the people of my country are not ready to accept [separation].”³⁵²

On October 21, at the visit’s end, China and the Philippines issued a joint statement that included a reaffirmation of their mutual commitment to Duterte’s “war on drugs”:

China understands and supports Philippine Government’s efforts in fighting against illicit drugs. Realising that the problem of illicit drugs poses severe threats to the health, safety and welfare of the people of both countries, both sides agree to enhance exchange of intelligence, know-how and technology sharing on fighting against drug crimes, preventive education and rehabilitation facilities. ... The Philippines thanks China for its offer of assistance in personnel training and donation of drug detection, seizure, and testing equipment to aid in the fight against illicit drugs.³⁵³

In December, China’s ambassador to the Philippines, Zhao Jianhua, told reporters that the Chinese government was “exploring the possibilities of providing arms, light arms” to the Philippine government “for fighting against terrorism, [for the] anti-drug campaign.”³⁵⁴ To date there have been no confirmation of Chinese weapon sales to the Philippines government to support its “war on drugs.”

Russia

During his state visit to China, President Duterte stated that he wanted to “separate” from the United States, and form a closer alliance with China and Russia (see above). Igor Khovaev, the Russian ambassador to the Philippines, warmly responded to Duterte’s

³⁵² James Griffiths, Matt Rivers, and Pamela Boykoff, “Philippines not really severing ties with US, Duterte says,” CNN, October 22, 2016, <http://edition.cnn.com/2016/10/21/asia/duterte-china-philippines-us/>.

³⁵³ “Foreign Ministry Spokesperson Hua Chunying’s Regular Press Conference on October 20, 2016,” Permanent Mission of China to the United Nations press release, October 20, 2016, <http://www.china-un.ch/eng/fyrth/t1407465.htm>.

³⁵⁴ “China offers Philippines weapons for drug war,” Agence France-Presse, December 13, 2016, <http://news.abs-cbn.com/news/12/13/16/china-offers-philippines-weapons-for-drug-war>.

statement, stating, “Please formulate your wish list, what kind of assistance you expect from Russia, and we will be ready to sit down with you and discuss what can and should be done.”³⁵⁵ The Russian envoy added that Russia supported Duterte’s “war on drugs,” and would not be offering any criticism of his actions, saying, “We don’t interfere in the domestic affairs of a sovereign state. It is a fundamental principle of our foreign policy.”³⁵⁶

On November 30, the Russian ambassador reaffirmed his commitment to Duterte’s war on drugs, saying he was “deeply impressed” with the president’s efforts to build a relationship with Russia and stating that “we sincerely wish you every success on your campaign [against drugs]. We understand well your legitimate concerns. As for the methods, we refrain from any comments,” explaining that as a Russian diplomat, he had no right to comment on “domestic developments” in the Philippines.³⁵⁷

The United Nations

In June 2016, then-United Nations Secretary-General Ban Ki-moon announced that he was “extremely disturbed” by recent remarks made by the president-elect of the Philippines, Rodrigo Duterte, regarding extrajudicial killings.³⁵⁸ In an annual meeting of the UN Correspondents Association, Ban said, “I unequivocally condemn his apparent endorsement of extrajudicial killing, which is illegal and a breach of fundamental rights and freedoms. Such comments are of particular concern in light of ongoing impunity for serious cases of violence against journalists in the Philippines.”³⁵⁹

In August, Yuro Fedotov, the executive director of the United Nations Office on Drugs and Crime (UNODC), issued a strong rejection of the use of extrajudicial killings to fight drugs, urging the Philippines authorities to respect human rights:

³⁵⁵ “Russia ready to assist PHL,” *GMA News*, October 21, 2016, <http://www.gmanetwork.com/news/story/585863/news/nation/russia-ready-to-assist-phl-envoy> (accessed January 25, 2017).

³⁵⁶ *Ibid.*

³⁵⁷ Erwin Colcol, “Russia not seeking military alliance with PHL,” *GMA News*, November 29, 2016, <http://www.gmanetwork.com/news/story/590567/news/nation/russia-not-seeking-military-alliance-with-phl-envoy>.

³⁵⁸ “Ban disturbed by remarks made by President-elect of the Philippines on extrajudicial killings,” UN News Centre, June 8, 2016, <http://www.un.org/apps/news/story.asp?NewsID=54190#.WH44jRsrKUK>.

³⁵⁹ *Ibid.*

The United Nations Office on Drugs and Crime (UNODC) remains greatly concerned by the reports of extrajudicial killing of suspected drug dealers and users in the Philippines. I join the United Nations Secretary-General in condemning the apparent endorsement of extrajudicial killing, which is illegal and a breach of fundamental rights and freedoms.

Such responses contravene the provisions of the international drug control conventions, do not serve the cause of justice, and will not help to ensure that "all people can live in health, dignity and peace, with security and prosperity," as agreed by governments in the outcome document approved at the UN General Assembly special session on the world drug problem.

UNODC supports balanced, people-centred, evidence- and rights-based approaches to drug control, rooted in the agreed international conventions and standards.

UNODC stands ready to further engage with the Philippines and all countries to bring drug traffickers to justice with the appropriate legal safeguards in line with international standards and norms, and promote prevention, treatment, rehabilitation, and reintegration approaches based in evidence, science, public health and human rights.³⁶⁰

Later that same month, the UN special rapporteur on the right to health, Dainius Pūras, and the UN special rapporteur on summary executions, Agnes Callamard, called for the Philippine government to "to put an end to the current wave of extrajudicial executions and killings in the context of an intensified anti-crime and anti-drug campaign targeting drug dealers and users."³⁶¹ Callamard described Duterte's exhortations for the public to target

³⁶⁰ "Statement by the UNODC Executive Director on the situation in the Philippines," UNODC press release, August 3, 2016, <https://www.unodc.org/unodc/en/press/releases/2016/August/statement-by-the-unodc-executive-director-on-the-situation-in-the-philippines.html>.

³⁶¹ "UN experts urge the Philippines to stop unlawful killings of people suspected of drug-related offences," UNHCR press release, August 18, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20388&LangID=E>.

suspected drug dealers and drug users with extrajudicial violence as “a license to kill.”³⁶² Duterte responded by threatening to withdraw the Philippines from the United Nations.³⁶³

In September Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, criticized Duterte and his “war on drugs” and said his “statements of scorn for international human rights law display a striking lack of understanding of our human rights institutions and the principles which keep societies safe.”³⁶⁴ He stated:

The President of the Philippines's statements of scorn for international human rights law display a striking lack of understanding of our human rights institutions and the principles which keep societies safe. Fair and impartial rule of law is the foundation of public confidence and security. Empowering police forces to shoot to kill any individual whom they claim to suspect of drug crimes, with or without evidence, undermines justice. The people of the Philippines have a right to judicial institutions that are impartial, and operate under due process guarantees; and they have a right to a police force that serves justice. I strongly encourage the Philippines to extend an invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions. My Office is ready to assist, including with respect to rule of law institutions and the prevention and treatment of drug use in accordance with international norms.³⁶⁵

The Philippine foreign minister announced on December 14 that the government had cancelled the planned official visit of UN special rapporteur Agnes Callamard on the basis that she “will not comply with the conditions of our president” for such a visit.³⁶⁶

³⁶² Ibid.

³⁶³ VJ Bacungan, “Duterte threatens to pull PH out of United Nations,” CNN Philippines, August 22, 2016, <http://cnnphilippines.com/news/2016/08/21/Duterte-threatens-to-leave-U.N..html>.

³⁶⁴ “Opening Statement by Zeid Ra’ad al Hussein, United Nations High Commissioner for Human Rights, at the 33rd session of the Human Rights Council,” UNHCR press release, September 13, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20474>.

³⁶⁵ Ibid.

³⁶⁶ “Philippines cancels visit by UN rapporteur on extrajudicial killings,” Reuters, <http://www.reuters.com/article/us-philippines-drugs-un-idUSKBN1431GM>.

Callamard rejected those conditions, saying that they were “not consistent with the code of conduct for special rapporteurs,” and included requiring her to participate in a “public debate” with Duterte.³⁶⁷

On December 20, High Commissioner Zeid called on Philippine judicial authorities to open an investigation into Duterte’s claims that he had personally shot dead three drug suspects while he was mayor of Davao City, stating that “Philippine judicial authorities must demonstrate their commitment to upholding the rule of law and their independence from the executive [presidency] by launching a murder investigation.”³⁶⁸

Duterte responded to this call for an investigation with evident scorn:

There’s one United Nations official, [in charge of] human rights. He said Duterte is a murderer and must be charged for murder. This guy is ever a joker or a bit insane. What’s difficult with the United Nations, you guys, you are employed by an organ composed of nations whose officials are elected by the people. You officials sitting there on your asses, we pay your salaries. You idiot. You do not tell me what to do. I am your employer. Who gave you the right? You lack knowledge of international law. We are the ones who contribute to the United Nations. You shameless sons of a whore. I pay your salaries. Don’t talk to me like I’m your employee. I am [the head of] a member state, a sovereign state. Please shut up. Your brains are small. Do not do that. You’re just an employee there. You’re appointed.³⁶⁹

³⁶⁷ Lara Tan, “UN special rapporteur rejects government conditions,” CNN Philippines, December 17, 2016, <http://cnnphilippines.com/news/2016/12/16/extrajudicial-killings-probe-UN-Duterte-Callamard.html>. See also, “UN expert rejects Philippines conditions for fact-finding mission on drugs war,” UNHCR press release, December 16, 2016, <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21045&LangID=E>.

³⁶⁸ “UN rights chief urges Philippines to probe President for murder,” Agence France-Presse, December 20, 2016, <http://www.straitstimes.com/asia/se-asia/un-rights-chief-urges-philippines-to-probe-president-for-murder>.

³⁶⁹ Jun A. Malig, “Duterte to UN rights chief: Shut up, we pay your salary,” *Rappler*, December 22, 2016, <http://www.rappler.com/nation/156339-duterte-united-nations-salary-shut-up>.

The International Criminal Court

In October, the prosecutor of the International Criminal Court criticized “high officials” of the Philippine government for public statements that “seem to condone such killings and further seem to encourage State forces and civilians alike to continue targeting these individuals with lethal force.”³⁷⁰ The ICC prosecutor explained that the crimes committed could fall ultimately under the jurisdiction of the International Criminal Court:

Let me be clear: any person in the Philippines who incites or engages in acts of mass violence including by ordering, requesting, encouraging or contributing, in any other manner, to the commission of crimes within the jurisdiction of the ICC is potentially liable to prosecution before the Court.³⁷¹

When the prosecutor of the International Criminal Court warned Duterte in October that extrajudicial killings linked to the “war on drugs” may fall under the court’s jurisdiction as a “widespread or systematic attack against a civilian population,” Duterte threatened to withdraw the Philippines from the court.

³⁷⁰ “Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda concerning the situation in the Republic of the Philippines,” ICC news release, <https://www.icc-cpi.int/Pages/item.aspx?name=161013-otp-stat-php>.

³⁷¹ Ibid.

Recommendations

To the President of the Philippines

- Immediately take all necessary steps to end extrajudicial executions in the anti-drug campaign;
- Publicly denounce extrajudicial killings and other abuses in the anti-drug campaign, and press for the investigation and appropriate prosecution of government officials at all levels and government agents implicated in such abuses;
- Rescind the order to deploy Armed Forces of the Philippines personnel in “anti-drug” operations;
- Cease public statements that instigate or incite state security forces and the general public to commit unlawful killings and other abuses against suspected drug dealers and users;
- Direct the Office of the Ombudsman and the National Bureau of Investigation to conduct impartial inquiries and report promptly and publicly on the involvement of the Philippine National Police, including SOCO and SAID-SOTU units, and local officials in unlawful killings and other abuses against criminal suspects;
- Direct the Commission on Audit or other appropriate agency to investigate possible misuse of government funds for the anti-drug campaign and take appropriate action;
- Permit without interference or restrictions the visit of the UN special rapporteur on extrajudicial executions and other UN experts to investigate alleged unlawful killings and other abuses in the anti-drug campaign.

To the Philippine Congress

- Conduct public hearings into allegations of extrajudicial killings by the police and other government officials in the anti-drug campaign;

- End the criminalization of the personal use of drugs and the possession of drugs for personal use. Appropriate support for evidence-based, voluntary drug treatment options and harm reduction services.

To the Philippine National Police

- Indefinitely suspend “buy-bust” drug operations until significant measures are put into place to prevent unlawful killings and other abuses;
- Preserve all evidence, including handguns and ammunition, recovered during all anti-drug operations including those resulting in the death of criminal suspects, and so-called vigilante killings, and allow for the independent inspection of such evidence;
- Include police killings and so-called vigilante killings as separate categories in the National Crime History Registry, and make it easily accessible to the public;
- Take all necessary steps to prevent police threats, retaliation, or other unlawful acts against witnesses who implicate police officers in unlawful killings;
- Make police operational procedures, the investigators’ manual, and other guidelines setting out duties of police officers easily accessible to the public.

To the Department of Justice

- Direct the National Bureau of Investigation (NBI) to impartially and transparently investigate and appropriately prosecute alleged extrajudicial killings and other abuses during anti-drug operations; ensure that those investigated include members of the police and other government officials at all levels, including senior members of the administration;
- Open hotlines and lines of communication to receive anonymous information on alleged killings during anti-drug operations;
- Direct the NBI to make full use of the Witness Protection, Security, and Benefit Act to ensure the safety of witnesses and families of victims of unlawful killings in anti-drug operations; ensure that witnesses are protected from the moment they seek assistance until after trial, as necessary;

- Institute measures for witnesses to offer testimonies safely but in accord with due process, for example by allowing testimony to be provided by live video or in courtrooms closed to the public;
- Adopt mechanisms to facilitate the safe filing of complaints by victims and family members of human rights abuses by law enforcement officers and other government officials;
- To the extent permitted by law and by limits on the appropriate exercise of discretion, prosecutors should decline to prosecute drug possession cases, or at a minimum should seek the least serious charge supported by the facts or by law;
- To the extent permitted by law and by limits on the appropriate exercise of discretion, judges should sentence drug possession defendants to non-incarceration sentences. Judges should release drug possession defendants on their own recognizance whenever appropriate; if bail is required, it should be set at a level tailored to the economic circumstances of individual defendants.

To the Commission on Human Rights

- Investigate and report on alleged extrajudicial killings and other human rights violations during the anti-drug campaign, including against family members and witnesses to violence;
- Investigate and report on threats and violence against human rights defenders, journalists, politicians, and others who speak out against the anti-drug campaign;
- Conduct public awareness campaigns to assist ordinary civilians who are victims of human rights violations or wish to report on alleged government abuses. Disseminate information on topics such as the right of family members to have the state pay for autopsies in alleged murder cases and to be informed of the status of relevant investigations.

To the Office of the Ombudsman

- Investigate law enforcement officers and other government officials suspected of involvement in extrajudicial killings, including anti-drug operations and so-called vigilante killings, and seek reprimands or prosecutions as appropriate.

To the Department of Health

- Encourage and support programs, including pilot programs, emphasizing public health approaches to drug use.

To Foreign Donors and Partners, including the United States, European Union, Japan, the World Bank, and the Asian Development Bank

- Immediately suspend any financial assistance, training programs, weapons sales, and capacity-building programs with the Philippine National Police until the Philippine government ends its abusive “war on drugs” and initiates meaningful investigations into alleged unlawful killings related to that campaign;
- Press the Duterte administration to renounce extrajudicial executions by state security forces and initiate impartial investigations into alleged extrajudicial killings;
- Revoke technical, financial, and other assistance to any security forces implicated in widespread or systematic abuses and for which the government has not sought to hold those responsible to account;
- Publicly criticize statements by Philippine government officials, including President Duterte, that appear to support extrajudicial executions and other unlawful crime control measures;
- Support domestic nongovernmental organizations that provide legal or other services to families of victims of extrajudicial killings by the security forces, and those that provide rehabilitative programs to drug users, including children;
- Offer to provide support for international law enforcement assistance with investigations into alleged human rights violations;
- Fund and encourage programs, including pilot programs, emphasizing best international practices in public health approaches to drug use.

To the United States Government

- Impose a moratorium on planned and future weapons sales to the Philippine National Police until the abusive anti-drug campaign ends and meaningful actions are taken to investigate and prosecute those responsible;
- The US-led Millennium Challenge Corporation should continue to defer grants to the Philippines on grounds relating to the rule of law and respect for civil liberties, first announced in December 2016, until the Duterte administration ends its abusive anti-drug campaign and takes action to meaningfully investigate those responsible;
- The State Department and Department of Defence should continue to vigorously vet all members of the PNP and other Philippine government officials who are involved in US training or joint US-Philippines law enforcement or military operations for possible involvement in gross human rights violations, both as legally required under the Leahy Law and as a matter of policy so that the US is not complicit in serious abuses;
- The US State Department should ensure that Bureau of International Narcotics and Law Enforcement Affairs (INL)-funded training to Philippine National Police units neither encourages nor incentivizes high numbers of arrests for drug possession and instead emphasizes that arrest numbers are not a valid measure of law enforcement performance;
- The US military should reduce direct assistance to and cooperation with the Armed Forces of the Philippines (AFP) if the Philippine government deploys AFP units in the anti-drug campaign and there are credible allegations that AFP personnel are committing unlawful killings with impunity.

To the United Nations

To the UN Human Rights Council

- Establish an independent international investigation into unlawful killings and other violations by the Philippine authorities in the context of President Duterte's "war on drugs";

- Consider reviewing the Philippines' status as a member of the Human Rights Council if it persistently breaches its membership obligations to uphold the highest standards of human rights and to cooperate with the Council and its mechanisms, including its Special Procedures.

VI. Acknowledgments

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Annex I: Excerpts from Police Reports Describing “Buy Bust” Police Killings

“Personnel involved were about to bring [Sisaldo] to Tondo Medical Center for medical examination as the standard operating procedure [...] [Sisaldo] who was observed unsteady and was seated at the right back passenger seat suddenly grabbed the service firearm of PO1 Arthur Lapada. At this time a scuffle [ensued] until [Sisaldo] gained possession of PO1 Lapada’s firearm and levelled at the latter. At this time, PO1 Obillo who was seated at the driver’s side sensed that the life of his comrades in danger instinctively draws his service firearm and shot [Sisaldo] to neutralised the latter.”

Unidentified male, 35-40 (Injured)

September 12, 2016, Aplaya, Baseco Compound, Port Area, Manila

“While in the process of transaction, [unidentified male] sensed the presence of police officer and the buy bust operation was compromised wherein the former, instead of surrendering, pulled out a handgun and fired shot towards the operatives. Sensing danger on their lives, said operatives returned fire against the suspect who was seriously injured.”

Alias “Buko,” 25-30 (Deceased)

September 12, 2016, Tondo, Manila

“[...] BUKO felt that he was dealing with a cop drew his handgun and shot PO2 Menor but missed prompting the latter to shoot back hitting the drug suspect in the different parts of his body and died on the spot.”

Eduardo Salanova, alias “Baloloy,” 35-40 (Deceased)

September 10, 2016, Pandacan, Manila

“However, while the transaction is on-going, suspect sensed that his client is a police undercover prompting him to shout, “PUTANG INA KA, PULIS KA EH!” (“You son of a whore, you’re police!”) Thereafter, the drug suspect fired shots towards the operative. Said police

officer was constrained to retaliate hitting the armed suspect in his body which led to his instantaneous death.”

Ronnie Bucao, 50 (Deceased)

September 9, 2016, Binondo, Manila

“[...] From unknown location heard someone shouted “KUYA DUDOY MAY MGA PULIS!” (“Kuya Dudoy, there’s police here!”). At this juncture, suspects run inside the above stated DTPO, but PO1 Sola and PO1 Fortuna chased the suspects inside to affect the arrest. Apparently, reaching the stair leading to the 3rd floor, [Bucao] pulled out his [.38 caliber] revolver and fired a shot towards responding policeman. Sensing their lives were in imminent danger, PO1 Sola traded gun shots to the suspect Ronnie Bucao who eventually sustained gunshot wounds and later died on the spot.”

Paul Dumagas, 37 (Deceased)

September 8, 2016, Sta. Cruz, Manila

“[...] Said operation was compromised when the suspect sensed the presence of the police officers. Thereafter, a firefight ensued between the law enforcer and the suspect that resulted to the latter’s instantaneous death.”

Noel Aquilaña, alias “Nognog,” 34 (Deceased)

September 8, 2016, Parola Compound, Binondo, Manila

“They introduced themselves as police officers and when they effect the arrest of alias NOGNOG, the latter pulled out his gun on his waist and fired towards the policemen but missed. Sensing imminent danger in their lives they retaliated that caused the instantaneous death of the suspect.”

Unidentified male, 30-35 (Deceased)

September 4, 2016, Tondo, Manila

“At this instance, PO1 Alban after introducing himself as police officer accosted the fatality who hastily pulled out his .38 [caliber] revolver and fired two successive shots on the

direction of the approaching lawmen but missed. Sensing imminent danger on their lives prompted said police man to retaliate in order to save their lives, hitting the suspect on the chest and head.”

Tirso Halaba, 44 (Deceased)

September 3, 2016, Binondo, Manila

“Upon sensing the presence of police operatives, the unidentified male suspect immediately went outside the house of [Halaba] and managed to elude his arrest. However, [Halaba] who was then armed with caliber 38 snub nose fired shots towards PO1 Jason Oditia. Seeing that their lives were in imminent danger, PO1 Oditia drew his service firearm and retaliate firing hitting [Halaba] on the body and died on the spot.”

Alias “Botoy Castel,” 35-40 (Deceased); Alias “Junior Saksak,” 35-40 (Deceased); Ricardo Tudla, 40 (Deceased)

September 2, 2016, North Cemetery 3rd Street, Sta. Cruz

“PSI Anthony Sy tried to convince the three (3) to lay down their firearms and peacefully surrender by instead of heeding the lawful request continued firing to the direction of the policemen, sensing imminent and actual dangers on their lives, the operatives were constrained to retaliate. When the smoke of gun fires subsided, the three (3) known drug personalities lay dead on the spot.”

Jayson Garado, alias “Miming,” 31 (Deceased)

September 1, 2016, Gate 54, Parola Compound, Binondo

“[...] After introducing themselves as police officers suspect [Garado] ran inside the small room and took the .38 caliber revolver thereafter fired a shot at PO1 Sabal but missed, sensing that his life was in imminent danger and no other recourse but to fire back.”

Benjamin del Rosario, 29 (Deceased)

August 6, 2016, Barangay Magtaking, Bugallon, Pangasinan

“Said buy-bust operation turned into a hot-pursuit after the armed suspect was chased along the boundary of Bugallon-Labrador national highway by the Bugallon PS elements. Reasonable force was applied to preserve the lives of arresting officer from imminent danger.”

SPO2 Randy Bandong, 37 (Deceased)

August 4, 2016, Barangay Banaoang, Calasiao, Pangasinan

“[...] The suspect sensed that the person he was dealing with is an undercover agent prompting him to draw his firearm and fired upon the operatives. [...] A hot pursuit operation was conducted. During the chase, the suspect fired upon the patrol vehicle for several times hitting on the front windshield, until he was cornered along the barangay road of said place by the pursuing police officer/s.”

Juanito Llamas, of legal age (Deceased); Unidentified male, (Deceased)

July 29, 2016, Lucao District, Dagupan

“[...] Juanito Llamas learn the signal which he drew his handgun and shot the police officer-poser buyer but missed, his unidentified cohort also drew his [handgun] but the police officer together with his back-up companion able to shoot back wherein they able to shots the aforesaid suspects.”

Vicente Moulic, alias “Enting,” 57 (Deceased)

July 25, 2016, Barangay Pantal, Dagupan

“[...] When the poser buyer effected his arrest, the subject suddenly resisted and drew a handgun prompting said poser buyer to immediately step backward but as able to overcome the subject who was eventually neutralized.”

Napoleon Miras Ai-Ai, alias “Nono,” 27 (Deceased)

July 24, 2016, Barangay Antipona, Bocaue, Bulacan

“[Station] conducted anti-illegal drug buy-bust operation against [“Nono”], which led in the death of suspect ‘Nono’ in a shootout after he initiated firefight against PNP operatives.”

Jay Reloza, alias “Joey,” of legal age (Deceased); Jestoni Bernardo, 27 (Deceased)

July 23, 2016, Barangay San Isidro Sur, Binmaley, Pangasinan

“Upon the implementation of search, subject Jay Reloza who is engaged in pot-session attempted to shoot the implementing officers with his firearm but his firearm got jammed that prompting the implementing team to retaliate which causes to neutralized him and his companion [Bernardo].”

Florentino Santos, alias “Ante,” 44 (Deceased)

July 21, 2016, Barangay Tiaong, Guiguinto, Bulacan

“[...] The suspect suddenly drew a then unknown kind of revolver from his waist and fired at the direction of PO1 Hernandez [...] Subsequently, PO1 Hernandez retaliated while other members of the operating team who were just few meters behind the poseur buyer and the police asset [...] immediately rushed to aid PO1 Hernandez. While a running gun battle between the lawmen and the suspect ensued at a grassy field, the police asset immediately scampered to safety. The suspect fell to the grassy field after sustaining multiple gunshot wound on his body (probably from the firearms used by PO1 Hernandez and Gregorio) that caused his instantaneous death while all members of operating team were unharmed.”

Greg Perez, 30 (Deceased)

July 21, 2016, San Carlos, Pangasinan

“[...] After sensing the nature of the operation, he suddenly drew his firearm and fired on the operating team that causes them to retaliate in defense and fired upon him.”

Renato Basila, 51 (Deceased)

July 21, 2016, Barangay Pangapisan North, Lingayen, Pangasinan

“Basila sensed that PO1 Garin is a police officer wherein he drew a [.38 caliber] revolver and fired but missed. PO1 Garin retaliated and able to hit Basila.”

Domingo Calinaoan, alias “Inggo,” unknown (Deceased)

July 20, 2016, Malasiqui

“[...] After the transaction between the poseur buyer and said ‘Inggo’ was consummated and the intelligence operatives were about to arrest the suspect, he resisted and pulled out his short firearm and fired it several times to the aforementioned operatives but missed causing them to retaliate and shot the suspect hitting the different parts of his body.”

Marco Castillo, alias “Makoy,” 39 (Deceased)

July 15, 2016, Barangay Salaan, Mangaldan

“During the operation, subject person grabbed the firearm of the arresting personnel that resulted to armed encounter and was shot by Intel operatives.”

Jeffrey Fernandez, of legal age (Deceased)

July 10, 2016, Barangay Torres-Bugallon, Mangatarem, Pangasinan

“[...] Jeffrey Fernandez run going to a parked mini dump truck along the barangay road then get a short firearm and aimed towards the police who serve as backups prompting the police to defend themselves who were in danger of their life and limb. At this juncture PNP backups fired towards the suspect.”

Edward Sentorias alias “Bebang Bulag,” 33 (Deceased)

July 8, 2016, Don Bosco, Tondo

“[Sentorias] sense the presence of herein policemen pulled out his [.38 caliber] revolver and pointed to PO2 Lauriaga. Sensing that his life was in danger, PO2 Lauriaga fired his service firearm and shot the former hitting [Sentorias] on different parts of the body and fell down on the pavement and died on the spot.”

**Garry Catungal, alias “Opay,” of legal age (Deceased); Reynaldo Cornel,
47 (Deceased)**

July 4, 2016, Dagupan

“After the transaction was consummated in front of the door of the rented cottage of the duo and about to effect their arrest, Garry Catungal fired upon the arresting officer hitting the door of the room, prompting the police to retaliate in order to defend himself who was in danger of his life and limb with the support of his back up operatives, which resulted in the death of the duo.”

Erwin Bato, age unknown (Deceased)

June 8, 2016, Barangay Tagapo, Sta. Rosa, Laguna

“The suspect who seeing that the poseur buyer is a police officer armed with cal. 38 suddenly opened fired to the intel operatives forcing them to returned fire wherein the former was hit during exchange of fire and sustained a gunshot wound on his body.”



***My order is shoot to kill you.
I don't care about human rights, you better believe me.***

PHILIPPINE PRESIDENT RODRIGO DUTERTE, AUGUST 6, 2016

Philippine President Rodrigo Duterte's "war on drugs" has produced a campaign of unlawful killings by Philippine National Police personnel and unidentified "vigilantes" that has resulted in the deaths of more than 7,000 suspected drug users and dealers since July 1, 2016. Duterte's public endorsement of the campaign implicates him and other senior figures in possible incitement to violence, instigation of murder and in command responsibility for crimes against humanity.

"License to Kill": Philippine Police Killings in Duterte's "War on Drugs," is based on several dozen interviews with family members of victims of police killings, witnesses, journalists and human rights activists. The report exposes the falsehood of official police reports that invariably assert self-defense to justify unlawful police killings. Instead, police routinely carry out extrajudicial killings of drug suspects and then cover-up those crimes.

In several instances Human Rights Watch investigated, suspects in police custody were later found dead and classified by police as "found bodies," casting doubt on government assertions that most killings have been committed by vigilantes or rival drug gangs. The report also documents the lack of a cohesive approach by the Philippines' allies, including the United States, Japan and the European Union, to pressure the government to stop these killings and to bring the perpetrators to justice.

The report calls for Duterte to publicly denounce extrajudicial killings and press for the investigation and prosecution of police and other officials implicated in such abuses. In addition, the United Nations should launch an independent international investigation into the killings. Finally, the report urges foreign donors to immediately suspend any assistance or weapons sales to the police until the "drug war" killings end and meaningful investigations into those killings are underway.

(above) Police crime scene investigators under Jones Bridge in Binondo, Manila after police shot dead suspected drug dealers Cyril Raymundo, Eduardo Aquino and Edgar Cumbis in a "buy-bust" operation. December 5, 2016.

(front cover) The sister of Jefferson Bunuan carrying his photo as they prepare to take his body to Manilla South Cemetery. August 1, 2016.

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