

THE HUMAN RIGHTS CONSEQUENCES OF THE WAR ON DRUGS IN THE PHILIPPINES

HEARING BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION

**UNITED STATES
HOUSE OF REPRESENTATIVES**

**ONE HUNDRED AND FIFTEENTH CONGRESS
FIRST SESSION**

JULY 20, 2017

Official Transcript

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THURSDAY, JULY 20, 2017

HOUSE OF REPRESENTATIVES
TOM LANTOS HUMAN RIGHTS COMMISSION
Washington, D.C.

The Commission met, pursuant to call, at 10:00 a.m., in Room 2200 of the Rayburn House Office Building, Hon. James P. McGovern and Hon. Randy Hultgren [co-chairs of the Commission] presiding.

Mr. MCGOVERN. Good morning, everybody and welcome to the Tom Lantos Human Rights Commission hearing on the Human Rights Consequences of the War on Drugs in the Philippines.

I would like to extend a special welcome to our witnesses, one of whom has joined us from the Philippines. We greatly appreciate your presence today and we thank you for taking the time to share your expertise with us.

Over the last year, there have been many reports by human rights and news organizations describing a major increase in extrajudicial killings in the Philippines to the tune of more than 7,000 killings between July 2016 and the end of July 2017, according to Philippine National Police statistics. Often, these reports have been accompanied by photos; some gruesome, some unspeakably sad, like those on display here today. The killings are attributed to the anti-drug policies of the Government of President Duterte.

We should be clear what an extrajudicial killing or execution is. It is the purposeful killing of a person by governmental authorities without the sanction of any judicial proceeding, no arrest, no charges, no warrant, no trial, no judge, no jury, simply murder.

It is a violation of the most fundamental of human rights, as stated in Article 3 of the Universal Declaration of Human Rights: everyone has the right to life, liberty, and security of person.

The problem of extrajudicial executions is not new under President Duterte. The Philippines is one of the countries in the world where this has been a major concern for a long time. But the explosion of killings over the last year and the president's own statements inciting and justifying them as part of his promise to eradicate the drug problem have rightly drawn attention and indignation.

For the United States, these killings strain bilateral relations. Yes, the Philippines is a treaty ally and the largest recipient of U.S. assistance in East Asia. And yes, the U.S. and the Philippines have a security relationship. But let me be

clear: the United States Government cannot afford any degree of complicity with the kinds of human rights violations that are occurring.

The Congress has acted in the past. In fiscal year 2015, the FMF funding to the Philippines army was conditioned because of concerns with extrajudicial killings by the military and impunity for those responsible.

Last fall, in light of Mr. Duterte's "war on drugs," the U.S. Government suspended counternarcotics training to the Philippine National Police, both in general and to particular units, out of concern over human rights violations. If the Filipino Government is truly concerned about illicit drugs, then alternatives to killing people in cold blood are readily available.

For example, there are multi-stakeholder community-based prevention programs like those accompanied by the Community Anti-Drug Coalitions of America with U.S. government funding. There is legislation pending in the Philippines Senate that would require the country to address drug-related issues using a public health framework and to design evidence-based policies and programs. I would like to note that the current U.S. drug policy domestically also uses a public health framework.

And as we will hear today, non-governmental groups in the Philippines also support a public health approach, along with strict accountability for those responsible for human rights abuses that have occurred. Certainly, there are approaches to drug interdiction that, in principle, are consistent with the rule of law.

So what is going on in the Philippines is not necessary in any sense of the word. Many countries in Southeast Asia and in other parts of the world have adopted different approaches to the problem of illicit drug use. No other country – and I repeat that – no other country comes to mind where people are assassinated in the streets in the name of fighting drugs and leaders brag about it as a good thing.

A couple of months ago, in May, the Philippine Government and the National Police began releasing "revised" numbers of those killed in the drug war between July 2016 and March of 2017. Basically, the number of those killed has gone down and the number of cases "under investigation" has gone up. But when the way a problem is measured suddenly changes mid-course, it raises doubts about the quality and truthfulness of what is being reported.

One way to clarify the truth would be for the Duterte government to allow credible, independent investigations into the killings. The government could start by accepting the request of the U.N. Special Rapporteur on extrajudicial killings for a country visit, pending since last October, and do so without imposing unreasonable conditions. That would be a good faith step forward.

Let me say that we recognize that drug-related killings are not the only human rights issues in the Philippines. The State Department's 2016 human rights report offers a long list of other problems, including harassment and threats against human rights defenders, the killings of journalists, human trafficking, and more. And there is a badly-managed conflict in Mindanao.

All of these problems are worthy of attention. One thing they have in common is the failure of the judicial system to provide recourse for abuses.

So President Duterte, by all accounts, seems to not have a high regard for human rights. And I think it is important for Members of Congress, in a bipartisan way, to make our concerns known and make them known loudly and clearly. And I certainly believe very strongly that a man with the human rights record of President Duterte should not be invited to the White House. And if he comes, I will lead the protest because, again, I mean we ought to be on the side of advocating for human rights, not explaining them away.

I want to close by noting that today we have received a statement from a survivor of an attempted extrajudicial killing, Efren C. Morillo. Mr. Morillo is the lead petitioner before the Philippine Supreme Court in the first legal challenge to President Duterte's "war on drugs." The statement describes Mr. Morillo's experience. He witnessed the killing of several friends and was wounded himself and this statement will be entered into the record in full. The case is a test for the Philippine judicial system and we will follow its progress with interest.

At this point, I would like to yield to the co-chair, Congressman Randy Hultgren.

[The prepared statement of Co-Chair McGovern follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES P. MCGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION



Tom Lantos Human Rights Commission Hearing

**The Human Rights Consequences
of the War on Drugs in the Philippines**

July 20, 2017

10:00 – 11:30 AM

2200 Rayburn House Office Building

Opening Remarks by Co-Chair James P. McGovern, as prepared for delivery

Good morning and welcome to the Tom Lantos Human Rights Commission hearing on the human rights consequences of the war on drugs in the Philippines.

I would like to extend a special welcome to our witnesses, one of whom has joined us from the Philippines. We greatly appreciate your presence today and thank you for taking the time to share your expertise with us.

Over the last year there have been many reports by human rights and news organizations describing a major increase in extrajudicial killings in the Philippines -- to the tune of more than 7,000 killings between July 2016 and the end of January 2017, according to Philippine National Police statistics. Often these reports have been accompanied by photos -- some gruesome, some unspeakably sad -- like those on display here today. The killings are attributed to the anti-drug policies of the government of President Rodrigo Roa Duterte.

We should be clear what an extrajudicial killing or execution is: it is the purposeful killing of a person by governmental authorities without the sanction of any judicial proceeding. No arrest. No charges. No warrant. No trial. No judge. No jury. Simply, murder.

It is a violation of the most fundamental of human rights, as stated in Article 3 of the Universal Declaration of Human Rights: everyone has the right to life, liberty and security of person.

The problem of extrajudicial executions is not new under President Duterte -- the Philippines is one of the countries in the world where this has been a major concern for a long time. But the explosion of killings over the last year -- and the president's own statements inciting and justifying them as part of his promise to eradicate the drug problem -- have rightly drawn attention and indignation.

For the United States, these killings strain bilateral relations. Yes, the Philippines is a treaty ally, and the largest recipient of U.S. assistance in East Asia. And yes, the U.S. and the Philippines have a security relationship.

But let me be clear: the U.S. government cannot afford any degree of complicity with the kinds of human rights violations that are occurring.

The Congress has acted in the past: in FY 2015, the FMF funding to the Philippines army was conditioned because of concerns with extrajudicial killings by the military and impunity for those responsible.

Last fall, in light of Mr. Duterte's "war on drugs" the U.S. government suspended counter-narcotics training to the Philippine National Police, both in general and to particular units, out of concern over human rights violations.

If the Filipino government is truly concerned about illicit drugs, then alternatives to killing people in cold blood are readily available.

For example, there are multi-stakeholder community-based prevention programs like those accompanied by the Community Anti-Drug Coalitions of America, with U.S. government funding.

There is legislation pending in the Philippines Senate that would require the country to address drug-related issues using a public health framework and to design evidence-based policies and programs. I would like to note that current U.S. drug policy domestically also uses a public health framework.

And as we will hear today, non-governmental groups in the Philippines also support a public health approach, along with strict accountability for those responsible for the human rights abuses that have occurred.

Certainly, there are approaches to drug interdiction that in principle are consistent with the rule of law.

So what is going on in the Philippines is not necessary in any sense of the word. Many countries in southeast Asia and in other parts of the world have adopted different approaches to the problem of illicit drug use. No other country comes to mind where people are assassinated in the streets in the name of fighting drugs and leaders brag about it as a good thing.

A couple of months ago, in May, the Philippine government and the National Police began releasing “revised” numbers of those killed in the drug war between July 2016 and March 2017. Basically, the number of those killed has gone down and the number of cases “under investigation” has gone up.

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One way to clarify the truth would be for the Duterte government to allow credible, independent investigations into the killings.

The government could start by accepting the request of the U.N. Special Rapporteur on extrajudicial killings for a country visit, pending since last October – and do so without imposing unreasonable conditions. That would be a good faith step forward.

Let me say that we recognize that drug-related killings are not the only human rights issues in the Philippines. The State Department’s 2016 Human Rights report offers a long list of other problems, including harassment and threats against human rights defenders, the killings of journalists, human trafficking, and more. And there is a badly managed conflict in Mindanao.

All of these problems are worthy of attention. One thing they have in common is the failure of the judicial system to provide recourse for abuses.

President Duterte by all accounts seems to not have a high regard for human rights. I think it is important for members of Congress in a bipartisan way to make our concerns known loudly and clearly. And I certainly believe very strongly that a man with the human rights record of Mr. Duterte should not be invited to the White House. If he comes, I will lead the protest. We ought to be on the side of advocating for human rights, not explaining them away.

I want to close by noting that today we have received a statement from a survivor of an attempted extrajudicial killing, Efren C. Morillo. Mr. Morillo is the lead petitioner before the Philippine Supreme Court in the first legal challenge to President Duterte's "War on Drugs." The statement describes Mr. Morillo's experience -- he witnessed the killing of several friends and was wounded himself -- and will be entered into the record in full. This case is a test for the Philippine judicial system, and we will follow its progress with interest.

Mr. HULTGREN. I want to thank Co-Chairman McGovern for his work on this and so many other issues.

Good morning and welcome to the Tom Lantos Human Rights Commission's hearing on the Human Rights Consequences of the War on Drugs in the Philippines. I, too, want to thank our witnesses for taking time to share their expertise with us and, furthermore, for dedicating their lives to ensuring the preservation of human rights around the world.

According to the Country Report on Human Rights Practices for 2016 by the Department of the State, there has been a significant increase in the number of extrajudicial killings in the Philippines over the past year. And while extrajudicial killings are not new to the Philippines, the recent increase has been referred to as an "appalling epidemic" by the United Nations High Commission for Human Rights.

Under President Duterte, the Philippines Government launched its Operation Open Barrel campaign in 2016 as an alleged "war on drugs." To date, police have killed 7,000 alleged drug dealers and users without bringing charges and without trial.

The Philippines is a valuable ally to the United States and is the largest recipient of the United States assistance in East Asia. For these reasons, it is paramount that human rights violations are not an unintended consequence of the "war on drugs." Human rights are fundamental. Every person is born with dignity. As such, they should be afforded the protection and due process of the law. It is our obligation to not only advocate for but to defend those human rights, which include freedom from torture, unjustified imprisonment, summary execution, or persecution as stated in the United Nations Universal Declaration of Human Rights.

I look forward to learning more from the panel and to hearing the experts' policy recommendations for ways that the Commission and Congress can maintain bilateral cooperation with our ally, without jeopardizing human rights in the Philippines.

So thank you all for being here. Thank you for your work. I look forward to learning more and figuring out what we can do together.

With that, I yield back.

[The prepared statement of Co-Chair Hultgren follows:]

**PREPARED STATEMENT OF THE HONORABLE RANDY HULTGREN,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS
AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS
COMMISSION**

**TLHRC Hearing – The Human Rights Consequences of the War on Drugs in the
Philippines**

2200 Rayburn House Office Building

Introductory Remarks of the Honorable Randy Hultgren (IL-14) | July 20, 2017

- Good morning and welcome to the Tom Lantos Human Rights Commission’s hearing on the Human Rights Consequences of the War on Drugs in the Philippines.
- I would like to thank our witnesses for taking time to share their expertise with us, and furthermore for dedicating their lives to ensuring the preservation of human rights around the world.
- According to the *Country Report on Human Rights Practices for 2016* by the Department of State, there has been a significant increase in the number of extrajudicial killings in the Philippines over the past year.
- And while extrajudicial killings are not new to the Philippines, the recent increase has been referred to as an “appalling epidemic” by the United Nations High Commissioner for Human Rights.
- Under President Rodrigo Duterte (Due-ter-tay), the Philippines government launched its “Operation Open Barrel” campaign in 2016 as an alleged “war on drugs.”
- To date, police have killed 7,000 alleged drug dealers and users without bringing charges and without trial.
- The Philippines is a valuable ally of the United States and is the largest recipient of United States assistance in East Asia. For these reasons, it is paramount that human rights violations are not an unintended consequence of the “war on drugs.”
- Human rights are fundamental – every person is born with dignity. As such, they should be afforded the protection and due process of the law.
- It is our obligation to not only advocate for, but to defend those human rights which include freedom from torture, unjustified imprisonment, summary execution, or persecution as stated in the United Nations Universal Declaration of Human Rights.
- I look forward to learning more from the panel and to hearing the experts’ policy recommendations for ways that the Commission and Congress can maintain bilateral cooperation with our ally without jeopardizing human rights in the Philippines.

Mr. MCGOVERN. Thank you very much for your statement and before I introduce the panel, I would like to formally submit all the witnesses' testimony into the record. I also submit the following items for the record: a letter from the Embassy of the Philippines in Washington, DC, and the publication prepared by the Office of the Secretary of Foreign Affairs of the Republic of the Philippines entitled "The Real Numbers."

I would like to also submit Philippines Senate Bill No. 1313, laying out a public health rights-based approach for helping people who use drugs.

As well, I would like to insert in the record the Lancet Commission study titled *Public Health and International Drug Policy* published in March of 2016.

I would also like to submit the UN Office of Drug Control and the World Health Organization's discussion paper entitled "Principles of Drug Dependence Treatment" dated March 2008.

I would like to also submit the "Joint Statement on Compulsory Drug Detention and Rehabilitation Centers" issued by a number of U.N. entities in March of 2012; the statement from the Institute for Policy Studies prepared by Sanho Tree, Fellow and Director of the IPS Drug Policy Project; a statement from the Community Anti-Drug Coalitions of America on their collaborative prevention work in the Philippines; and a statement from the Ecumenical Advocacy Network on the Philippines on the general human rights situation in the country.

Additional statements may be forthcoming.

Now, I would like to turn to our witnesses. Ellecer Carlos is a spokesperson of the In Defense of Human Rights and Dignity Movement and the campaigns and advocacy officer of the Philippines Alliance of Human Rights Advocates. And he has been a human rights advocate for some time, and we appreciate his courage, and we appreciate him being here.

Matthew Wells is the Senior Crisis Advisor at Amnesty International, where he undertakes human rights investigations in situations of armed conflict and major crisis. He was the co-researcher and co-author of Amnesty's January 2017 report on extrajudicial killings in the Philippines.

Phelim Kine – did I get that right?

Mr. KINE. Yes, sir.

Mr. MCGOVERN. All right. I am Irish; I should be able to do it right – is a Deputy Director in Human Rights Watch's Asia Division. Kine worked as a journalist for more than a decade in China, Indonesia, Cambodia, and Taiwan prior to joining Human Rights Watch in 2007. He has written extensively and spoken publicly on human rights issues, including military impunity, media freedom, transitional justice, corruption, and extrajudicial killings.

And so he is an adjunct professor at the Roosevelt House Human Rights Program at Hunter College in New York City and we are happy to have all of you here.

Why don't we begin with Mr. Carlos? Welcome. And make sure your microphone is on.

STATEMENTS OF ELLECER CARLOS, SPOKESPERSON, iDEFEND, THE PHILIPPINES; MATTHEW WELLS, SENIOR CRISIS ADVISOR, AMNESTY INTERNATIONAL; AND PHELM KINE, DEPUTY DIRECTOR, ASIA DIVISION, HUMAN RIGHTS WATCH

STATEMENT OF ELLECER CARLOS, SPOKESPERSON, iDEFEND, THE PHILIPPINES

Mr. CARLOS. Thank you so much. Warm greetings of solidarity to all.

On behalf of iDEFEND, I would like to express our heartfelt gratitude to all the good members of the Tom Lantos Human Rights Commission, and most especially the Honorable Representatives McGovern and Hultgren, for their support to the human rights protection of the Filipino people. The concern, involvement, and solidarity by people around the world is very crucial and important for us during these very challenging times.

I would also like to thank and acknowledge the tireless efforts of the Filipino-American Human Rights Alliance. They have been persistently creating awareness about the human rights crisis in the Philippines.

iDEFEND is the largest human rights formation in the Philippines. We are made up of over 70 organizations, grassroots movements, people's organizations, groups for environmental protection, groups from basic sectors like women, labor, human rights NGOs, and over 40 recognized community leaders in the Philippines. We established ourselves last year in preparation for engaging the incoming administration to put in place a human rights-based framework to governance. Confronted by the surge of killings, we were forced to focus on the emerging human rights crisis.

We document cases of extrajudicial killings, enforced disappearances and torture, arbitrary arrests and detention, and situations during which people are affected by repressive policies under the "war on drugs." We also provide direct service to families of victims of extrajudicial killings and legal support to those determined to pursue justice.

We are involved in organizing and education work to help broaden the circles of disapproval to the killings, and the degradation of due process, and to help affected communities establish practical defense systems against vigilantes and police operations. We are also at the forefront of countering the two priority legislations of President Duterte, the reinstatement of capital punishment, and the lowering of the minimum age of criminal responsibility from 15 to 9.

Having iDEFEND formations nationwide, our daily documentation and monitoring work at the very affected communities confirm, without a shadow of a doubt, that President Duterte and other high officials of the land, having had to find a particular section of Philippine society worthy of elimination, have effectively put in place a de facto social cleansing policy, whereby police and vigilantes are not only encouraged, but rewarded and forced to commit extrajudicial killings.

Part of the design of this permission structure for mass murder is limiting the killings to the most vulnerable and impoverished sections of Philippine society: the unseen and the unheard.

We affirm the view that the human lives cost of this war on drugs, which has already claimed more victims than most genocidal campaigns in Southeast Asia's recent history, constitutes crimes against humanity.

December 2016 figures show that 6,000 have become widows or widowers; 18,000 sons or daughters fatherless or motherless, or have become orphaned altogether, many of whom have witnessed the killings. We have 12,000 parents who have lost sons or daughters, and at least 32 documented children killed. And these are just the documented ones.

The Philippine Center for Investigative Journalism, a reputable institution, made an in-depth analysis of the recent government-promoted statistics year and their findings revealed blatant inconsistencies and a deliberate attempt to conceal the magnitude of the killings, as well as a manipulation of the figures of drug abuse incidents in the Philippines. I can share a bit about this unusual slipping and sliding of values related to what has been officially submitted, the real numbers PH later.

Cases we handle point to strong links between the police and the vigilante killings. This police vigilantism arrangement allows President Duterte, other officials, to disclaim legally any involvement but, nonetheless, in the public's eye, still claim these as accomplishments by the state. This kill society's undesired program is this administration's signature and defining policy and is the only one fully articulated and seriously implemented. The daily killings and the President's kill rhetoric, both having dire lasting effects, have made human life cheap in the Philippines and it is dehumanizing everyone in Philippine society.

Our collective sociopathy and desensitization worsens as days go by. Our young are learning the wrong values. We threaten to transfigure the mindsets of our entire policing establishment, transforming even the most decent and law-abiding policy officer into butchers. We threaten to throw out the window the decades of human rights education work by human rights groups and the Commission on Human Rights. It has become more difficult for human rights groups and the CHR to work constructively with various government agencies, as we did before, due to this President's aversion to human rights.

The repeated disregard for due process and institutionalized impunity under this alternative justice dispensation system has endangered everybody in Philippine society. The social costs of this drug war cannot be overstated.

This war against the poor has led to the worsening of the other gravest human rights violations. We note the trend rise of enforced disappearances of drug suspects, subsequently surfacing dead with signs of having been heavily tortured. So you know have three of the gravest forms of human rights violations in single cases.

The President's buildup and politicization of the drug issue and exploitation of a distorted patriotism has already spurred pockets of well-organized extremist nationalist groups locally and in various countries around the world in places with Filipino migrant populations. This coexists with a well-

financed propaganda machinery that is effective in spreading fake news, lies, and half-truths at the local level and international level. A nationwide grassroots drug and crime surveillance structure, the Masa Masid, has also been put in place, drawing in further citizens' involvement in the drug war.

Given that the two other branches of government have become co-opted to and subservient to the President, it is now civil society and a handful of courageous legislators providing critical opposition. We note that not only state violence is clearly on the rise, but intolerance to criticism and opposition as well. To borrow the words of one of iDEFEND's public figures, President Duterte has shown that he can get away with killing thousands, arrest, curtailing civil and political guarantees, and establishing one-man rule will be a mopping up operation.

We have, time and again, reminded President Duterte that this violent, hardline approach never worked and that he must address the root cause by investing in a life of dignity for all: prioritize radical reforms in the criminal justice system, including an overhaul of the national drug policy, Senate Bill 1313 was mentioned; by institutionalizing a compassionate, sustainable, evidence-based human rights and health-centered approach to the drug issue. To date, Government's rehabilitation rhetoric is just to provide a humane face to this violent war on drugs. Viewing human rights as obstacles, the President has consciously and openly distorted its values, ideals, and principles, in effect degraded public trust in and vilifying human rights defenders and the Commission on Human Rights.

He has openly threatened human rights defenders, stating that he might just direct a "solution" toward them, including them in the harvesting, and even beheading them. Some of us have been placed on watch and persons of interest lists. He has also attacked the media and lawyers who represent families of victims of extrajudicial killings whenever he sees necessary.

We now have two wars in the Philippines: the "war on drugs" and the "war on terrorism," both being framed to be linked as one problem, narco-terrorism.

With respect to holding perpetrators to account and breaking impunity, we note the absence of working accountability mechanisms and these include disciplinary mechanisms for the police which are accessible to regular citizens. We now have an operable witness protection program under the Department of Justice, its current Secretary being a staunch apologist and defender of President Duterte. The only chance for the most impoverished to seek justice and protection are human rights organizations, faith-based organizations, and the Commission on Human Rights. Documentation work crucial for case build-up and eventual litigation is becoming more difficult, due to families' and witnesses' fear for reprisals, as well as the risk involved for human rights workers on the ground doing such work.

Groups are faced with having to establish and maintain sanctuaries and witness protection programs. Most families of victims of extrajudicial killings being dislodged physically from their daily routines find it difficult to sustain their

perseverance and courage. Most of them eventually lose their conviction to pursue justice for their loved ones due to despair.

President Duterte has rolled back the gains in human rights and democracy won by the Filipino people over the past 30 years. We do hope the United States can help resolve this situation.

If I may respectfully request permission to put forward seven concrete recommendations by iDEFEND at a later point during this hearing. Thank you so much, Your Honors.

[The prepared statement of Mr. Carlos follows:]

PREPARED STATEMENT OF ELLECER CARLOS



In Defense of Human Rights and Dignity Movement (iDEFEND) Statement to the Tom Lantos Human Rights Commission Hearing

On behalf of the In Defense of Human Rights and Dignity Movement (iDEFEND), I would like to express our heartfelt gratitude to Representatives McGovern and Hultgren, as well as all the other good members of the Tom Lantos Human Rights Commission for their support to the human rights protection of the Filipino people. The concern, involvement and solidarity by people abroad is very important during these very challenging times.

iDEFEND is the largest human rights formation in the Philippines. We are made up of over 70 organizations, POs, Groups for environmental protection, groups from basic sectors, women, labor, grassroots movements, HR groups, NGOs and over 40 recognized community leaders in the Philippines working at the most affected communities. We established ourselves last year in preparation for engaging the new administration to put in place a Human Rights based framework to governance. Confronted by the surge of killings, we were forced to focus on the emerging human rights crisis. We document cases of Extra Judicial Killings, arbitrary arrests and detention, and situations during which people are affected by repressive policies under the war on drugs. We also provide direct service to families of victims of extra judicial killings and legal support to those determined to pursue justice. We are involved in organizing and education work to help broaden the circles of disapproval and to help affected communities establish practical defense systems against vigilantes and police operations. We are at the forefront of countering the two priority legislations of President Duterte, the reinstatement of capital punishment and the lowering of the minimum age of criminal responsibility from 15 to 9 years old.

Much has been publicized with respect to the human rights conditions in the Philippines whereby Pres. Duterte, through sustained public pronouncements and ordering the police to do whatever it takes, calling on non-state armed groups and ordinary citizens to participate in killing drug suspects, even offering bounties, has effectively put in place a de facto social cleansing policy which has sadly and needlessly led to the killings of 8000 to 12000 human beings coming from the most vulnerable & impoverished sections of Philippine society. These are just the documented ones. iDEFEND has come across cases which are not included in the official count. A reputable institution, the Philippine Center for Investigative Journalism (PCIJ), made an in depth analysis of the statistics and numbers which government has been releasing since early this year and the blatant inconsistencies reveal a

deliberate attempt to conceal the magnitude of the killings as well as the manipulation of drug use incidents in the Philippines.

We are able to confidently affirm, based on concrete analysis anchored on concrete conditions on the ground, that the human lives cost of the drug war constitutes Crimes Against Humanity. The highest officials of the land are accountable for acts of commission, omission and the overall arbitrary derogation of the right to life.

December 2016 figures show that 6000 have become widows or widowers, 18,000 sons and daughter fatherless or motherless or have become orphaned altogether (many of whom witnessed killings), 12000 parents who have lost sons or daughters, and at least 32 children killed (these are just the documented ones).

Exploiting the Filipino people's misperceptions about drug dependency, he has effectively defined a particular section of Philippine society as inhuman & worthy of elimination. The poverty inducing system in the Philippines has created a huge market of impoverished, beaten down, vulnerable and individuals predisposed to becoming exploited into a life of crime & drugs.

It is sad that instead of caring for these sectors, (exploited and neglected by past administrations) and address the root cause of the drug and crime issues, this present leadership has chosen to assault and further brutalize them.

Forced results, reward systems and promise of protection against litigation for law enforcers has predisposed them to become more violent and quick on the trigger. They have come to routinely disregard, due process and rule of law & their own rules of engagement, which include arbitrary mass roundups, routine planting of drugs and guns as evidence. Institutionalized Impunity has further stimulated police illegal activities, exploiting the war on drugs. These include extortion of drug suspects outside official processes & secret detention cells with unofficial detainees.

The killings by vigilantes, accounting for over two-thirds of the extra judicial killings, with very strong links to the police has become a daily occurrence. This police vigilantism arrangement allows Pres. Duterte, other officials and the police to disclaim legally any involvement but in the public's eye, still claim these as accomplishments by the state. The president and other officials have used collateral damage line time and again to desensitize the public and secure mass acceptability

Again, the public incitement to violence opened Pandora's Box and has given law enforcers and vigilantes an explicit license to kill. He effectively established an enabling environment for EJKs, institutionalized impunity and a culture of violence.

This "war on drugs" is this administration's signature and defining policy. It is the only one fully articulated and seriously implemented. Duterte's war on drugs has already claimed more victims than most genocidal campaigns in Southeast Asia's recent history. The situation in the Philippines is abnormal but what makes it really extra-ordinary is that the highest public officials of the land openly brag about it with impunity. Former administrations were unable or unwilling to police their ranks, exact accountability of human rights violators, this administration established a permission structure for mass murder and formalized impunity. This situation has made human life cheap in the Philippines and has dehumanized everyone in society. The daily killings is desensitizing the Philippine public, and our collective sociopathy worsens as days go by. Our young are learning the wrong values. We threaten to transfigure the mind-sets of our entire policing establishment, transforming even the most decent and law abiding police officers into butchers. We threaten to throw out the window the decades of human rights education work by human rights groups and the

Commission on Human Rights. The lasting effects of Pres. Duterte's kill rhetoric and policy cannot be overstated.

This war against the poor has led to the worsening of the other gravest human rights violations, publicly perpetrated torture with impunity (walks of shame, serenading) and enforced disappearances. Our documentation work at the very grassroots has revealed that there is a rise of Enforced Disappearances whereby, in the context of the war on drugs. It has also become more difficult for human rights groups and the CHR to work constructively with various government agencies due to this president's aversion to Human Rights.

I would like to share the current socio-political climate in the Philippines, the nascent authoritarian rule, which threatens to bring us back to the dark days of dictatorship during which systemic human rights violations were normal. The entire repression package which is being laid down needs to be revealed.

Pres. Duterte has begun rolling back the democratic and human rights gains of the people. The 2016 elections which installed Duterte was a repudiation of the shortcomings by the other regimes after the 1986 EDSA revolution. The unfulfilled promise of the EDSA revolution to equitably redistribution of our nation's wealth, bring about radical social reforms and democratize essential services and opportunities to get everyone out of poverty made conditions in the Philippines ripe for the rise of this violent strongman.

He continues to effectively exploit this mass frustration to sustain his populist image and enables him to operate on a strong support base with impunity. His build-up and politization of the "drug and crime crisis" and exploitation of a distorted patriotism, has already spurred pockets of well-organized extremist nationalist groups locally and in various countries around the world. The President enjoys an organized and well financed propaganda machinery that is effective in spreading fake news, lies and half-truths at the local level and international level. A nationwide grassroots drug and crime surveillance structure, Masa Masid has also been put in place drawing in more citizen's involvement in the drug war.

The most impoverished communities in the Philippines were also the most affected by crime, unable to gate themselves up in private subdivisions and pay for private security. When the poor experience a crime and report to the police, in most instances, the police will do nothing and often even take advantage of them. Frustrated with the inoperable and anti-poor criminal justice system, many Filipinos support this "Davao forged" alternative justice dispensation system he offers, unaware of the dangers, the routine institutional disregard for due process brings to everyone in society.

The Philippines is a weak democracy with fragile institutions which he has been stress testing since his assumption into office. The two other branches of government, the judiciary and the legislature have become co-opted, with members subservient to the president. Supermajorities in both chambers allow the forceful reimposition of capital punishment (the Philippines being a state party to the OP2 ICCPR) and the lowering of the Minimum Age of Criminal Responsibility from 15 to 9 years old, the topmost priority legislations of Pres. Duterte. The majority of Supreme Court justices are also clearly subservient to the President, allowing the burial of the late dictator and mass human rights violator and plunderer, President Marcos to be buried at the Heroes Cemetery last year and upholding the declaration of Martial Law in Mindanao. Given that government branches and institutions have become co-opted, it is now civil society and a handful of courageous legislators providing critical opposition.

Almost a month ago, on May 24, Pres. Duterte declared Martial Law and suspended the privilege of the writ of habeas corpus through proclamation 216, in Mindanao, one of the three and southernmost major island group in the Philippines. He opted for this militarist solution in response to clashes with the Maute, a radical Islamist group in Marawi City, the center of Islam in the Philippines. The right to hold public protests and demonstrations has also been lifted and the military has publicly stated that anyone who criticizes Martial Law in Mindanao online may be arrested. Closely following events in the Philippines since last year, we believe Pres. Duterte is just waiting for the right pre-text to extend Martial Law nationwide and that the threat of dictatorship is palpable. He has, in any case mentioned his intention to do so 35 times before actually declaring it almost two months ago. He has just three days ago requested congress to approve the extension of Martial Law for another 60days.

iDEFEND has publicly condemned the declaration of martial law in Mindanao which does not have any factual basis under the 1987 Philippine Constitution. The situation in Marawi City is neither an act of rebellion nor invasion. In fact, by declaring Martial Law L, Pres. Duterte provided the Maute group political legitimacy and recognition and built up a climate of fear among the people. This militarist solution will barely have any effect on succession groups in Mindanao but will adversely affect civilians as it would curtail many of their rights. Thousands have been stranded and are in grave danger in Marawi City amidst the airstrikes. There already have been mass arbitrary arrests and internal displacement is worsening by the day.

The declaration of Martial Law is a blatant example of how this administration is casual about the treatment of Philippine law.

We now have two wars in the Philippines- war on drugs and the war on terrorism. Both have the same root cause, lack of social justice/widespread abject poverty and lack of opportunities. Because he is bankrupt in real programs to address these, he opts for violent solutions to both. Both are being framed to be linked as one problem-narco terrorism.

We have persistently reminded Pres. Duterte that this violent hard-lined approach never worked elsewhere and to effectively respond to his priority issues, drugs and crime, he must prioritize radical reforms in the Criminal Justice System, including an overhaul of the national drug policy and to take a compassionate, sustainable, evidence-based, human rights and health-centered approach to the drug issue. To date, government's rehabilitation rhetoric is just to provide a humane face to his "war on drugs". Government has geared down on its "rehabilitation" treatment plans, essentially leaving programs to the many groups responding through various methods without oversight. We have been calling on the administration to prioritize addressing the root cause of the drug and crime issues, to invest in a life of dignity.

We have been monitoring his other programs and to date have not seen any signs of addressing the systemic deprivation of economic and social rights. We see no coherent policies which would effectively address poverty.

Viewing human rights as obstacles to his campaign against drugs and crime, he has consciously and openly distorted its values, ideals and principles, in effect degraded public trust in and vilifying human rights defenders & the Commission on Human Rights. He has openly threatened human rights defenders stating that he might just direct his "solution" toward them, include them in the "harvesting" if they continue to protect criminals and even behead them. Some of us have been placed in watch and persons of interest lists. He also attacks the media and lawyers who represent families of victims of extra judicial killings whenever he finds it necessary.

While being non-partisan and strictly adhering to the human rights principle of impartiality we note this administrations concerted efforts to politically persecute members of the opposition, denigrating the reputation of one of our senators opposing the mass killings through persistent misogynistic public statement, effectively exploiting Filipino machismo. This, we believe, was to also a conscious move to send a clear and chilling message to anyone in Philippine society intending to oppose the President's policies. This administration now has also began attacking the Ombudsman Chief who publicly stated that his kill rhetoric was unacceptable. State violence and intolerance to criticism and opposition is clearly on the rise.

His beholdeness, subservience and support to Marcos family politically (Marcos Burial) has further paved the way for possible the return of the Marcos family in Malacanang and strengthened the distortion of what really happened in the past. President Duterte's active support in revising history has angered and re-traumatized the many victims of human rights violations who continue to seek justice to this day.

If I may present just some of the challenges for holding perpetrators to account and breaking impunity. We note the absence of working accountability mechanisms and this includes disciplinary mechanisms for the police which are accessible to regular citizens. We have an inoperable witness protection program under the Department of Justice, its current secretary now a staunch apologist and defender of President Duterte. The only chance for the most impoverished to seek justice and protection are human rights organizations, faith based organizations and the Commission on Human Rights. Documentation work, crucial for case build up and eventual litigation, is becoming more difficult due to families' and witnesses fear for reprisals as well as the risks involved in doing such work. Groups are faced with having to establish and maintain independent sanctuaries and witness protection programs. Most families of victims of extra judicial killings, being dislodged physically and from their daily routines find it difficult to sustain their perseverance and courage. Most of them loose their conviction to pursue justice for their loved ones due to despair.

Questions for all of us?

How do we stop his policy of wholesale killings? How do we break the normalcy and restore the rule of law in police practice?

How do we contribute to the mind-set shift?

How do we widen the circles of discernment, outrage, disapproval to the derogation of the right to life and due process in the Philippines?

How do we protect drug dependents and petty drug peddlers and those who provide courageous and determined resistance?

How do we hold perpetrators of crimes against humanity accountable, break the structural impunity and realize justice and restitution for all of the victims of extra judicial killings and their families?

Our Recommendations:

1. Continue calling on President Duterte to stop the killings, stop the incitement to violence, stop dehumanizing drug dependents, stop threatening human rights defenders, and enable

the Philippine National Police to return to the rule of law and respect for due process and to undertake affirmative action to resolve the vigilante killings.

2. Pass the Philippine Human Rights Accountability and Counter Narcotics Act which withdraws all support to the Philippine National Police for Counter Narcotics and Terrorist operations by way of firearms and funding, provides support to the work of human rights organizations and defenders in the Philippines and assistance in putting forward and eventually institutionalizing a sustainable, viable, effective, compassionate, evidence-based and human rights centered approach to the drug issue anchored on the harm reduction strategy.
 3. Conduct a fact finding mission in the Philippines to evaluate the human rights crisis.
 4. Recommend the cancellation of President Duterte's state visit to the US in October, thereby sending a clear message that the mass killings and systematic violations of human rights in the Philippines are unacceptable and that this is a collective concern of the global community.
 5. Help the Philippines strengthen the investigative and forensic capacities of our law enforcement agencies by taking into consideration and incorporating relevant provisions in the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths (2016) – The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;
 6. Help ongoing efforts in the Philippines to put in place an evidence based, human rights centered, sustainable and viable, compassionate public health approach to responsibly respond to the drug issue. These efforts also aim to ensure that provisions of law and directives of law enforcement agencies on drug concerns that will be congruent to the provisions of the International Drug Control Conventions.
 7. Provide assistance to human rights groups involved in helping families of victims by way of psychosocial and legal support as well as protection.
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Mr. MCGOVERN. Thank you very much for your powerful testimony. Also I want to acknowledge our colleague, Congresswoman Jackie Speier from California, who has joined us who is a staunch defender of human rights all around the world. Do you have an opening?

Ms. SPEIER. I do have a statement.

Mr. MCGOVERN. Why don't you come up and I'd like to yield to you to give your statement? And then we can proceed with the –

Ms. SPEIER. I want to thank the co-chairs for creating the opportunity for the Filipino community in the United States to come forward and draw attention to this horrific set of circumstances and for your leadership in the Tom Lantos Human Rights Commission.

As many of you know, Tom Lantos was the congressman in the district that I represent and there is not a week that goes by that I am not reminded of the extraordinary contributions he made to this country and around the world, in terms of drawing attention to human rights violations.

I was very impressed with Ellecer Carlos' presentation and I am sure the others will be as powerful. I, regrettably, have to chair another subcommittee. So, I am going to have to leave but I have staff who will remain in the room.

My district is home to the largest Filipino community in the continental United States. And I have heard increasing concerns from my constituents, who were appalled by the human rights violations taking place under Philippine President Rodrigo Duterte's regime.

I am also deeply troubled that the President of our country has invited President Duterte to the White House. Mr. Duterte's murderous, extrajudicial campaign has drawn condemnation from around the world – except from President Trump, who has had "a very friendly" conversation with a man who once said, "I don't care about human rights" and who called President Obama a "son of a whore" for speaking out against atrocities President Duterte has committed against his own people.

The latest estimates of the number of deaths related to the drug war run as high as 8,000, based on figures released by the police and independent counts by human rights groups. We need to call this deranged policy out for its state-sanctioned vigilantism that contravenes the rule of law and damages the international standing of the Philippines.

All this being said, I remain proud that the Philippines is one of our closest allies, but also deeply concerned that this great country is falling prey to bloody demagoguery. President Duterte's campaign of vigilantism and extrajudicial execution is unacceptable in a modern society. It is critical that both the Congress and the President condemn President Duterte's unacceptable human rights abuses in the strongest possible terms and to take concrete action to ensure that the United States is not enabling these practices.

I am heartened by the bipartisan introduction of S. 1055, the Philippines Human Rights Accountability and Counternarcotics Act, into the Senate. This important bill would restrict the export of certain defense items to the Philippine National Police, support human rights and civil society organizations in the Philippines, and report on sources of narcotics entering the country.

The next step is to introduce a bipartisan version in the House and I am working hard to promote that effort.

We must also not forget the sacrifices that the people of the Philippines made during World War II, fighting alongside us, and the promises we made to them committing that we would provide them with the veterans' benefits that they earned on the battlefield. This promise remains unfulfilled and I continue to work to ensure that this promise is ultimately kept.

I want to thank you again for putting a spotlight on this scourge of extrajudicial killings in the Philippines. Our country, your country, and the world are lucky to have all of you fighting for human rights for everyone.

[The statement of Representative Speier follows:]

**PREPARED STATEMENT OF THE HONORABLE JACKIE SPEIER, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS
AND MEMBER OF THE TOM LANTOS HUMAN RIGHTS
COMMISSION**



Tom Lantos Human Rights Commission Hearing

**The Human Rights Consequences
of the War on Drugs in the Philippines**

Thursday, July 20, 2017

10:00 – 11:30 AM

2200 Rayburn House Office Building

Opening Remarks of Rep. Jackie Speier, Member of the Commission

As prepared for delivery

Thanks to the Tom Lantos Human Rights Commission for holding this important hearing, and to the witnesses, particularly Ellecer Carlos, for being here today.

I'm proud that my district is home to the largest Filipino communities in the continental United States. I've heard increasing concerns from my constituents who are appalled at the human rights violations taking place under Philippine President Rodrigo Duterte's regime.

I was disgusted that President Trump invited Duterte to the White House. His murderous, extra-judicial campaign has drawn condemnation from around the world - except from President

Trump, who had a "very friendly" conversation with the man who once said, "I don't care about human rights" and who called President Obama a "son of a whore" for speaking out against atrocities Duterte has committed against his own people.

The latest estimates of the number of deaths related to the drug war run as high as 8,000, based on figures released by the police and independent counts by human rights groups. We need to call this deranged policy out for what it is: state-sanctioned vigilantism that contravenes the rule of law and damages the international standing of the Philippines.

All that being said, I remain proud that the Philippines is one of our closest allies, but also deeply concerned that this great country is falling prey to bloody demagoguery. Duterte's campaign of vigilantism and extrajudicial execution is unacceptable in a modern democracy. It is critical that both Congress and the President condemn Duterte's unacceptable human rights abuses in the strongest possible terms, and take concrete action to ensure that the United States is not enabling these practices.

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We must also not forget the sacrifices that the people of the Philippines made during WWII, fighting alongside us, and the promise we made to them, committing that we would provide them with the veterans' benefits that they earned on the battlefield. This promise remains unfulfilled and I'll continue to work to ensure that this promise is ultimately kept.

Thank you again for your hard work and sacrifices in combating the scourge of extrajudicial killings in the Philippines. Our country, your country, and the world are lucky to have you fighting for human rights for everyone.

Mr. MCGOVERN. Thank you. Thank you very much for your statement and we appreciate you being here.

And I will now turn this over to Mr. Wells.

**STATEMENT OF MATTHEW WELLS, SENIOR CRISIS ADVISOR,
AMNESTY INTERNATIONAL**

Mr. WELLS. Thank you. Thank you all very much.

Co-Chairman McGovern, Co-Chairman Hultgren, other members of the Commission, thank you for holding this hearing today on the devastating human rights impact of the so-called "war on drugs" in the Philippines

It was a year ago that President Duterte took office, promising to fatten the fish of Manila Bay with the bodies of alleged criminals, particularly people who use or sell drugs. His rhetoric quickly became all too real.

In the first seven months, the Philippine National Police acknowledged thousands of deaths of alleged drug offenders, either during formal police operations or by vigilante-style killers. Those statistics are being manipulated today as an effort to hide the so-called drug war's enormous human toll in large part because of the condemnation that came as a result of the tireless work by journalists and activists in the Philippines, like my fellow panelist from iDEFEND.

Despite this obfuscation, three things are clear: the killings continue, the police remain above the law, and all of this is at minimum encouraged by the highest levels of the Philippine Government.

I have been part of a team at Amnesty that investigated the abuses of the so-called "drug war." We released a report earlier this year titled "If You Are Poor, You Are Killed." I will focus my remarks on three specific aspects of our findings that I believe are particularly concerning, as well as on what we think U.S. Congress can do.

First, there has been an economy of murder created by the war on drugs with the police at the center. Our investigation found that police officers have received significant under-the-table payments for what they call "encounters" in which alleged drug offenders are killed. A police officer in a drugs unit confirms this practice in an interview with us, describing being paid on a scale depending on whether the target was a person who allegedly used or sold drugs.

Killings carried out by unknown armed persons or vigilante-style killers are likewise often rooted in this economy of murder. We interviewed several paid killers who said their boss, the person who gives them their hit list, is an active-duty police officer. Since President Duterte took office, the paid killers told us there has been an endless demand for their work.

A recent investigation by Reuters, likewise, uncovered payments for killings carried out by the police. These payments suggest a level of organization and planning within the police and the government more generally. Amnesty International believes there is sufficient evidence to demonstrate that authorities at the highest levels of the government have, in effect, issued a license to kill.

What makes this economy of murder even more disgusting is that the targets are overwhelmingly from the poorest segments of Philippine society, which is why many families we interviewed referred to it as a "war on the poor."

Second, the issue of police impunity. Despite thousands of killings and a pattern of other human rights violations by the police, there has been scant accountability. No police officer is known to have been convicted in relation to killings during anti-drug operations and exceedingly few cases have even resulted in credible investigations.

Just last week, the police force reinstated 19 officers who, according to investigations by the Philippine Senate and the National Bureau of Investigation, are implicated in a premeditated killing inside a jail of a mayor and another person. This reinstatement follows months of President Duterte saying he would pardon these officers, if convicted, along with any other officer convicted of a crime, including murder, committed in the line of duty. As a result, police officers have been emboldened to continue killing alleged drug offenders and to make a mockery of the justice system, through planting evidence and falsifying police reports.

Even when families doggedly pursue a case, they face obstacle after obstacle, including reprisals. I spoke with the parents of eight-year-old San Nino Batucan four days after he was killed outside of Cebu City. San Nino was lying down watching television when unknown shooters fired at an alleged drug financier and missed. The bullet went through the Batucan family's wooden shack and hit him in the stomach, killing him several hours later, as his father, Wilson, tried frantically to bring him to a hospital.

The family believed the police were involved in this operation, yet the authorities failed to undertake a credible investigation. Instead, after months of Wilson being outspoken about his son's killing, Wilson himself was gunned down outside his home in March of this year.

Third and finally, there has been a much broader impact on people's right to health. The authorities say that more than a million people have surrendered, in their words, "voluntarily," but many people who use drugs see their choice as between surrendering or being killed, which is hardly voluntary. Prisons are appallingly over-crowded and the vast majority of drug treatment and rehabilitation programs are poorly funded and not comprehensive or evidence-based. In many instances, community drug rehabilitation means Zumba fitness classes, listening to lectures on how drugs are bad, and submitting oneself to perpetual surveillance. Any slip-up in using drugs invites a police operation with deadly consequences.

As the Government has largely ignored a public health approach, many people who use drugs have become terrified of accessing basic health services that might link them to drug use, including HIV testing or treatment.

As one of the oldest and most important allies of the Philippines, the U.S. and this Congress has a unique position of influence. This should be used to help ensure that the Philippine authorities reorient their drug policies towards a model based on the protection of health and human rights, rather than a punitive approach that tries helplessly and devastatingly to kill the problem away.

In particular, Congress should ensure that no U.S. assistance supports human rights violations in the so-called war on drugs, with a careful review and restriction of assistance to the Philippine National Police, in particular.

Congress could, for example, link any future assistance to progress in reforming the Philippine National Police and ending the impunity of police officers who commit or oversee unlawful killings.

Congress should, likewise, support the efforts of Philippine human rights defenders and the Philippine Commission on Human Rights. Philippine civil society is at the front line, documenting the war's atrocities, fighting for accountability, and promoting a model based on public health. Congress' support, technical and financial, would amplify their impact and show they are not alone in this fight. S. 1055, also known as the Philippines Human Rights Accountability and Counternarcotics Act of 2017, has promising provisions on each of these issues. We believe the House should look to build on these provisions in introducing companion legislation. Helping end the daily murder of people simply because they use or sell drugs, or used or sold drugs in the past, should be a bipartisan issue.

On behalf of Amnesty, I would like to again thank the co-chairmen for organizing this hearing and for this Commission's consistent work in supporting the protection and promotion of human rights around the world.

Thank you.

[The prepared statement of Mr. Wells follows:]

PREPARED STATEMENT OF MATTHEW WELLS



The Human Rights Consequences of the War on Drugs in the Philippines
Tom Lantos Human Rights Commission

Written Testimony of Matthew Wells
Senior Crisis Advisor, Amnesty International
July 20, 2017

Co-Chairman McGovern, Co-Chairman Hultgren, members of the Commission, thank you for holding this important hearing on the devastating human rights impact of the so-called war on drugs in the Philippines. Since President Rodrigo Duterte took office on June 30, 2016, more than 7,000 people have reportedly been killed by police officers carrying out anti-drug operations and by unknown armed persons, many of whom have links to the police. Each day leaves more people senselessly dead, fuelled by the dehumanizing and inciting rhetoric of high-level government officials, including the President himself.

I have been part of an Amnesty International team that has investigated the murderous campaign against drugs. On January 31, we released an in-depth report, [*"If You Are Poor, You Are Killed": Extrajudicial Executions in the Philippines' "War on Drugs"*](#), which detailed the widespread unlawful killings, mostly of poor and marginalised people, that implicate the Philippine National Police; the complete lack of accountability for police officers involved in extrajudicial executions and other human rights violations; and the wider impact on the right to the enjoyment of the highest attainable standard of physical and mental health for people who use drugs, as they are terrified to access services lest they be targeted.

Country-Wide Campaign of Death

In the course of our research, Amnesty International documented unlawful drug-related killings in 20 different cities and towns spread across the three island groups that comprise the Philippines. While the numerous killings in Metro Manila, the country's political and financial capital, have received significant international attention, the "war on drugs" has affected every corner of the country.

In each city and town, Amnesty International found a similar pattern that led to and followed the killings. Local government officials, at the behest of the police, draw up what is known as a "drug watch list" that purports to identify people who use or sell drugs in that area. Inclusion is at times based on hearsay, community rumors, or personal rivalry, with little to no verification. Lists are not comprised solely of persons reasonably suspected of crimes; past drug use, for instance, is often sufficient. And being friends with or even neighbors of someone on a "watch list" can in practice be a death sentence.

These "drug watch lists" are then often turned into kill lists. Police units, relying on these lists to identify targets, regularly kill alleged drug offenders during raids on homes, in the streets, and even after taking people into custody. Police reports overwhelmingly claim the

person resisted arrest and opened fire, but a police officer and other witnesses we interviewed, as well as witnesses interviewed by the media and other human rights groups, have consistently told a different story: of victims unarmed and begging for their lives, at times on their knees, and yet shot repeatedly by the police at point-blank range. To cover their tracks, police officers plant “evidence,” including weapons and drugs, around the scene, and appear regularly to falsify incident reports. In an Annex to this testimony, I have included the details of one such case we documented—the police killing of 38-year-old Gener Rondina—to provide a concrete example of what these operations look like.

In addition to killings during formal police operations, many alleged drug offenders are killed by unknown armed persons, who typically arrive in tandem on motorcycles, gun down the alleged drug offender, and speed off. Our investigation shows strong links between the police and some of these vigilante-style killers. The carnage shows no signs of ending.

War on the Poor

The vast majority of victims of drug-related killings come from the poorest segments of Philippine society. Most live in small makeshift homes in densely packed urban neighborhoods. Family members typically linked their loved one’s involvement in drugs to poverty and a lack of job opportunities. Some people use methamphetamines, known locally as “shabu,” as a means to stave off hunger or to stay awake and work longer hours.

The killings unleashed by President Duterte and the Philippine National Police are neither a short- nor long-term solution to these problems. The death of a breadwinner often puts families in a more precarious position, at times compounded by police officers stealing from them during crime scene investigations. A woman whose husband was killed told me the police took goods she sold on commission, money she set aside for the electric bill, and even new shoes she bought for her child. When she saw her husband’s body at the morgue, riddled with bullet holes, she realized his wedding ring and necklace were also missing, and not part of the police inventory.

In the poorest of households, where there is often little of material value, police steal items of sentimental value. In a floating slum in Cebu Province, police broke down the door to a house and killed the 29-year-old son of a woman who, according to a family member, sold drugs to put food on the table. A witness recalled to us how the police stole a Virgin Mary statue from their home altar.

While police officers and unknown armed persons descend nightly on poor neighborhoods, the authorities have taken little action against major drug traffickers and sellers. This dynamic led almost everyone we interviewed to describe the “war on drugs” as anti-poor, or a war on the poor. A woman whose son was killed as a bystander said to us that the police were “going after the twigs and the leaves, but leaving the roots and trunk” of the drug trade. As a result, she said, “the tree will still be there.”

Economy of Murder

The Duterte administration’s incitement and relentless pressure on the police to deliver results in anti-drug operations has encouraged abusive practices. Worse, there appear to be financial incentives that amount to an economy of murder for both police officers and unknown armed persons.

Amnesty International's investigation found that, in at least some areas of the Philippines, police officers have received significant under-the-table payments for "encounters" in which alleged drug offenders are killed. A police officer with more than a decade of experience, and who was part of an anti-illegal drug unit when we interviewed him, confirmed this practice, indicating they were paid on an escalating scale depending on whether the target was a "user" or "pusher" of drugs. He said payments were known and approved by higher-level police officials and ranged from 8,000 Philippine pesos (US \$160) for killing a person who uses drugs to 15,000 pesos (US \$300) for killing a small-scale "pusher."

Our investigation also uncovered a racket between the police and some funeral homes, in which the police are paid for each body they bring. For many families whose loved ones have been killed in anti-drug operations, the police's profiting off the disposal of bodies is the last in a long line of violations of their economic and social rights, as money stolen during crime scene investigations or lost needlessly to increased funeral expenses is likely, particularly for poor families, to be used to provide essentials such as food, healthcare, and education. Several relatives of victims described to us how they had to borrow money to pay for the inflated funeral costs; another family had to use their land as collateral against hospital bills incurred when, after being shot by an unknown armed person on the island of Mindanao, their family member spent 28 days in a coma in a hospital's intensive care unit before dying.

Killings carried out by unknown armed persons are likewise often rooted in this economy of murder. We interviewed several paid killers who said that their boss, who gave them their "jobs," is an active duty police officer. They said they are paid 5,000 pesos (US \$100) for killing a person who allegedly uses drugs, and between 10,000 and 15,000 pesos for killing a person who allegedly sells drugs. Since President Duterte took office, the paid killers told us there had been an endless demand for their work, averaging three to four "orders" per week. All of their targets were linked to the "war on drugs."

A recent investigation by Reuters similarly uncovered payments for killings carried out by the police and unknown armed persons.¹ These payments suggest a level of organization and planning by high-level police officials, who are, at minimum, emboldened by the inflammatory, inciting rhetoric from senior government officials, including the President. Amnesty International believes there is sufficient evidence to demonstrate that authorities at the highest levels of the government have in effect issued a "license to kill," as part of a policy to target those in the population who are alleged drug offenders.

Killing of Bystanders, including Children

In addition to targeting and killing alleged drug offenders, the anti-drug operations have caused the death of at least dozens of bystanders, including children. As of early March 2017, more than 30 children had been killed in the "war on drugs," almost all of them because they found themselves at the wrong place at the wrong time, as police or unknown armed persons targeted an alleged drug offender nearby.

I spoke with the parents of 8-year-old San Niño Batucan, four days after his death just outside Cebu City. San Niño was lying down watching television when unknown shooters fired at an alleged drug financier and missed; the bullet went through the Batucan family's wooden shack and hit San Niño in the stomach, killing him several hours later as his father, Wilson,

¹ Reuters, "Special Report: Police describe kill rewards, staged crime scenes in Duterte's drug war," April 18, 2017, <http://www.reuters.com/article/us-philippines-duterte-police-specialrep-idUSKBN17K1F4>.

tried frantically to bring him to a hospital. The family believed strongly that the police were involved in the operation, yet the authorities failed to undertake a credible investigation. Instead, after months of Wilson being outspoken about his son's killing, Wilson himself was gunned down outside his home in late March 2017; according to Wilson's wife, he had been approached days before by men on motorbike and offered money in exchange for not pursuing a legal case related to San Niño's death.²

In one of his many egregious statements, President Duterte referred to children and other bystanders killed in the "drug war" as "collateral damage".³ The term "collateral damage" is itself a distortion of the principle of proportionality in the law of armed conflict. This legal framework does not apply to the anti-drug operations, and any unlawful use of force that results in death or serious injury requires an investigation with a view to prosecute those responsible and to provide reparations to victims. For President Duterte, it appears no death, even of an 8-year-old child, is beyond what the anti-drug campaign justifies.

Lack of Accountability

Despite thousands of killings and a pattern of other human rights violations by the police, there has been scant accountability. No police officer is known to have been convicted in relation to deaths during anti-drug operations, and exceedingly few cases have even been subjected to efficient, let alone independent, investigations. The authorities have fared little better in going after unknown armed persons, particularly those working with the police.

In many of the drug-related killings we examined in detail, police officers charged with investigating the deaths did not bother to interview direct witnesses. Even when families doggedly pursue a case, they face obstacle after obstacle. After a family member was killed in an anti-drug operation, a person we interviewed filed a complaint with the National Bureau of Investigation (NBI). When the family first met with an NBI officer, the officer said they were under a "directive" not to probe drug-related killings. After the family persisted, the NBI did visit the crime scene and processed a complaint, but a different NBI officer told the family it was a "futile" effort under the current administration in the Philippines.

Beyond it being futile, many family members of victims we interviewed were terrified of pursuing legal action or even cooperating with investigations by bodies like the Philippine Commission on Human Rights (CHR). The case of Wilson Batucan, described above, shows this fear of reprisal is well-founded. Several other witnesses we interviewed described harassment and threats. Local human rights defenders and lawyers face similar risks.

Police impunity has come from the highest levels of the Philippine government. After a mayor and another person were killed in their jail cell in November 2016, an investigation led to one of the only incidents in which police officers were charged related to an anti-drug operation. In response, President Duterte vowed to pardon them if convicted, along with any other officer convicted for acts undertaken, as he put it, in the line of duty.⁴ In July 2017, the officers involved were reinstated to active duty, despite the homicide charges against them.

² Ador Vincent S. Mayol, "You, too, will die," *Philippine Daily Inquirer*, April 3, 2017, <http://newsinfo.inquirer.net/885885/you-too-will-die>.

³ Al Jazeera, "Rodrigo Duterte interview: Death, drugs and diplomacy," October 16, 2016, <http://www.aljazeera.com/programmes/talktojazeera/2016/10/exclusive-rodrigo-duterte-war-drugs-161015100325799.html>.

⁴ Felipe Villamor, "Philippines Leader Vows to Pardon Police Accused in Mayor's Death," *New York Times*, April 1, 2017, https://www.nytimes.com/2017/04/01/world/asia/rodrigo-duterte-philippines-mayor-death.html?_r=0.

Senior government officials in charge of justice have been no better. The Secretary of Justice, in response to Amnesty International's report, said the "war on drugs" could not be classified as crimes against humanity, as people who use drugs are "not humanity."⁵ These dehumanizing remarks echoed previous statements from President Duterte.

This combination of inciting rhetoric and lack of independent and effective investigations and prosecutions has created a deadly climate of impunity in which the police feel above the law. Officers are emboldened to continue killing alleged drug offenders—to indeed see that as a positive result in the "war on drugs"—and to make a mockery of the justice system through the planting of "evidence" and the falsification of police reports.

Action from Congress

The Philippine "war on drugs" is one of the worst human rights calamities in the world today. The U.S. government has long been one of the closest allies of the Philippines, and, despite threats from President Duterte to shift toward China, it remains so. It is incumbent upon Congress and the Administration to use that unique leverage and influence to help ensure that the Philippine authorities reorient their drug policies towards a model based on the protection of health and human rights, rather than a punitive approach that tries hopelessly and devastatingly to kill the problem away. President Duterte has said he would gladly "slaughter" all of the country's "drug addicts."⁶ The U.S. government can take several concrete actions to help avoid any further steps towards that abyss.

First, we should not underestimate the power and relevance of strong statements from bodies like this Commission and from members of Congress who denounce the rampant human rights violations associated with the Philippines' "war on drugs." There has been a decrease in popularity for President Duterte's anti-drug policies, as criticism mounts both within and outside the Philippines. The Catholic Church, a vitally important institution in the Philippines, has become increasingly vocal and critical, as have other segments of civil society. Strong statements from this Commission, from Congress, and from the Administration would show that these voices within the Philippines are heard and that they have support around the world for their brave efforts to combat the unlawful killings.

Second, Congress should carefully review and restrict U.S. assistance that goes to the Philippine National Police. It should take measures to ensure that no U.S. assistance supports human rights violations, including in the "war on drugs." Congress could, for example, link future assistance to clear progress in reforming the Philippine National Police and ending the impunity of police officers who commit or oversee unlawful killings. S.1055, also known as the [Philippines Human Rights Accountability and Counternarcotics Act of 2017](#), introduced by Senators Cardin and Rubio in May 2017, has promising provisions on the issue of security force assistance. Congress should examine ways to strengthen it further in passing legislation.

Third, Congress should support the incredible efforts led by Philippine human rights defenders and the Commission on Human Rights. With limited budgets, and in the face of harassment and threats, Philippine human rights defenders are documenting the horrors of the "drug war" and pursuing legal action to stop them. Financial and technical support from the

⁵ Emily Rauhala, "Philippine justice minister says deadly drug war not crime against humanity because drug users 'not humanity'," *Washington Post*, February 1, 2017, https://www.washingtonpost.com/news/worldviews/wp/2017/02/01/accused-of-possible-crimes-against-humanity-duterte-minister-says-drug-users-not-humanity/?utm_term=.789803897594.

⁶ Oliver Holmes, "Rodrigo Duterte vows to kill 3 million drug addicts and likens himself to Hitler," *The Guardian*, September 20, 2016, <https://www.theguardian.com/world/2016/sep/30/rodrigo-duterte-vows-to-kill-3-million-drug-addicts-and-likens-himself-to-hitler>.

United States would allow these efforts to respond better to the enormous needs that exist. S.1055 again includes important provisions that Amnesty International supports, specifically in authorizing assistance to victims, to support local civil society, and to promote a public health approach.

Fourth, and finally, Congress should scrutinize and look to inform the Administration's actions in relation to the Philippines' "war on drugs." The U.S. government's response to the killing of thousands of people—simply because they are suspected of using or selling drugs—should not be a partisan issue. This Commission, and Congress more generally, should ask the Trump Administration for clarification as to its position on the Philippine government's anti-drug policies and rhetoric. And it should strongly encourage the Trump Administration, in any future calls or meetings with President Duterte or his cabinet, to demand an end to the extrajudicial executions, to the dehumanisation and incitement of violence against people who use or sell drugs, and to the impunity that exists.

On behalf of Amnesty International, I would like to again thank the Co-Chairmen for organizing the hearing today, and for this Commission's consistent efforts in support of promoting and protecting human rights around the world.

Annex: Case Study in the “War on Drugs”

Unlawful Police Killing of Gener Rondina

At 2 a.m. on November 25, 2016, a loud knock woke the household of 38-year-old Gener Rondina. Those at home peeked through the window and saw a large gathering of police officers surrounding the house in Cebu City. Gener removed the wall air-conditioning unit and tried to escape, but quickly returned inside when police officers shone a flashlight on him.

A witness told Amnesty International that Gener then began yelling that he would surrender. “The police kept pounding, [and] when they got in he was shouting, ‘I will surrender, I will surrender, sir,’” the witness recalled less than two weeks later. The police ordered Gener to lie down on the floor; a witness said Gener knelt and raised his arms behind his head. Another person in the house was ordered out of the room. Soon after, the witness heard gunshots.

Relatives said Gener was using and selling drugs, though he had been trying to stop both activities. “When he was using, he was very thin,” one family member said. “When he stopped, he started to gain weight again. He was slowly starting to stop selling [too], but he was waiting for money to be remitted from his buyers. He wanted to stop.”

His difficulty in stopping, particularly selling drugs, may have been aggravated by corrupt police officers. A family member asked Gener to surrender, but he felt it was unnecessary, saying, “Why would I when the police just keep making money out of me?” Several weeks before he was killed, a family member heard that Gener had been seen with police; when confronted about it, he said he had paid off a police officer.

Police allege Gener fought back. Family members said he did not own a gun, and the witness who spoke to Amnesty International indicated it was inconceivable, after he was already kneeling and pleading for mercy, that he could have somehow resisted. “The room is just [a couple meters] wide, [and] there were so many officers they couldn’t fit, some were on the stairs,” the witness told Amnesty International. “He was squeezed between cabinets beside him, the bed, the AC unit. His hands were raised, he couldn’t go anywhere. He was really frightened. I find it hard to accept he resisted arrest.”

Some time after he was killed, police read out a search warrant; a person present saw them record video as they did, saying it was to have proof. “What’s the point?” the person asked. “He’s dead.” Eventually, a police officer asked a colleague for help in removing Gener’s body. A witness recalled them “carrying him like a pig” and then placing his body near a sewer before eventually loading it into a vehicle.

When family members were allowed back in the house six hours after Gener’s death, they described seeing blood splattered everywhere. Valuables including a laptop, watch, and money were also missing, and, according to family members, had not been accounted for by police in the official inventory of the crime scene.

Gener's father, Generoso, served in the police force for 24 years before retiring in 2009. He told Amnesty International he was "ashamed" of his son's drug use and prior record for "snatching." He also professed support for the government's anti-drug efforts. "But what they did was too much," he said. "Why kill someone who had already surrendered?"



A friend of Gener Rondina mourns in front of his casket during his wake, 7 December 2016, Cebu City. A witness said police shot the 38-year-old man during a raid on his house in November despite Gener kneeling on the floor, raising his arms and pleading "I will surrender!" © Amnesty International

Mr. MCGOVERN. Thank you for your excellent testimony. We appreciate it very much.

Mr. Kine, welcome.

**STATEMENT OF PHELM KINE, DEPUTY DIRECTOR, ASIA
DIVISION, HUMAN RIGHTS WATCH**

Mr. KINE. Representatives McGovern and Hultgren, thank you very much for having us today to discuss, and talk about, and expose this, what is nothing less than, as my colleagues have mentioned, a human rights calamity that has unfolded in the Philippines since President Rodrigo Duterte took office on June 30, 2016.

This is a critical moment for the Philippines in the sense that, as my colleagues have mentioned, there are thousands, untold thousands, of victims of this war, "war on drugs," with zero accountability by and from the Government. And the second reason why it is a critical time is that right now the Philippine Government has launched an intensive propaganda effort to essentially deny the reality of this brutal slaughter by, essentially, issuing a big lie technique of a blizzard of contradictory and confusing statistics about what is going on in the Philippines.

And this big lie technique says three things: That number one, that the Philippines Government is supporting rule of law. Lie. In fact, the Philippines Government is demolishing rule of law and its protection. Second, that the Philippines Government is dedicating itself to protection of the rights of its citizens, a lie. The Philippine Government is violating, on a daily basis, the right to life of dozens of its citizens through this "war on drugs." And three, that it is dealing with a drug problem in the Philippines. That is a lie. The Philippines Government and President Duterte say that they are targeting drug lords, that they are ending the drug trade in the Philippines. In fact – and they base that assertion on flawed or outright fabricated statistics about the nature of the drug problem in the Philippines. In fact, what they are doing is they have launched a war against the poor.

As my colleague has said, the victims, overwhelmingly, are some of the poorest, most marginalized, most vulnerable citizens of the Philippines. They include people like this person, Althea Barbon, who was killed on August 31st, while riding in the back of her father's motorcycle to buy popcorn. Her father was on a drug watch list and she was gunned down with her father. And guess what? To the Philippines Government and President Duterte, this is what they call collateral damage. There are many, many more of these child victims and they constitute at least 7,000 victims of this "war on drugs." The statistics are difficult to parse because the Philippines National Police and the Philippine Government has issued this stream of contradictory and extremely conflicting and confusing statistics that are designed to defy any type of reasonable, verifiable analysis as to what is happening on the ground.

How did we get to this point? Well, Philippines President Rodrigo Duterte was elected with 38 percent of the popular vote on a platform specifically

promising mass extrajudicial violence as a "crime technique" and he has delivered on that with a vengeance. And the result is, we have thousands of these victims. And these victims, as I said, are some of the poorest people but the key is, who is killing these people? Well, the Government says, admits that police are killing suspected drugs users and drug dealers in what they call buy-bust operations – thousands of them. And it says to a man, woman, and child, those victims all fought back. And a certain percentage they say that those people who have been killed are victims of rival drug gangs and inter-gang rivalry. Well, Human Rights Watch on-the-ground research in the Philippines exposed that as a blatant lie. And what is happening is that Philippines National Police and their agents are essentially organizing and committing death squad operations targeting urban slum communities, particularly around the metropolitan Manila area, and they are planting evidence such as guns and drugs, and writing up these kills as legitimate drug operations.

Now, the Government's response to this is nothing less than incitement and instigation for more mass killings. Philippines President Rodrigo Duterte has praised these thousands of killings as "proof" of the success of his drug campaign. He has urged people, literally, he has told the public, if you know of a drug user or a drug addict, please kill them because their parents will not have the heart to do so. He has said on the record that he is willing to kill up to three or four million drug addicts in order to pursue this "war on drugs," until he finishes office in 2022.

He is not alone in this. Senior Government officials, such as Secretary of State Calida, when he was confronted with these drug deaths and asked what do you think of these thousands of deaths, he said, not enough.

The Director General of the Philippines National Police, who has been urged to have an independent investigation, has rejected those calls by saying it would hurt the morale of the Philippines National Police. The Secretary Justice of the Republic of the Philippines is giving full-throated support for this approach, which is throwing rule of law under the bus and killing thousands of citizens.

Also, this is a triple crisis. We have extrajudicial killings. We have, also, thousands of people who have entered the penal system, the detention system, for fear of their lives: young men whose only choice is to surrender to the police, in the hopes that they won't be targeted next. So, we have a Philippines detention system, which can hold 20,000-odd people, which currently is filled with 132,000 people – 511 percent capacity. Absolutely horrific conditions of sanitation and health.

The third issue that is really important is what we are seeing in the Philippines also is an attack on freedom of expression, specifically those who are courageous enough, like my colleague, Mr. Carlos, to challenge the narrative, and to say this country is a country of laws built on a constitution that protects the people. Those people are targeted with relentless withering criticism, harassment, and intimidation. Exhibit A for that: Senator Leila de Lima, former Secretary of Justice, who demanded accountability for the drug war, is now facing politically motivated drug charges herself. The Government has also directed withering criticisms and threats toward the United Nations Special Rapporteur, expert on

extrajudicial killings, Agnes Callamard, and other international experts. People who challenge this are subjected to threats.

Personally, in 2015, while now President Rodrigo Duterte was preparing to run for president, I publicly criticized his advocacy of mass extrajudicial violence as a crime control technique. He responded in the media by inviting me to his hometown of Davao in Southern Mindanao, where I could be publicly executed.

So this is the state of fear that is being imposed on the people of the Philippines.

I just want to say that the United States Government, with its long and friendly history with the Philippines, has a key role in bringing this to an end.

And I just want to make three very quick recommendations. Both the State Department last year froze the sale of thousands of assault rifles to the Philippines National Police. We would like to see those types of suspensions continued and reinforced.

The Millennium Challenge Corporation has deferred a decision on extended funding to the Philippines Government because of concerns about the drug war and human rights. We would like to see that continued and reinforced.

The Congress has a very important role in imposing restrictions on aid, particularly to the security force and the Philippines National Police, based on strict benchmarks, human rights benchmarks. And Congress can also instruct the Secretary of State to take that same approach and convince United States allies to do likewise.

We were very gratified that on May 4th, Senators Rubio, Cardin, Schatz, and Markey introduced the introduced the Philippines Human Rights Accountability and Counternarcotics Act, which calls for restrictions on aid to the police, which calls on support for human rights defenders in the Philippines, such as my friend Mr. Carlos, and to urge a public health approach to the problem of drug dependence. We would very much like to see a House congressional attempt to do that, so that we have both houses in lockstep to bring some type of accountability.

Make no mistake, sir, today this hearing is putting the fear into the Government of President Rodrigo Duterte. They do not want you to shine this light on this abusive mass slaughter. So what we do today is absolutely critically important.

So, I want to thank you very much for your attention today and I am happy to answer any questions you might have.

[The prepared statement of Mr. Kine follows:]

PREPARED STATEMENT OF PHELM KINE

**Human Rights Consequences of the “War on Drugs” in the Philippines.
Human Rights Watch Statement to the Tom Lantos Human Rights
Commission Hearing
July 20, 2017**

Co-Chairmen Representatives McGovern and Hultgren and members of the commission, thank you for the opportunity to testify at today's hearing on the human rights consequences of the "war on drugs" in the Philippines.

This hearing comes at a critical moment for the people of the Philippines.

Since taking office, Philippine President Rodrigo Duterte has unleashed a human rights calamity. The government's murderous "war on drugs," drug-related overcrowding of jails, and the harassment and prosecution of drug war critics has caused a steep decline in respect for basic rights since Duterte's inauguration on June 30, 2016. Duterte justifies his anti-drug campaign as a life-or-death struggle against a "drug menace" that he claims threatens to transform the Philippines into a "narco state." He is untroubled by the fact that the statistics he brandishes to back up this hyperbole are flawed, exaggerated, or fabricated.

In the Philippines, security forces and "unidentified gunmen" have killed more than 7,000 suspected drug users and dealers since July 1, 2016, including at least 3,116 killings by police, according to government data. That death toll also doesn't include the victims that Duterte calls "collateral damage" – children shot in the crossfire of anti-drug operations. The extraordinary brutality of the Duterte drug war is undeniable. Many of the victims are found in back alleys or street corners wrapped in packing tape, their bodies bullet-ridden or bearing stab wounds and other signs of torture.

Human Rights Watch field research found that government claims that the deaths of suspected drug users and dealers were lawful were blatant falsehoods. That research paints a chilling portrait of mostly impoverished urban slum dwellers being gunned down in state-sanctioned "death squad" operations that demolish rule of law protections. Interviews with witnesses and victims' relatives and analysis of police records expose a pattern of unlawful police conduct designed to paint a veneer of legality over extrajudicial executions that may amount to crimes against humanity. Our investigations revealed that police routinely kill drug suspects in cold blood and then cover up their crimes by planting drugs and guns at the scene.

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 such cases, the police dismissed allegations of involvement when only hours before the suspects had been in police custody. Such cases call into question government assertions that most killings have been carried out by vigilantes or rival drug gangs.

Efforts to seek accountability for drug-war deaths have gone nowhere. Philippine National Police Director-General Ronaldo dela Rosa has rejected calls for a thorough and impartial probe of the killings as "legal harassment" and said it "dampens the morale" of police officers. Duterte and some of his key ministers have praised the killings as proof of the "success" of the anti-drug campaign. Duterte and Secretary of Justice Vitaliano Aguirre III have sought to justify their total disregard for the rule of law and due legal process for "drug personalities" by questioning the humanity of suspected drug users and drug dealers. Duterte's instigation of unlawful police violence and the incitement of vigilante killings may amount to crimes against humanity in violation of international law.

The Duterte administration has subjected prominent critics of the government's abusive anti-drug campaign to harassment, intimidation, and even arrest. In February 2017, the police detained former secretary of justice Senator Leila de Lima on politically motivated drug charges. Her arrest followed a relentless government campaign against her in evident response to her outspoken criticism of Duterte's "war on drugs" and her calls for accountability. Other critics of the killings – including activists, journalists, international officials, and ordinary Filipinos – have been threatened online by pro-Duterte supporters and trolls. Those targeted include Agnes Callamard, the United Nations special rapporteur on extrajudicial executions, and international experts on drug dependency.

The "war on drugs" has also worsened the already dire conditions of Philippine jail facilities, including inadequate food and unsanitary conditions. Government data indicates that the country's jail facilities run by the Bureau of Jail Management and Penology, which have a maximum capacity of 20,399, currently hold nearly 132,000 detainees, an overwhelming majority of them awaiting trial or sentencing. The bureau attributes the overcrowding to the arrest of tens of thousands of suspected drug users and dealers since the anti-drug campaign began.

The Philippine government's drug war has sparked a surge in demand for drug rehabilitation facilities by those fearful of the government's extrajudicial measures. The December 2016 opening of a China-funded "10,000-bed mega treatment and rehabilitation center" within the Fort Magsaysay military base 75 miles north of Manila, however, raises serious concerns. Instead of providing evidence-based drug treatment services, the rehabilitation services may mirror models documented by Human Rights Watch elsewhere in Southeast Asia where the only "treatment" offered was abuse. The Philippines is in dire need of voluntary, community-based drug dependence treatment services that comport with international best practice standards and human rights principles. Until there is a clear commitment from the Philippine government to support drug rehabilitation services based on these principles, the US government should not provide support for rehabilitation services – and Congress should ensure they are not funded.

Despite statements from President Donald Trump that appear supportive of Duterte's abusive policies, the US State Department has taken some important steps to register disapproval of the drug war. These include the November 2016 suspension of the sale of 26,000 military assault rifles to the Philippine National Police. The State Department took this step in large part because of opposition from Senator Ben Cardin, ranking member of the Senate Foreign Relations Committee, who opposed the deal due to "concerns about human rights violations in the Philippines."

In addition, the US Embassy in Manila announced on December 14 that the Millennium Challenge Corporation (MCC) would defer a decision on new funding for the Philippine government due to "significant concerns around rule of law and civil liberties in the Philippines." The statement justified that decision on the basis 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."

Human Rights Watch urges the State Department and the MCC to maintain these suspensions of assistance until the killing stops and meaningful steps to accountability are underway. We encourage Congress to play an active oversight role to ensure vigilance going forward.

Congress can also engage more directly to stop the bloodshed in the Philippines. First, it should further restrict assistance to the Philippine security forces by imposing specific human rights benchmarks, including requiring Duterte to end the “drug war” killings and allow a United Nations-led investigation into the deaths. And Congress can direct the Secretary of State to work with other foreign governments to impose similar restrictions.

Notably, on May 4, 2017 Senators Cardin (D-MD), Rubio (R-FL), Schatz (D-HI), and Markey (D-MA) introduced the “Philippines Human Rights Accountability and Counternarcotics Act of 2017,” a bill that places restrictions on defense aid to the country, provides additional funding for the Philippine human rights community, and supports a public health approach to drug use. We would like to see a similar bill introduced in the House and would encourage prompt passage into law, as doing so may save lives while also reminding Duterte that his government will pay a price for its ongoing murderous campaign.

Written Testimony of Phelim Kine, Deputy Asia Director at Human Rights Watch

Mr. MCGOVERN. Well, thank you very much for your powerful statement. And to the entire panel, thank you very much. You have made a very compelling case here and it has given this Commission a great deal to think about. And I think it is going to compel us to figure out how we can respond more effectively.

My colleague, Co-Chair Hultgren has another appointment. So, I want to yield to him for questioning first, and then I will finish up.

Mr. HULTGREN. Thank you. Again, thank you all so much for being here. I just have a couple of brief – I have got many questions but, unfortunately, I am going to have to leave in a few minutes.

So, I want to just address, Mr. Carlos, if I could to you. Thank you for your work. I wonder if you could just talk. And Mr. Kine talked a little bit about the situation for human rights defenders in the Philippines. I wonder if you could talk about safety, security for those who are speaking up, and then also what you all most need from the international community, specifically from the United States, but from others in the international community. What type of help is most beneficial in this battle?

Mr. CARLOS. Thank you so much, Your Honor. Essentially, in the Philippines, President Duterte sent a clear message to human rights defenders that while drug users, drug dependence, petty drug peddlers are being killed, I only need to whisper so that the killing starts spilling over to your ranks. And that is actually a Damocles, like a Damocles sword, hanging over all our heads. It is a difficult situation, very tensioning, a very stressful situation for us.

Yes, essentially, six people, at least six people from iDEFEND, are on the persons of interest list of the Armed Forces of the Philippines and the watch list of the PNP as well. So, it is difficult now, becoming more difficult for those expressing criticism to policies.

We are also being boxed up. If we are against a particular policy, then we are actually considered as Yellows, yes, the old liberal leadership before President Duterte. So it is actually a really attacks from all fronts, including this, yeah, well-oiled propaganda machinery that I have mentioned that is well in place.

And just for the recommendations, and I share some of the same recommendations, is, yes, for the U.S. Congress to make a clear statement, again, I am calling on President Duterte to stop the killings, incitement of violence; stop dehumanizing drug dependence; stop threatening human rights defenders; enable the Philippine National Police to return to the rule of law, and respect for due process; and undertake affirmative action to resolve the vigilante killings.

We are also strongly recommending and requesting the passage of the Philippine Human Rights Accountability and Counternarcotics Act, yes, 1055, which withdraws all support to the Philippine National Police for counternarcotics and terrorist operations by way of firearms and funding, and provides support to human rights organizations, and establishes, in the future, this human rights-based, compassionate, health-centered approach to the drug issue, based on the harm reduction strategy.

We are also recommending that perhaps the U.S. Congress can set up a delegation to, in the future – near future, conduct a fact-finding mission in the Philippines. I would like to mention that there are now four members of the

European Parliament in the Philippines actually visiting. Also Senator Leila de Lima in detention. They are there to evaluate the human rights crisis in the Philippines.

Yes, we also recommend the cancellation of President Duterte's state visit to the U.S. in October, thereby sending a clear message that the mass killings and systematic violations of human rights in the Philippines are unacceptable, and that this is a collective concern of the global community.

We would like to request the support to have the Philippines strengthen our investigative and forensic capacities of our law enforcement agencies by taking into consideration incorporating relevant provisions of the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths, the Revised United Nations Manual on the Effect of Prevention Investigation of Extra-Legal, Arbitrary and Summary Executions.

And the last two points is to help ongoing efforts in the Philippines to put in place this health-based framework diverting drug dependence and drug users from the violent pro-police of the criminal justice system health programs.

And yes, provide assistance to human rights group involved in helping families of victims by way of psychosocial and legal support, as well as protection.

Thank you very much.

Mr. HULTGREN. Thank you.

Mr. Kine, if I could ask, and this is a big question. I don't expect to get a full answer on this but would like to just continue the conversation. My office and I, at different times, go through different books together. We are just finishing today, actually, a book *The Locust Effect* by Gary Haugen with International Justice Mission, but just talking about the impact of violence on the poor, disproportionately so, and especially when there is loss of rule of law, when there is loss of trust in police.

I wonder if you could just talk a little bit about what the perspective is of most people who live in the Philippines of how they view the police, and then also those who are serving as police. Is there any pushback from within of saying, you know, we are losing our way; we are no longer protecting the people we are supposed to, but instead, getting pushed to do something that is against what their fundamental responsibility is.

So any thought, I guess, of what we can do, I guess, to get law enforcement working once again there, and then how the people in the Philippines are seeing local police.

Mr. KINE. Yes, so I think it is worth noting that for a very long time, the Philippines National Police has been recognized by Philippines' Official Commission on Human Rights as the most abusive agency in the government. It has a long and ignoble history of involvement in extrajudicial killings, in torture. And those problems, issues, abuses, of course, have increased exponentially with this "war on drugs."

And so what I want to say in terms of how we deal with that, our view at Human Rights Watch is that the Philippines National Police and the Government of President Rodrigo Duterte absolutely unable or unwilling to bring the needed

accountability for these massive crimes. And what is needed is a United Nations-led international investigation. That is one of the key asks we are asking. And that is something, of course, that the U.S. Government can have a role in bringing about.

With regards to the people who are affected in those urban slum areas, which are the epicenter, the epicenter of the killing zones. I don't overestimate or exaggerate when I say that really there is an element of really deep fear.

I know that in certain areas right now, because the modus operandi of the police is to kick in the door of these rough dwellings, the door closes, and then someone gets shot and the police say he pulled a gun and here is the evidence, there are communities in Manila where everyone sleeps on the street. Everyone sleeps outside so when the police come, everybody can see what is going on and it hopefully reduces or mitigates the risk of being extrajudicially executed.

And this is something – these are issues that we have documented in our recent report. And if I may, actually, take the opportunity, I would like to enter this into the congressional record, if I may. Thank you.

Mr. HULTGREN. Well again, thank you all so much for being here. I yield back.

Mr. MCGOVERN. Well, thank you.

So you can imagine that the Lantos Human Rights Commission gets lots of – people, not only organizations but individuals from all over the world send us testimonies and statements about what is happening in their respective countries and the Philippines has been no exception. And listening to your testimonies here today, it only reinforces our view that this human rights situation in the Philippines is appalling.

I will repeat what I said in the beginning. I think here in this country we need to be loud and clear that we find all of this appalling and unacceptable. I support the Senate bill and I think we need one here in the House. And we are having conversations with people on the Foreign Affairs Committee to figure out who is the right person to introduce it. If we can't find anybody, certainly, we will do it on this Commission. But we want not only an introduction of the bill, we want it to move through committee, and to have hearings, and to be voted on on the floor. So, rest assured – all three of you mentioned that legislation – we will make sure that there is a counterpart in the House.

I also believe that it was a mistake for our current administration here in the United States to extend an invitation to President Duterte here. And I will repeat what I said in the beginning: If in fact he comes here, he can expect to be greeted with large numbers of protestors, including yours truly, because I do not think what is happening in the Philippines, in terms of human rights, represents the values of the people of this country. And we will make it clear, because to turn the other cheek, to look the other way, to try to not make a big deal about the human rights abuses, is to be complicit. And I don't want this country to be complicit.

Let me ask you some individual questions and some general questions to get your response. Let me ask all of you up front about this issue of methodology because, you know, we are hearing about everybody is now playing a numbers

game. And by the way, the Philippine Government isn't the first to try to manipulate numbers. Lots of countries that have lousy human rights records manipulate numbers.

But let me ask you. Can you describe the methodology that your organization uses to document human rights violations that are said to be occurring in the Philippines? Explain how you arrive at the numbers that you put in your reports and that you put in your testimony. And how would you respond to those who question the data on killings presented by non-governmental organizations?

And you have all kind of mentioned that one response to the Philippines Government to the controversy over the killings attributed to the war on drugs has been to adjust its own methodology for counting and attributing deaths. And I would like your comments on the changes the Government has implemented. Do the changes contribute to increased transparency of what is occurring? If so, how; if not, why not?

So I think all three of you can comment on that. I don't know who wants to go first.

Mr. Wells?

Mr. WELLS. Thank you. In terms of our methodology at Amnesty and how we did this report, similar to what Phelim described for HRW, this was on-the-ground research in the Philippines. And when we speak of summary executions or extrajudicial executions, it is based on first-hand accounts from people who were there, people who witnessed exactly what happened at the moment the person was killed, either by the police or by these vigilante-style killers.

We also, you know one of the things that I think is most amazing and appalling about this drug war, is every night journalists in the Philippines sit outside the main police station in Metro Manila, wait for a call to come in that a body has been discovered somewhere, because there are inevitably a handful, if not more, every night, and then go out to the crime scene. And so we went along. And the night that we were there, there were five people that we saw the crime scenes and the immediate aftermath in terms of the killings that had taken place either by the police or by vigilante-style killers.

And so the methods that we have undertaken, that journalists have undertaken, are based on this going to the site, speaking with people who were direct witnesses to what happened, to understand exactly what happened. We also, in almost all of our cases, either got official police reports, or through media reporting in which a police official was quoted to get their side of the story, which as my colleague Phelim said, always talks about a person trying to fight back, despite the fact that consistent witness accounts show that in fact people are often – the police are often barging in. And if someone is on their knees, attempting to surrender, the police gun them down in cold blood.

In terms of the wider data, for the first seven months or so of this "war on drugs," the police were very forthcoming with publishing statistics. They were very open about the number of people that were being killed in their operations, where the cases that they were investigating with vigilante-style killers. It was

after condemnation from journalists, from human rights groups, that we saw a real retrenchment in how they were open in terms of these statistics.

But even now, if you look at the statistics that were submitted, they acknowledge more than 3,000 police operations with people being killed themselves today, which, again, doesn't take into account the vigilante-style killings. So even if you take their figures, which are now being manipulated and being low-balled, we are talking about, as Phelim said, a human rights calamity.

I will stop there and pass to Phelim.

Mr. MCGOVERN. Mr. Carlos.

Mr. CARLOS. Thank you so much.

Mr. MCGOVERN. Put your mic on, though. Yes.

Mr. CARLOS. It is a wonderful question, sir.

Well, basically iDEFEND has some chapters nation-wide. Of course we are not able to cover the documentation of everything in the Philippines, but yes, we are in most urban centers, urban poor centers in the Philippines. And yes, our documentation work gives us somewhat of a good picture of what is happening.

Some of our organizations like the Task Force Detainees of the Philippines, the oldest human rights organization in the Philippines, specializes in documentation work. And we use specific standards, now including the Istanbul Protocol, Minnesota Protocol, and other standards that are evidence-based in our documentation and monitoring work.

Essentially, yes, the cases that we handle, as well as interviews with people at the community level, provide us, yes, essentially our data statistics. And also from having worked for years constructively with the Philippine National Police and Armed Forces of the Philippines, even jail and prison officials, we have actually good links with those who are police officers, actually, who are concerned about the situation and we get inside information from them as well. And we are confidently able to assert our observations and what we come out with publicly

Essentially, if I may request also the good research work, the analysis of the Philippine Center of Investigative Journalism to be entered officially.

Mr. MCGOVERN. Okay, without objection.

Mr. CARLOS. This actually reveals the way they are manipulating the figures.

Mr. MCGOVERN. Okay, good.

Mr. Kine, do you have anything to add?

Mr. KINE. Yes, so I echo everything that my colleagues have said, but I want to point out something very important, and that is, as Matt has mentioned, the police were very eager, and the Government, they were proud of trumpeting these killing figures up until a very important moment. And that was when Philippine National Police drug operations personnel abducted, using a false drug warrant, a South Korean businessman, took him to Philippines National Police Headquarters in central Manila, strangled him to death, cremated his body, and then started extorting money from his now-widow over a period of weeks.

When this was revealed, the Government stopped, put a temporary pause on the drug war and, after that, they temporarily stopped issuing statistics because they realized that the South Korean Government, a major investor, a major ally, was not pleased about the fact that Philippines National Police were targeting one of their citizens.

So this is a really important point: foreign pressure works. And that is something the United States can bring to bear in spades.

The other issue I want to mention with regard to statistics, because both Mr. Carlos and Matt have mentioned this idea about the police statistics, but the very foundation of this so-called drug war is, itself, based on flawed or fabricated statistics. You know, President Duterte says that the Philippines is about to become a narco-state, that there is a drug emergency. And he uses figures, he says there is four million drug addicts in the Philippines. If you look at official government statistics, they estimate that they are about 1.8 million drug users, not even addicts, not people who are dependent, but people who have used drugs. The Government also peddles these statistics that say 75 percent of what they call heinous, very serious crimes, are committed by people using drugs or addicted to drugs. There is zero statistical basis for these types of assertions. So these are statistics that are used to fan, and to incite public concern, and to justify the unjustifiable.

Just one final point. In terms of what the Philippine Government is doing in terms of issuing these statistics and confusing us, the Philippine Government and police devote massive amounts of human, financial, and technological resources to confuse and to cover up what is going on. They allocate zero resources to accountability for the thousands of these deaths.

Thank you.

Mr. MCGOVERN. They just called votes. So I am just going to ask you a few questions but just kind of give a rapid response. I want to get a couple of things on the record.

Just very quickly, the U.S. has an embassy in the Philippines. I mean from a human rights perspective, are we speaking out? Are we engaged? Are we showing up to crime scenes? Are we pressing these issues or are we not?

Mr. CARLOS. Not that I am aware of, actually. The diplomatic community, in general, in the Philippines –

Mr. MCGOVERN. Is too quiet.

Mr. CARLOS. – is quite modulating themselves with respect to this, given the sensitivity of the concern.

Mr. MCGOVERN. Mr. Wells, how would you grade our response at the embassy, in terms of responding to some of these human rights concerns?

Mr. WELLS. I would agree with Mr. Carlos' remarks. I mean I think there was time last fall, as this was really rising, when the Obama administration was outspoken. Over the last six to seven months, I think that outspokenness has diminished greatly.

Mr. MCGOVERN. I am not sure who mentioned this, maybe Mr. Kine, you suggested that the pattern of unlawful police conduct may amount to crimes against humanity.

Mr. KINE. Yes, sir, that is our assessment and conclusion, that President Duterte and senior government officials are complicit in incitement and instigation of mass killings. And this is an opinion that is shared by the prosecutor of the International Criminal Court, who has also expressed concern about the human impact and toll of this "war on drugs."

Mr. MCGOVERN. So the ICC is following this stuff?

Mr. KINE. The ICC is tracking this, exactly.

Mr. MCGOVERN. Good. All right.

You know we hear from supporters of President Duterte that even though he won the election with only 38.5 percent of the vote, that all these recent surveys show that he is so popular and everybody loves him.

Can you explain? I have seen some reports that have been provided to us that his popularity is at 77 percent. I mean can you comment on the popularity question?

Mr. CARLOS. We see, actually, two concrete reasons why the President still is enjoying being able to operate on such a strong support base, his popularity. First is that, yes, the lack of the democratization of essential services – the radical reforms, social reforms, as well as the equitable redistribution of the nation's wealth, that the EDSA Revolution promised to our people. So the opportunities to get people out of poverty were never there during the past administrations, nor from EDSA up to President Duterte.

So the elections last year which installed him actually was a repudiation of the old regimes and Filipinos actually [unintelligible] the words a hero, somebody that provides them hope. And of course his foremost, and only, I think, platform of course, together with to end corruption, but his foremost platforms were the issues of crime and drugs. And if you take a look at it, the most affected by crime and drugs in the Philippines are also the most impoverished communities, unable to get themselves up in private subdivisions and pay for private security. So when a mother in the Philippines from an urban poor area experiences a crime and she complains to the police, in most cases the police wouldn't do anything, and even try to exploit her.

Yes, so that is why so many Filipinos desperately now frustrated with the criminal justice system subscribe to this alternative justice dispensation system, Davao-forged, that this President has to offer.

Mr. MCGOVERN. So, we have a very few minutes and there is a long series of votes. So, it would take us an hour. I am not going to keep you guys here but I want to give you all an opportunity very quickly to put anything else on the record that you think is important that this Commission should know.

I will begin with Mr. Wells.

Mr. WELLS. I just want to echo something that Phelim said about the climate of fear that exists in many of these neighborhoods. And when you are talking about public opinion polling, some of these same polls show, I think it was a month or two ago that I saw one, more than 70 percent of people in the Philippines fear that either they or a loved one will be killed in the war on drugs. And I think that speaks to just how pervasive the fear that has been created by this so-called "war on drugs."

Mr. MCGOVERN. Mr. Kine?

Mr. KINE. And I would just make the point that we can't speak for the verifiability or accuracy of those popularity polls.

Mr. MCGOVERN. Yes, and I am not presenting them as true.

Mr. KINE. Exactly. Exactly.

Mr. MCGOVERN. I am just saying that is the –

Mr. KINE. No, no but it is an important point because that is what the government says. They say look, okay, like this is happening but he is very popular.

Well, what we know is he probably has pretty solid support amongst that 38 percent who voted for him. But we also know that when you look at how people who challenge the narrative of this abusive war on drugs, what happens to them in terms of intimidation, harassment, the imprisonment of a senator. I would say that it is quite likely that people are afraid to speak up and afraid to challenge this leader and that current leadership.

The second thing is it is also important to recognize that you don't have to look very far back in history to see that some of the grossest abuses of human rights around in the world have, in many cases, had a lot of popular backing. And there is a difference between popularity and legitimacy.

President Rodrigo Duterte was elected to protect and enforce the rights and freedoms of the Philippine Constitution. Instead, he is steamrolling them.

And just for example, in the United States, a majority of Americans support torture. The United States does not torture people because it is illegal by domestic law and illegal by international law. So you don't rule by popularity.

Mr. MCGOVERN. Absolutely.

Mr. KINE. Thank you.

Mr. MCGOVERN. Last word, Mr. Carlos.

Mr. CARLOS. Well, basically, yes, President Duterte exploited a very disoriented public. We are at the juncture now. And yes, basically, we actually on the ground there is already a demonstration, a mindset shift, especially in the most affected communities. But these most affected communities are of course the unseen and the unheard ones.

And yes, what they sell on social media actually creates an illusion, his popularity. So we believe that there are many Filipinos silent. And we would like to encourage the American public, as well as Filipino-Americans, to come forward to help break the silence of Filipinos back in the Philippines.

Yeah, this situation is bringing everybody in grave danger back home.

Mr. MCGOVERN. Well, thank you very much.

I will close by saying one of the reasons why I asked earlier about methodology is I wanted to make it clear, because people are watching this, as well as in the audience, they are watching it on TV or on their computers, but the information that you bring to us today is not third-hand, fourth-hand, I heard it in a hallway somewhere. I mean this is professional, investigative human rights work. This is real. And people ought to understand that this is real and it is disturbing.

And secondly, I think this hearing, I think, only reinforces my view that we need to be more engaged on this issue. And so we will follow-up on your recommendations and, if you have additional recommendations down the line, please let us know, but we will be working with our Senate counterparts to figure out how to introduce legislation here. We will continue to press the Administration to not welcome President Duterte to the United States, and we will continue to raise our voices on these individual cases.

So, I thank you all for being here, and the hearing is adjourned.

[Whereupon, at 11:14 a.m., the Commission was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Hearing Notice

The Human Rights Consequences of the War on Drugs in the Philippines

July 20, 2017

10:00 – 11:30 AM

2200 Rayburn House Office Building

Please join the Tom Lantos Human Rights Commission for a **hearing** on the human rights consequences of the ‘war on drugs’ currently underway in the Philippines.

President Rodrigo Duterte was elected in May 2016 with 38.5% of the vote after campaigning on economically populist policies and a promise to eradicate the drug problem in the Philippines -- to kill “drug pushers, hold-up men and do-nothings ... and dump all of [them] into Manila Bay, and fatten all the fish there.” Although extrajudicial killings have been a major human rights concern for some time, in its *Country Reports on Human Rights Practices for 2016*, the Department of State recognized that such killings increased sharply over the last year. According to Philippine National Police (PNP) statistics, 7,025 drug-related killings were carried out between July 1, 2016, when Duterte assumed office, and January 21, 2017 – an average of 34 per day.

The Philippines is a U.S. treaty ally, and the largest recipient of U.S. assistance in East Asia. U.S. assistance to the Philippines includes both counterterrorism and counternarcotics support to the PNP. Duterte’s “antidrug” campaign and reports of extrajudicial killings raise questions about how the United States should balance its concerns for protecting human rights and the rule of law with its desire to maintain the bilateral alliance and continue to pursue other shared goals.

Witnesses will analyze the implementation of the ‘war on drugs’ and its consequences for the human rights situation in the Philippines. They will also

provide policy recommendations for ensuring accountability for human rights violations and for addressing the problems of drug abuse and trafficking in ways consistent with promoting public health and strengthening rule of law.

Panel I

- Ellecer Carlos, Spokesperson, iDEFEND, The Philippines
- Matthew Wells, Senior Crisis Advisor, Amnesty International
- Phelim Kine, Deputy Director, Asia Division, Human Rights Watch

This hearing will be open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via the Commission website, <https://humanrightscommission.house.gov/news/watch-live>. For any questions, please contact Kimberly Stanton at 202-225-3599 or Kimberly.Stanton@mail.house.gov (for Mr. McGovern) or Jamie Staley at 202-226-1516 or Jamie.Staley@mail.house.gov (for Mr. Hultgren).

Sincerely,

/s/

James P. McGovern, M.C.
Co-Chair, TLHRC

Randy Hultgren, M.C.
Co-Chair, TLHRC



Tom Lantos Human Rights Commission

Witness Biographies

The Human Rights Consequences of the War on Drugs in the Philippines

Panel I



Ellecer “Budit” Carlos is the spokesperson of the “In Defense of Human Rights and Dignity Movement” or (iDEFEND) and the campaigns and advocacy officer of the Philippine Alliance of Human Rights Advocates (PAHRA), iDEFEND’s lead convener. iDEFEND is currently the broadest human rights coalition in the Philippines, composed of over 70 organizations and 40 recognized representatives of peoples’ struggles in the Philippines. iDEFEND is at the forefront of responding to the human rights crisis in the Philippines. Ellecer has been a human rights activist for over 20 years. In addition to iDEFEND, he is a member of the steering committee of the United Against Torture Coalition Philippines (UATC) and a member of the Coalition Against Enforced Disappearances (CAED). He is a second generation activist whose parents fought the Marcos dictatorship.



Matthew Wells is a Senior Crisis Adviser at Amnesty International, where he undertakes human rights investigations in situations of armed conflict and major crisis. He is the co-researcher and co-author of Amnesty’s January 2017 report, *“If You Are Poor, You Are Killed”: Extrajudicial Executions in the Philippines’ “War on Drugs”*. Matt has more than a decade of human rights experience across Africa and Asia, with a particular focus on mass atrocity crimes. He has been quoted in print, radio, and television media and has published several dozen human rights reports as well as articles in major print outlets, including *Newsweek*, *CNN*, *Le Monde*, and *The Sydney Morning Herald*. Prior to joining Amnesty, Matt was the Senior Adviser on Peacekeeping at the Center for Civilians in Conflict (CIVIC) and a West Africa Researcher at Human Rights Watch. He has a law degree from Harvard Law School and a Bachelor’s degree from Rice University.



Phelim Kine is a deputy director in Human Rights Watch's Asia Division. Kine worked as a journalist for more than a decade in China, Indonesia, Cambodia, and Taiwan prior to joining Human Rights Watch in April 2007. He has written extensively on human rights issues including military impunity, media freedom, transitional justice, corruption, religious intolerance, and extrajudicial killings. Kine's opinion pieces on human rights challenges in Asia have appeared in major media outlets including *The New York Times*, *Asian Wall Street Journal*, *Financial Times*, *Forbes*, *The Guardian*, *CNN.com*,

Foreign Policy, and the *Harvard International Review*. Kine has spoken publicly on Asia's human rights challenges at venues ranging from the European Parliament and the American Chamber of Commerce in Hong Kong to the Council on Foreign Relations and the U.S.-China Economic and Security Review Commission. Kine is an adjunct professor in the Roosevelt House Human Rights Program at Hunter College in New York City.

Letter to Co-Chair McGovern from the Embassy of The Philippines



PASUGUAN NG PILIPINAS

EMBASSY OF THE PHILIPPINES

WASHINGTON, D.C.

19 July 2017

Dear Representative McGovern,

The Embassy wishes to furnish the good Commission with a copy of the attached publication from the Office of the Secretary of Foreign Affairs of the Republic of the Philippines, Hon. Alan Peter S. Cayetano, entitled, "The Real Numbers".

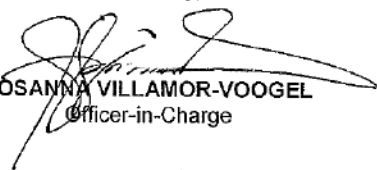
This publication, the contents of which were culled from Secretary Cayetano's Opening Statement during the Philippines' Universal Periodic Review (UPR) before the United Nations Human Rights Council last May 2017, provides a holistic and composite picture of the number of deaths relative to the fight against illegal drugs.

The Philippines is a long-standing advocate of universally recognized human rights. We firmly maintain that the anti-illegal drug campaign is being implemented within the boundaries of the law. The ultimate objective is to protect the rights of all Filipino citizens, to secure their security and prosperity, and to safeguard the well-being of our present and future generations.

The Embassy requests the Commission's kind consideration that this publication be received as an official submission and form part of the Commission's record of proceedings during the hearing scheduled on 20 July 2017, entitled, "Human Rights Consequences of the War on Drugs in the Philippines." In so doing, we hope that the Commission will be afforded the opportunity to more objectively consider the facts and the full context of our country's strident efforts to liberate the lives of many Filipinos from the drug menace. Corollary, the Embassy would likewise well appreciate that this publication, or the contents thereof, be included as part of the records to be made public following the hearing.

Please accept the assurances of my highest consideration and personal esteem.

Sincerely,


ROSANNA VILLAMOR-VOOGEL
Officer-in-Charge

The Honorable
Representative JIM MCGOVERN
Co-Chair
Tom Lantos Human Rights Commission
United States Congress

Enclosures: As stated.

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Embassy of The Philippines, The Real Numbers, Submitted for the Record



OFFICE OF THE SECRETARY OF FOREIGN AFFAIRS

Secretary Alan Peter S. Cayetano

"Filipinos are a very spiritual people. Regardless of our personal spiritual beliefs, we believe that man was created in the image of GOD and that there can be no compromise on human rights and dignity of human life."

THE REAL NUMBERS

Source: Opening Statement of Sen. Alan Peter Cayetano, 3rd Cycle of Philippine Universal Periodic Review (UPR) 8 May 2017, United Nations, Geneva, Switzerland

Killings in the Philippines in the previous administrations varied from a low of 11,000 to a high of 16,000 per year. Why wasn't this reported? Why is there no apples to apples comparison between the figures of past and present administrations? Because some of the critics of the Duterte Administration, including our very own Commission on Human Rights (CHR), a senator and some local media changed the definition of extrajudicial killings (EJK) therefore deceiving the public and foreign media into believing that there is a sudden wave of state-sponsored extrajudicial killings in the Philippines.

Administrative Order (A.O.) 35 signed by then President Benigno Aquino III defined EJKs as the killing of the members or advocates of cause-oriented organizations like labor, environment or media activists resulting in very low number of supposed EJKs in the past administration. However, for the current administration, a different definition is being used. EJK now refers to any death outside of those caused by natural causes, accidents or those ordered by the courts.

Make no mistake, any death or killing is one too much. However, there is a deliberate attempt to include all homicides as EJKs or killings related to the campaign against criminality and illegal drugs, and that these are state-sponsored, which is simply not true.

Source: Opening Statement by Alan Reyes Cavatona, 3rd Cycle of Philippine Universal Periodic Review (UPR), 11 July 2017, United Nations, Geneva, Switzerland

BEFORE THE DUTERTE ADMINISTRATION

Number of murder and homicide cases reported

2010-2015 **77,468** 2010-2015 **79,417**

SOURCE:
PNP Directorate for Investigation
& Detective Management

SOURCE:
Philippine Statistics Authority

(2010-2015)
Source: PNP Directorate for Investigation and Detective Management

	2010	2011	2012	2013	2014	2015
Total Murder + Homicide	12,552	11,864	11,506	16,160	13,105	12,481

GRAND TOTAL: 77,468

	2010	2011	2012	2013	2014	2015
Total Murder + Homicide	12,623	11,864	11,506	15,481	15,465	12,478

GRAND TOTAL: 79,417

1.266 million pushers and users have surrendered. They are being rehabilitated and given a second chance. Again, in reports on the Philippines' anti-illegal drug campaign, this is never emphasized. In fact, it is rarely included.

Note. Data on pages 3, 5, 7 and 9 are figures as of April 2017. Updated figures are contained in infographics on pages 4, 6, 8 and 10.

³ *For more, see the testimony of Sen. Alan Peter Cayetano, 10th Cycle of the Senate Hearing on the Philippine Drug Problem, 10th Congress, 2nd Session, 2017.*

DUTERTE ADMINISTRATION

1.304 Million total of personalities who voluntarily surrendered As of June 5, 2017

88,917 Drug pushers who surrendered As of April 20, 2017

1,177,584 Drug users who surrendered As of April 20, 2017

SOURCE: Philippine Drug Enforcement Agency

*Note: No updated breakdown for users and pushers

In the 6-year period prior to the Duterte administration, 93,197 drug operations were conducted. Now, barely 10 months into the Duterte administration, a total of 53,503 anti-illegal drug operations have been conducted.

*Notes: Data on pages 3, 5, 7 and 9 are figures as of April 2017.
Updated figures are contained in infographics on pages 4, 6, 8 and 10.*

5 Source: Changing Balance of Risk: Asia Pacific Operations, The Office of Philippine National Administration with PNP, 2016; United Nations, Geneva, Switzerland

DUTERTE ADMINISTRATION

ANTI-ILLEGAL DRUG OPERATIONS

61, 592 total of anti-illegal drug operations conducted

93,197 Pre Duterte Administration
6 years and 6 months
(January 2010 - June 2016)

SOURCE: Philippine Drug Enforcement Agency
*July 1, 2016 - June 6, 2017

6

64,917 drug personalities have been arrested. Arrested your Excellencies not killed.

Note: Data on pages 3, 5, 7 and 9 are figures as of April 2017. Updated figures are contained in infographics on pages 4, 6, 8 and 10.

7 Source: Davao Regional Office, Anti-Police Corruption, 2nd Cycle of Philippine Judicial Service Review (JPJR) E-very 2017. Photo: National Science Foundation

DUTERTE ADMINISTRATION

July 1, 2016 - June 6, 2017

82,607 Number of Drug Personalities Arrested

SOURCE: Philippine Drug Enforcement Agency

8

9,432¹ total homicide cases, 2,692² deaths resulting from presumed legitimate law enforcement operations. Why are there more deaths due to police operations? Because law enforcers are now conducting operations every day and the ratio of those who surrender and those who violently resist is consistent. Therefore, more operations lead to more arrest, more surrenderees and, unfortunately, more who resist violently thus resulting in more deaths.

Why presumed legitimate law enforcement operations? Because any death resulting from law enforcement operations is presumed legitimate under the law, although it is automatically subject of investigation.

Note: Data on pages 3, 5, 7 and 9 are figures as of April 2017. Updated figures are contained in infographics on pages 4, 6, 8 and 10.

¹ Source: Ongoing Statement of Sen. Alan Peter Geronzo, 1st Cycle of the 16th House District Session (197) 4 May 2017, Lingap Politics, Quezon, Philippines

DUTERTE ADMINISTRATION

12,426 Total Homicide Cases**

3,116 Deaths resulting from presumed legitimate law enforcement operation*

Data from July 1, 2016 - June 5, 2017

*Deaths resulting law enforcement operations are automatically investigated

**July 1, 2016 - May 30, 2017

SOURCE:
Phil Directorates for Investigation &
Detention Management/Police

**Efren C. Morillo, Survivor of Extralegal Killings and Lead Petitioner before the
Philippine Supreme Court, Statement Submitted for the Record**

**STATEMENT OF EFREN C. MORILLO
SURVIVOR OF EXTRALEGAL KILLINGS
AND
LEAD PETITIONER BEFORE THE PHILIPPINE SUPREME COURT
IN THE FIRST LEGAL CHALLENGE
AGAINST OPERATION PLAN TOKHANG,
PHILIPPINE PRESIDENT RODRIGO DUTERTE'S
"WAR ON DRUGS"**

**SUBMITTED TO THE
TOM LANTOS HUMAN RIGHTS COMMISSION,
UNITED STATES CONGRESS**

*English Translation of the Statement Given in Filipino,
the Philippine National Language.
Prepared with the assistance of the
Center for International Law (Centerlaw)-Philippines*

Manila, Philippines, 5 May 2017.

1. I am Efren C. Morillo, 29 years old, Filipino, and a resident of San Isidro, Montalban, Rizal, Philippines.
2. I was not able to finish any formal education. I was not even able to finish the First Grade of my elementary education. Being the eldest among five siblings and the father of two young boys, and with my parents being unemployed, I became the breadwinner of my family. I learned to work hard and take care of myself at a very young age. Though I had very limited schooling, I was able to provide for myself and my family by being a fruit and vegetable vendor. I used to ply the markets and streets of Manila. I also extended credit in small amounts – my meager earnings from selling. It was a hard to make ends meet, but we scraped by on so little. Until that day in August last year when what little peace and comfort that I and my family had were taken away.
3. On August 21, 2016, at one o' clock in the afternoon, I went to see my friend Marcelo Daa, Jr. at his house. Marcelo – more known by his nickname Nonoy – is a garbage picker who lived in Payatas,

Quezon City, where Manila's major dumpsite is located. I went to Nonoy to collect money he owed me in the amount of Php 1,000 (\$20.17). I found him at his house with his three other friends, Jessie Cule, Rhaffy Gabo and Anthony Comendo, who are also garbage pickers. Nonoy's live-in partner Maribeth Bartolay, his sister Marla, and his Aunt Ising were also there.

4. When I asked him to pay what he owed me, Nonoy requested that I wait a few hours while he looked for a way to pay me. I agreed to wait. To pass the time, I played pool with Nonoy and Jessie at the pool table in a shack on one side of the yard. Meanwhile, Rhaffy and Anthony were at the back of the house, dozing in the hammock. The women were inside the house, preparing food.

5. Suddenly, five men and two women in civilian clothes arrived. They did not say who they were. They quickly entered the gate and drew guns. They pointed their guns at us and shouted "Don't run!"

6. Shocked, we immediately held up our hands. The armed men handcuffed Nonoy and me. They pulled electric wire from the ceiling of the shack which they used to tie Jessie's hands. They also took Rhaffy and Anthony from the back of the house and tied their hands with electric wire. Then they made the five of us sit side by side on a bench in the yard.

7. The whole time, the armed men kept accusing the five of us of being involved in illegal drugs. We piteously protested that we are innocent of any crime or wrongdoing.

8. At that point, I realized that the armed men are policemen. Later, I learned their names as Police Chief Inspector Emil Garcia, Police Officer 3 Allan Formilleza, Police Officer 1 Melchor Navisaga, and Police Officer 1 James Aggarao.)

9. Telling us they would kill us if we run, the armed men swarmed over the compound. Some of them entered the house and ransacked it. They were laughing and shouting: "Bring out the Pokemon! Where did you put the Pokemon?!" Shaking in fear, Maribeth told them she did not know what they were talking about.

10. The men did not find any contraband, only a cigarette lighter in the shape of a gun and some shiny paper, which they took. They made Maribeth take off her two silver necklaces and rings, which

they took as well. They also appropriated Nonoy's collection of metal objects he painstakingly retrieved from trash.)

11. While the men were inside the house, Marla ran out and went to her brother Nonoy. Sobbing uncontrollably, she asked Nonoy what would happen to him. Dolefully, Nonoy told Marla to leave. Though handcuffed, he took pains to remove his rings and bracelet and handed them to Marla. Clutching the jewelry, Marla left.

12. The armed men emerged from the house carrying the shiny paper and lighter in the shape of a gun. They insisted that the items prove our involvement in illegal drugs. We fervently denied owning the items and begged them to believe us.

13. The men yanked us up and brought the five of us to the back of the house. They made Anthony, Rhaffy and Jessie kneel on the ground, while one of the gunmen who later on I learned to be Police Officer 3 Allan Formilleza brought Nonoy and I inside a makeshift room with two walls missing.

14. Without warning, Formilleza raised his gun and fired at me. I fell to the ground and felt a burning sensation in my chest, but I did not lose consciousness. I saw Formilleza fire two shots at Nonoy, who fell to the ground beside me and started running after his breath. Formilleza fired another shot at Nonoy, shattering his head.

15. Filled with terror, I closed my eyes and played dead.

16. Outside, I heard many gunshots fired. I heard many voices raised – some angry, some crying pitifully. I heard someone instruct: "Don't touch that, say they fought back. Leave the evidence."

17. When I sensed that Formilleza had left the room, I crawled out of the opening and onto the edge of the ravine only a few meters away. Clutching my chest wound, I slid down the ravine, crossed the stream at the bottom, trudged up the hill on the other side and walked until I reached the highway.

18. While walking, I prayed to God. I prayed that I may live to see my children grow up, and to seek justice for Nonoy and his friends who were murdered.

19. At the highway, people ran away from in fear as I was drenched in blood. Thankfully, I found a neighbor who was the barker of a

jeepney. He and the driver took pity on me and brought me to a clinic near my home in Montalban, Rizal.

20. I arrived at the Montalban Infirmary at five o' clock in the afternoon. To my dismay, there was no doctor on duty to treat me, and the clinic personnel merely covered my chest wound with gauze. Worse, they reported my being shot to policemen at the Community Police Action Center (COMPAC) nearby.

21. Policemen went to see me at the infirmary. I recounted to them the attack against us that afternoon by policemen in Payatas, Quezon City. I listened in growing horror at the policemen's insistence that they turn me over to the Quezon City Police Station 6, the station that covers Payatas and where the perpetrators are most likely assigned. I begged them not to hand me over. I insisted that I did not commit any crime and that I am in fact the victim)

22. Despite my pleas, the Rizal policemen loaded me in an ambulance and brought me to Quezon City Police Station 6 in Batasan Hills, Quezon City. We arrived at the police station at around nine o' clock in the evening. I was made to wait indefinitely. I slipped in and out of consciousness as I lay on the ambulance stretcher. At one time, I heard a voice say: "That kid is strong. He was shot three o' clock, up to now he's alive."

23. Finally, after many pleas by my mother Victoria who accompanied me in the ambulance, the policemen brought me to East Avenue Medical Center. I arrived at the said hospital around midnight. I was made to walk on my own going to the emergency room. Even as I was running after my breath and fighting for my life, the policemen who went with us chained me to the hospital bed.

24. I was operated upon by and given treatment for ten days. My parents, Martino and Victoria Morillo, stayed with me in the hospital. Throughout the ten days, I was held captive. Policemen from the Quezon City Police District Station 6 were posted outside my room. They kept me in handcuffs the whole time, removing the handcuffs only when I needed to go to the bathroom.

25. Thankfully, officials from the Commission on Human Rights rescued me from the policemen. They took me under their care and protection. Shortly after that, my relatives were able to get for me help from lawyers of the Center for International Law (Centerlaw)-Philippines.

26. Even after that fateful day in August, the ordeal continued. The perpetrators who are policemen filed a criminal case of Direct Assault Upon Agents of Persons in Authority against me with the Quezon City Metropolitan Trial Court. According to the policemen, I resisted arrest and fought back during a Tokhang operation. They alleged that a gunfight ensued between them and me and my companions. They accused us of being caught in the act of using drugs, and being notorious drug suspects and even holduppers.

27. The family members of the deceased victims suffered the same plight. The perpetrators terrorized them even after the incident. They returned to the house of Nonoy Daa several times. Bearing long firearms, they just barged in and took a video of the house and yard.

28. Seeking justice for the deaths of Nonoy, Jessie, Rhaffy, Anthony, and for myself, as well as protection to be given to my whole family, we filed a Petition for the Writ of Amparo before the Philippine Supreme Court on January 26, 2017. We sought the help of the Center for International Law (Centerlaw) - Philippines, a group of human rights lawyers who championed our cause. On January 31, 2017, the Supreme Court issued a Temporary Protection Order against the policemen involved in the killings. On February 10, 2017, the Court of Appeals to which the Supreme Court remanded the case made the protection order permanent.

29. Despite the prompt action of Philippine courts, things are worse. Our lives are so much harder now. My parents were forced to sell our house to pay for my bail and medical bills. They have been given notice by the new owner to vacate the premises by the end of April, 2017. Because I remain under tight custody and protection due to the danger to my life, I am unable to work and provide for my family. Moreover, Operation Plan Tokhang, after a brief suspension when our Petition for the Writ of Amparo was filed, has been brought back. It continues to claim thousands of lives.

30. I survived, but thousands did not. I owe it to them to speak out and join the quest for full justice for all the victims of the killings.



EFREN C. MORILLO

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STATEMENT OF EFREN C. MORILLO
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FIRST LEGAL CHALLENGE
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TOM LANTOS HUMAN RIGHTS COMMISSION,
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*Given originally by the Affiant in Filipino,
the Philippine national language,
and provided with an English translation.
Prepared with the assistance of the
Center for International Law (Centerlaw)-Philippines*

Manila, Philippines, 5 May 2017.

1. Ako si Efren C. Morillo, dalawampu't siyam na taong gulang, Filipino at nakatira sa San Isidro, Montalban, Rizal, Pilipinas.
2. Ako ay hindi nakapagtapos ng pag-aaral. Kahit ang unang baitang sa mababang paaralan ay hindi ko man lamang natapos. Bilang panganay sa limang magkakapatid at ama ng dalawang batang lalaki, ako ang naging tagapagtaguyod ng buong pamilya dahil walang hanapbuhay ang aking mga magulang. Sa murang edad ay natuto akong magsumikap upang buhayin at alagaan ang aking sarili. Sa kabila ng aking kakulangan sa pag-aaral, itinaguyod ko aking sarili at pamilya sa pamamagitan ng pagtitiinda ng prutas at gulay. Masugid kong binabaybay ang mga talipapa at kalye ng Maynila upang magtinda. Mula naman sa aking maliit na kinikita, ako rin ay paminsan-minsang nagpapautang ng maliliit na halaga. Napakahirap ng buhay ngunit pinilit naming pagkasyahin kung anuman ang mayroon kami. Hanggang sa dumating ang araw na iyon ng Agosto noong nakaraang taon nang mawala ang kapayapaan at munting kaginhawaan ng aking pamilya.
3. Noong ika-21 ng Agosto 2016, ganap na ala una ng hapon, pinuntahan ko sa kanyang bahay ang aking kaibigan na si Marcelo Daa, Jr. Si Marcelo -- mas kilala sa kaniyang palayaw na Nonoy -- ay isang mangangalakal ng basura na nakatira sa Payatas, Quezon City, kung saan matatagpuan ang pinakamalaking tambakan ng basura sa

buong ka-Maynila-an. Aking pinuntahan si Nonoy upang singilin ang utang niya na nagkakahalaga ng Php 1,000 (\$20.17). Dumating ako sa kaniyang bahay kung saan kasama niya ang kaniyang tatlong kaibigan na sina Jessie Cule, Rhaffy Gabo at Anthony Comendo, kapwa mangangalakal din ng basura. Naroon rin ang kinakasama niya na si Maribeth Bartolay, nakababatang kapatid na si Marla, at tiyahin na si Tita Ising.

4. Nang singilin ko si Nonoy, sinabihan niya ako na maghintay ng ilang oras habang naghahanap siya ng paraan upang makabayad. Habang naghihintay, nakipaglaro ako ng "pool" kina Nonoy at Jessie sa "pool-an" sa kubo sa isang tabi ng bakuran. Sina Rhaffy at Anthony naman ay natutulog sa duyan sa may likod ng bahay. Ang mga babae ay naghahanda ng makakain sa loob ng bahay.
5. Bigla na lamang may dumating na limang lalaki at dalawang babae na naka-sibilyan. Hindi sila nagpakilala kung sino sila. Mabilis silang pumasok sa tarangkahan at bumunot ng baril. Tinutukan nila kami ng baril at sumigaw nang "Walang tatakbo!"
6. Kami ay nagulat kaya't kaagad naming itinaas ang aming mga kamay. Ako at si Nonoy ay pinosasan ng mga armadong lalaki. Humila rin sila ng electric wire mula sa kisame ng kubo na kanilang ginamit upang itali ang mga kamay ni Jessie. Pagkatapos ay pinaupo nila kaming lima nang tabi-tabi sa isang bangko sa labas ng bahay.
7. Paulit-ulit nila kaming pinararatangan nang pagkakasangkot sa ilegal na droga. Mariin at nagmamakaawa naming iginiiit na kami ay inosente sa anumang krimen o maling gawain.
8. Sa puntong iyon, napagtanto ko na ang ilan sa mga armadong lalaki ay mga pulis. Kalaunan, nalaman ko ang kanilang mga pangalan bilang sina Police Chief Inspector Emil Garcia, Police Officer 3 Allan Formilleza, Police Officer 1 Melchor Navisaga, and Police Officer 1 James Aggarao.
9. Pagkatapos nila kaming sabihan na papatayin nila kami kapag kami ay tumakbo, nag-ikot ang mga armadong lalaki sa compound. Ang ilan ay pumasok sa bahay at hinalughog ito. Sila ay nagtatawanan at sumisigaw nang "Ilabas 'nyo na ang Pokemon! Saan 'nyo nilagay ang Pokemon?!" Nanginginig sa takot, sumagot si Maribeth na hindi nya alam kung ano ang tinutukoy nila.

10. Wala silang nakitang anumang kontrabando, maliban sa isang lighter ng sigarilyo na hugis-baril at ilang silver na foil na kanilang kinuha. Kinuha rin nila ang dalawang silver na kwintas at mga singsing na pinahubad nila kay Maribeth. Tinangay din nila ang mga kalakal na bakal ni Nonoy na pinaghirapan niyang ipunin mula sa mga basura.
11. Habang nasa loob ng bahay ang mga armadong lalaki, patakpong lumabas ng bahay si Marla at dumiretso sa kanyang kapatid na si Nonoy. Tumatangis si Marla na tinanong kay Nonoy kung ano na ang mangyayari rito. Kalunos-lunos na sinabihan ni Nonoy si Marla na tumakas na. At kahit na nakaposas, pinilit ni Nonoy na hubarin ang kaniyang mga singsing at pulseras upang ibigay kay Marla. Hawak ang mga alahas, umalis na si Marla.
12. Lumabas ang mga armadong lalaki mula sa bahay bitbit ang mga silver na foil at lighter na hugis-baril. Iginiit nila na ang mga bagay na iyon ay patunay ng aming pagkakasangkot sa ilegal na droga. Mariin naming itinanggi na sa amin ang mga naturang bagay at nagmamakaawang paniwaalan nila kami.
13. Hinila kaming patayo ng mga armadong lalaki at dinala kaming lima sa likod ng bahay. Pinaluhod nila sa lupa sina Anthony, Raffy at Jessie habang ang isa sa mga armadong lalaki na kalaunan ay aking nakilala na si Police Officer 3 Allan Formilleza ang nagdala sa akin at kay Nonoy sa isang kwarto sa likod ng bahay, na bukas sa tagiliran dahil wala ang dalawang pader.
14. Walang kaabog-abog na itinaas ni Formilleza ang kanyang baril at ipinutok sa akin. Bumagsak ako sa lupa at nakaramdam ng parang apoy sa aking dibdib, ngunit hindi ako nawalan ng malay. Nakita kong binaril ni Formilleza si Nonoy nang dalawang beses kaya't bumagsak siya tabi ko at nagsimulang maghingalo. Pinutukan ulit ni Formilleza si Nonoy at nabasag ang ulo nito.
15. Sa sobrang takot, ipinikit ko ang mga mata ko at nagpatay-patayan.
16. Sa labas, nakarinig ako ng maraming putok ng baril. Narinig ko rin ang maraming boses – ang ilan ay galit, habang ang ilan ay umiyyak na nagmamakaawa. Narinig ko na sinabi ng isa: “Huwag na ‘yan at sabihing nanlaban. Iwanan ang ebidensya.”

17. Nang mapansin kong umalis na ng kuwarto si Formilleza, gumapang ako palabas ng kuwarto papunta sa gilid ng bangin ilang metro lamang ang layo. Hawak ang aking dibdib na may tama ng bala, nagpadausdos ako sa bangin, tinawid ang sapa sa baba, inakyat ang burol sa kabila at naglakad hanggang makarating ako sa highway.
18. Habang naglalakad ay nanalangin ako sa Panginoon. Ipinanalangin ko na ako ay mabuhay pa nang sa gayon ay makita ko ang paglaki ng maliliit kong anak at nang mahanap ko ang katarungan para kina Nonoy at kanyang mga kaibigan na pinaslang.
19. Sa highway ay nilalayuan ako ng mga tao sa takot dahil ako ay duguan. Sa kabutihang palad ay nakatagpo ako ng kakilala na barker ng jeepney. Naawa siya at ang drayber sa akin kung kaya't dinala nila ako sa Montalban Infirmary sa Kasiglahan Village, Rodriguez, Rizal.
20. Dumating ako sa Montalban Infirmary bandang mga ala singko ng hapon ngunit sa aking pagkadismaya, walang doctor na nakaduty na maaring gumamot sa akin. Isang tauhan lang mula sa klinik ang nag nagtapal bandahe para takpan ang sugat ko sa dibdib. Upang palalain pa ang sitwasyo ay ini-report nila ang aking pagkakabaril sa mga pulis sa malapit na Community Police Action Center (COMPAC).
21. Pinuntahan ako ng mga pulis sa infirmary. Ikinuwento ko sa kanila ang pagsalakay sa amin nang hapon ng mga pulis sa Payatas, Quezon City. Takot na takot akong nakikinig sa pag-giit ng mga pulis na ako ay iturn-over na lamang nila sa Quezon City Police Station 6 na may saklaw sa Bgy. Payatas, ang lugar na pinangyarihan ng insidente. Nagmakaawa ako sa kanila na huwag nila akong ibigay sa mga pulis-Quezon City. Idiniin ko na wala akong ginawang kasalanan at sa katunayan, ako ang biktima.
22. Ngunit sa kabila ng aking mga pagmamakaawa, isinakay ako ng mga pulis-Rizal sa isang ambulansya at dinala sa Quezon City Police Station 6 sa Bgy. Batasan Hills, Quezon City. Dumating kami sa police station bandang alas nuebe ng gabi at ako ay patuloy nilang pinaghantay. Nawawala-wala na ako sa ulirat habang nakahiga ako sa stretcher ng ambulansya. Sa isang punto, may narining ako na boses na nagsabing: "Matibay ang bata na 'yan. Alas tres pa may tama na, hanggang ngayon buhay pa."

23. Sa wakas, pagkatapos ng maraming pakiusap ng aking nanay na si Victoria na kasama ko sa ambulansya, dinala ako ng mga pulis sa East Avenue Medical Center. Bandang hatinggabi ay dumating ako sa ospital. Mag-isa akong pinaglakad papunta sa emergency room. Kahit habang ako ay naghihingalo at nag-aagaw-buhay, ipinosas ako sa kama ng ospital ng mga pulis na sumama sa amin.
24. Ako po ay inoperahan ng doktor at nilapatan ng lunas sa loob ng sampung araw. Ang mga magulang ko na sina Martino at Victoria Morillo ang kasa-kasama ko sa ospital. Sa sampung araw na iyon, ginawa akong bihag ng mga pulis. Nakaposte sa labas ng aking kuwarto sa ospital ang mga pulis mula Quezon City Police District Station 6. Pinosasan ako sa halos buong panahon na ako ay nasa ospital, at saka lamang ako kinakalagan kung kailangan kong pumunta sa palikuran.
25. Sa kabutihang palad, sinaklolohan ako ng mga opisyal ng Commission on Human Rights. Kinuha nila ako at kinupkop sa kanilang pangangalaga. Hindi nagtagal, tinulungan ako ng aking mga kaanak na makahingi ng tulong mula sa mga abogado ng Center for International Law (Centerlaw-Philippines).
26. Kahit na pagkatapos ng araw na iyon noong Agosto, nagpatuloy ang aming kalbaryo. Ang mga salarin na kapwa mga pulis ay sinampahan ako ng kasong krimen at pinaratangan ng *Direct Assault Upon Agents of Persons in Authority* sa Metropolitan Trial Court ng Quezon City. Ayon sa kanila, ako raw ay nagpumiglas at nanlaban sa Tokhang na operasyon. Sinabi nila na nagkaroon umano ng palitan ng putok sa pagitan naming ng mga pulis. Pinagbintangan pa nila kami na nahuli sa akto ng paggamit ng droga, at bilang mga kilalang drug suspek at holdaper.
27. Maging ang mga kapamilya ng mga namatay ay pasakit din ang inabot. Pagkatapos ng insidente ay patuloy silang sinisindak ng mga pulis. Makailang ulit nilang binalik-balikan ang bahay ni Nonoy Daa. Tangan ang mahahabang baril, pinasok nila ang bahay at kinunan ng video ang bahay at bakuran.
28. Sa paghahanap ng hustisya sa pagkamatay nina Nonoy, Jessie, Rhaffy, Anthony, at para sa aking sariling proteksyon at ng aking buong pamilya, naghain kami ng Petition for Writ of Amparo sa Korte Suprema ng Pilipinas noong January 26, 2017. Humingi kami ng tulong mula sa Center for International Law (Centerlaw) – Philippines, isang organizasyon ng mga abogado ng karapatang

pantao at nagtatanggol ng mga biktimg tulad namin. Mabilis naman ang naging tugon ng Korte Suprema. Noong Enero 31, 2017 ay naglabas ito ng Temporary Protection Order laban sa mga pulis na sangkot sa pagpatay. Noong Pebrero 10, 2017, sa pahintulot na rin ng Korte Suprema, ginawang permanente ng Court of Appeals ang protection order na ito.

29.Sa kabila ng mabilis na pagtugon ng mga korte sa Pilipinas, mas lumala lang ang sitwasyon. Mas mahirap ang naging buhay namin ngayon. Ang aking mga magulang ay napilitang ibenta ang aming bahay upang makabayad ng aking piyansa at mga bill sa ospital. Sa katunayan, sila ay pinapaalis na ng bagong may-ari at binigyan lamang palugit hanggang katapusan ng Abril 2017. Dahil nananatili ako sa pagkukop ng Commission on Human Rights dala ng panganib sa aking buhay, hindi ako makapagtrabaho para sa ikabubuhay ng aking pamilya. Higit pa rito, ang Operation Plan Tokhang na saglit na sinuspinde pagkatapos naming i-file ang Petition for the Writ of Amparo ay muli na namang nagbalik-operasyon at naging sanhi sa pagkawala ng libo-libong buhay.

30.Ako man ay pinalad na nakaligtas, libo-libo naman ang namatay. Kaya't pananagutan ko sa kanila na magsalita at makilisa sa laban upang makamit ang ganap sa hustisya para sa lahat ng biktima ng pagpatay.


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Ecumenical Advocacy Network on the Philippines

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Human Rights Violations by Philippine Security Forces

Testimony Submitted to the Tom Lantos Human Rights Commission

By the Ecumenical Advocacy Network on the Philippines

July 20, 2017

Contact: Tim McGloin, timlinmcg@msn.com or Paul Bloom, prb@umn.edu

The Ecumenical Advocacy Network on the Philippines (EANP) was established in 2007 following publication of a report by the UN Special Rapporteur that documented human rights violations by the Philippine Army and security forces under their command. The Special Rapporteur recommended human rights restrictions on military aid to the Armed Forces of the Philippines (AFP). Since 2008, EANP has advocated for human rights restrictions on Foreign Military Financing (FMF) to the Philippine Army, and from then until FY 2016, certain restrictions had been applied to FMF for the Philippines. After the 2008, there was a decrease in extrajudicial killings, false arrests, harassment and displacement of local populations but over the last 3 years human rights violations have increased, as part of the counter insurgency operations of the Philippine Army and paramilitary units under their command. This is especially an issue in remote areas populated by indigenous Filipinos. Among others, environmental activists have been targeted and in the 2017 Global Witness Report, “Defenders of the Earth”, the Philippines is listed as one of the most dangerous countries in the world to be an environmental activist.

Since the initiation of the war on drugs by President Rodrigo Duterte in June 2016, human rights groups in the Philippines report that nearly 12,000 people have been killed by units of the Philippine National Police (PNP) and vigilante groups. This anti-drug campaign by the PNP has been supported by funds from the US State Department International Narcotics Control and Law Enforcement program. There is strong evidence, documented by recent reports from the US State Department, Human Rights Watch and Amnesty International that many of the vigilantes are actually policemen without uniforms. Additional documentary evidence, with horrific photographs and video have appeared in investigative reports by the BBC and the New York Times. One of the reasons given for aggressive police actions against drug dealers and users is to force addicts to surrender and opt for treatment. However, the options for treatment are meager and aid for narcotics control should be focused on treatment and rehabilitation.

Justification for redirection of International Narcotics Control and Law Enforcement funding for the Philippine National Police (PNP)

President Duterte entered office in June 2016 promising to use deadly force to wipe out drug related crime within six months, attacking both drug dealers and drug users. The Philippines has a serious crime problem and some of the crime problem is related to drugs. However, the overall incidence of drug usage is not extremely high. In the January 2017 Amnesty International published a report entitled, *“If You Are Poor You Are Killed”*, which contains data from September 2016, showing that drug use in the Philippines is about half of that reported internationally. A contributor to the drug crime problem is corruption within the PNP, with PNP officers are often complicit in the drug trade.

Of the several reports on the war on drugs in the Philippines we rely mostly on the January 2017 report by Amnesty International in this testimony (the other reports listed at the end of this document corroborate the findings of Amnesty International). In the Amnesty International report the authors quote PNP statistics for July 1, 2016 to January 21, 2017 that indicate police officers and unknown armed persons collectively carried out 7,025 drug-related killings, roughly an average of 34 per day. About 2500 of the killings were what the police characterize as encounters with armed drug dealers or users and the remainder are attributed to killings by vigilantes.

In November and December of 2016 Amnesty field researchers, “interviewed 110 people, including direct witnesses to extrajudicial executions and relatives of those killed; people who currently use drugs; police officers and paid killers involved in anti-drug operations; local authorities; and civil society activists”. This included 33 incidents, resulting in 59 killings, in 20 different cities and towns from Baguio City in the north to central Mindanao in the south. Twenty of the incidents involved police operations and 13 involved unknown armed persons. The Amnesty International team concluded, “Based on corroborating witness statements and other credible information, the vast majority of these killings appear to have been extrajudicial executions—that is, unlawful and deliberate killings carried out by order of the government or with its complicity or acquiescence.” In police raids, the police nearly-universally claim that the suspect pulled a gun and shot at them, which the police say, forces them to return fire and kill the person. In several cases Amnesty International reviewed, the police even alleged the suspect’s gun “malfunctioned” when trying to shoot them”. Some of the police killings have been attributed to police eliminating the dealers who have collaborated with corrupt policemen. The vigilante killings often involve paid hitmen who are sometimes off-duty policemen.

The highest profile killing is that of Mayor Ronaldo Espinosa of Albura, Leyte, and his cellmate in November 2016. In August, Espinosa surrendered to police after a presidential spokesperson stated that there were orders to kill Mr Espinosa

on sight because of his alleged links to the drug trade. Police shot and killed him and his cellmate in a provincial jail, in what the officers involved claimed was a shootout. However, the National Bureau of Investigation (NBI) recommended murder and perjury charges against the officers involved stating the killing was a “rub out,” in which the police officers had “criminal intent” to kill Espinosa, who was unarmed. President Duterte responded that he would “not allow these guys to go to prison.” and he has recently advised the indicted officers to plead guilty so he can give them a full pardon.

If drug users surrender and volunteer to get drug treatment, they find themselves held in very crowded jails and if they do get treatment the programs are poorly funded and not comprehensive or evidence-based in what they offer. Some of those who have surrendered have been killed after they return to their homes. The government has started building “mega” rehabilitation centers with financial assistance from private and public funds from China. One of these facilities is inside military base and air photos show new facilities that look more like a concentration camp. Also, the Japanese government has agreed to a \$16 M aid program for drug rehabilitation.

We request that the FY2018 aid normally directed to narcotics control and enforcement by the PNP be instead directed to treatment and rehabilitation and that reporting language include:

There is strong evidence the Philippine National Police are participating in, and encouraging, extrajudicial killings, and any aid to the National Police will only promote more killing. The money appropriated to the Philippines for Narcotics Control and Law Enforcement shall be allocated for a public health approach that consists of integrated and comprehensive treatment and rehabilitation programs in line with international standards, shifting the current anti-drug policy from killing and punishment to treatment and rehabilitation.

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3. <http://interaksyon.com/article/136401/negros-farm-workers-leader-slain-as-rights-violations-complaints-traded-at-rome-talks>
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7. “Defenders of the Earth: Global Witness, July 13, 2017.
<https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/>

**Dr. Vanda Felbab-Brown, Brookings Institution, Statement Submitted for
the Record**

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on

The Human Rights Consequences of the War on Drugs in the Philippines

Thursday, July 20, 2017 - 10:00am
2200 Rayburn House Office Building

Statement of Dr. VANDA FELBAB-BROWN
Senior Fellow
The Brookings Institution

I am a Senior Fellow at The Brookings Institution. However, as an independent think tank, the Brookings Institution does not take institutional positions on any issue. Therefore, my testimony represents my personal views and does not reflect the views of Brookings, its other scholars, employees, officers, and/or trustees.

President Rodrigo Duterte's war on drugs in the Philippines is morally and legally unjustifiable. Resulting in egregious and large-scale violations of human rights, it amounts to state-sanctioned murder. It is also counterproductive for countering the threats and harms that the illegal drug trade and use pose to society -- exacerbating both problems while profoundly shredding the social fabric and rule of law in the Philippines. The United States and the international community must condemn and sanction the government of the Philippines for its conduct of the war on drugs.

THE SLAUGHTER SO FAR

On September 2, 2016 after a bomb went off in Davao where Duterte had been mayor for 22 years, the Philippine president declared a "state of lawlessness"¹ in the country. That is indeed what *he* unleashed in the name of fighting crime and drugs since he became the country's president on June 30, 2016. With his explicit calls for police to kill drug users and dealers² and the vigilante purges Duterte ordered of neighborhoods,³ almost 9000 people accused of drug

¹ Neil Jerome Morales, "Philippines Blames IS-linked Abu Sayyaf for Bomb in Duterte's Davao," *Reuters*, September 2, 2016, <http://www.reuters.com/article/us-philippines-blast-idUSKCN11824W?il=0>.

² Rishi Iyengar, "The Killing Time: Inside Philippine President Rodrigo Duterte's War on Drugs," *Time*, August 24, 2016, <http://time.com/4462352/rodrigo-duterte-drug-war-drugs-philippines-killing/>.

³ Jim Gomez, "Philippine President-Elect Urges Public to Kill Drug Dealers," *The Associated Press*, June 5, 2016,

dealing or drug use were killed in the Philippines in the first year of his government – about one third by police in anti-drug operations.⁴ Although portrayed as self-defense shootings, these acknowledged police killings are widely believed to be planned and staged, with security cameras and street lights unplugged, and drugs and guns planted on the victim after the shooting.⁵ According to the interviews and an unpublished report an intelligence officer shared with *Reuters*, the police are paid about 10,000 pesos (\$200) for each killing of a drug suspect as well as other accused criminals. The monetary awards for each killing are alleged to rise to 20,000 pesos (\$400) for a street pusher, 50,000 pesos (\$990) for a member of a neighborhood council, one million pesos (\$20,000) for distributors, retailers, and wholesalers, and five million (\$100,000) for “drug lords.” Under pressure from higher-up authorities and top officials, local police officers and members of neighborhood councils draw up lists of drug suspects. Lacking any kind transparency, accountability, and vetting, these so-called “watch lists” end up as *de facto* hit lists. A *Reuters* investigation revealed that police officers were killing some 97 percent of drug suspects during police raids,⁶ an extraordinarily high number and one that many times surpasses accountable police practices. That is hardly surprising, as police officers are not paid any cash rewards for merely arresting suspects. Both police officers and members of neighborhood councils are afraid not to participate in the killing policies, fearing that if they fail to comply they will be put on the kill lists themselves.

Similarly, there is widespread suspicion among human rights groups and monitors,⁷ reported in regularly in the international press, that the police back and encourage the other extrajudicial killings -- with police officers paying assassins or posing as vigilante groups.⁸ A *Reuters* interview with a retired Filipino police intelligence officer and another active-duty police commander reported both officers describing in granular detail how under instructions from top-level authorities and local commanders, police units mastermind the killings.⁹ No systematic investigations and prosecutions of these murders have taken place, with top police officials suggesting that they are killings among drug dealers themselves.¹⁰

Such illegal vigilante justice, with some 1,400 extrajudicial killings,¹¹ was also the hallmark of Duterte’s tenure as Davao’s mayor, earning him the nickname Duterte Harry. And yet, far from being an exemplar of public safety and crime-free city, Davao remains the murder capital of the

<http://bigstory.ap.org/article/58fc2315d488426ca2512fc9fc8d6427/philippine-president-elect-urges-public-kill-drug-dealers>.

⁴ Manuel Mogato and Clare Baldwin, “Special Report: Police Describe Kill Rewards, Staged Crime Scenes in Duterte’s Drug War,” *Reuters*, April 18, 2017, <http://www.reuters.com/article/us-philippines-duterte-police-specialrep-idUSKBN17K1F4>.

⁵ *Ibid.*

⁶ Clare Baldwin, Andrew R.C. Marshall and Damir Sagolj, “Police Rack Up an Almost Perfectly Deadly Record in Philippine Drug War,” *Reuters*, <http://www.reuters.com/investigates/special-report/philippines-duterte-police/>.

⁷ See, for example, Human Rights Watch, “Philippines: Police Deceit in ‘Drug War’ Killings,” March 2, 2017, <https://www.hrw.org/news/2017/03/02/philippines-police-deceit-drug-war-killings>; and Amnesty International, “Philippines: The Police’s Murderous War on the Poor,”

<https://www.amnesty.org/en/latest/news/2017/01/philippines-the-police-murderous-war-on-the-poor/>.

⁸ *Reuters*, April 18, 2017.

⁹ *Ibid.*

¹⁰ Aurora Almendral, “The General Running Duterte’s Antidrug War,” *The New York Times*, June 2, 2017.

¹¹ *Ibid.*

Philippines.¹² The current police chief of the Philippine National Police Ronald Dela Rosa and President Duterte's principal executor of the war on drugs previously served as the police chief in Davao between 2010 and 2016 when Duterte was the town's mayor.

In addition to the killings, mass incarceration of alleged drug users is also under way in the Philippines. The government claims that more than a million users and street-level dealers have voluntarily "surrendered" to the police. Many do so out of fear of being killed otherwise. However, in interviews with *Reuters*, a Philippine police commander alleged that the police are given quotas of "surrenders," filling them by arresting anyone on trivial violations (such as being shirtless or drunk).¹³ Once again, the rule of law is fundamentally perverted to serve a deeply misguided and reprehensible state policy.

SMART DESIGN OF DRUG POLICIES VERSUS THE PHILIPPINES REALITY

Smart policies for addressing drug retail markets look very different than the violence and state-sponsored crime President Duterte has thrust upon the Philippines. Rather than state-sanctioned extrajudicial killings and mass incarceration, policing retail markets should have several objectives: The first, and most important, is to make drug retail markets as non-violent as possible. Duterte's policy does just the opposite: in slaughtering people, it is making a drug-distribution market that was initially rather peaceful (certainly compared to Latin America,¹⁴ such as in Brazil¹⁵) very violent – this largely the *result* of the state actions, extrajudicial killings, and vigilante killings he has ordered. Worse yet, the police and extrajudicial killings hide other murders, as neighbors and neighborhood committees put on the list of drug suspects their rivals and people whose land or property they want to steal; thus, anyone can be killed by anyone and then labeled a pusher.

The unaccountable *en masse* prosecution of anyone accused of drug trade involvement or drug use also serves as a mechanism to squash political pluralism and eliminate political opposition. Those who dare challenge President Duterte and his reprehensible policies are accused of drug trafficking charges and arrested themselves. The most prominent case is that of Senator Leila de Lima. But it includes many other lower-level politicians. Without disclosing credible evidence or convening a fair trial, President Duterte has ordered the arrest of scores of politicians accused of drug-trade links; three such accused mayors have died during police arrests, often with many other individuals dying in the shoot-outs. The latest such incident occurred on July 30, 2017 when Reynaldo Parojinog, mayor of Ozamiz in the southern Philippines, was killed during a police raid on his house, along with Parojinog's wife and at least five other people.

¹² "A Harvest of Lead," *The Economist*, August 13, 2016, <http://www.economist.com/news/leaders/21704793-rodrigo-duterte-living-up-his-promise-fight-crime-shooting-first-and-asking-questions>.

¹³ *Reuters*, April 18, 2017.

¹⁴ Vanda Felbab-Brown and Harold Trinkunas, "UNGASS 2016 in Comparative Perspective: Improving the Prospects for Success," The Brookings Institution, April 29, 2015, <http://www.brookings.edu/~media/Research/Files/Papers/2015/04/global-drug-policy/FelbabBrown-TrinkunasUNGASS-2016-final-2.pdf?la=en>.

¹⁵ See, for example, Paula Miraglia, "Drugs and Drug Trafficking in Brazil: Trends and Policies," The Brookings Institution, April 29, 2015, <http://www.brookings.edu/~media/Research/Files/Papers/2015/04/global-drug-policy/Miraglia--Brazil-final.pdf?la=en>.

Another crucial goal of drug policy should be to enhance public health and limit the spread of diseases linked to drug use. The worst possible policy is to push addicts into the shadows, ostracize them, and increase the chance of overdoses as well as a rapid spread of HIV/AIDS, drug-resistant tuberculosis, and hepatitis. In prisons, users will not get adequate treatment for either their addiction or their communicable disease. That is the reason why other countries that initially adopted similar draconian wars on drugs (such as Thailand in 2001¹⁶ and Vietnam in the same decade¹⁷) eventually tried to backpedal from them, despite the initial popularity of such policies with publics in East Asia. Even though throughout East Asia, tough drug policies toward drug use and the illegal drug trade remain government default policies and often receive widespread support, countries, such as Thailand, Vietnam, and even Myanmar have gradually begun to experiment with or are exploring HARM reduction approaches, such as safe needle exchange programs and methadone maintenance, as the ineffective and counterproductive nature and human rights costs of the harsh war on drugs campaign become evident.

Moreover, frightening and stigmatizing drug users and pushing use deeper underground will only exacerbate the spread of infectious diseases, such as HIV/AIDS, hepatitis, and tuberculosis. Even prior to the Duterte's brutal war on drugs, the rate of HIV infections in the Philippines has been soaring due to inadequate awareness and failure to support safe sex practices, such as access to condoms. Along with Afghanistan, the Philippine HIV infection rate is the highest in Asia, increasing 50 percent between 2010 and 2015.¹⁸ Among high-risk groups, including injection-drug users, gay men, transgender women, and female prostitutes, the rate of new infections jumped by 230 percent between 2011 and 2015. Duterte's war on drugs will only intensify these worrisome trends among drug users.

Further, as Central America has painfully learned in its struggles against street gangs, mass incarceration policies turn prisons into recruiting grounds for organized crime. Given persisting jihadi terrorism in the Philippines, mass imprisonment of low-level dealers and drug traffickers which mix them with terrorists in prisons can result in the establishment of dangerous alliances between terrorists and criminals, as has happened in Indonesia.

The mass killings and imprisonment in the Philippines will not dry up demand for drugs: the many people who will end up in overcrowded prisons and poorly-designed treatment centers (as is already happening) will likely remain addicted to drugs, or become addicts. There is always drug smuggling into prisons and many prisons are major drug distribution and consumption spots.

¹⁶ James Windle, "Drugs and Drug Policy in Thailand," *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016*, The Brookings Institution, April 2015, <http://www.brookings.edu/~media/Research/Files/Papers/2015/04/global-drug-policy/WindleThailand-final.pdf?la=en>.

¹⁷ James Windle, "Drugs and Drug Policy in Vietnam," *Improving Global Drug Policy: Comparative Perspectives and UNGASS 2016*, The Brookings Institution, April 2015, <https://www.brookings.edu/wp-content/uploads/2016/07/WindleVietnam-final.pdf>.

¹⁸ Aurora Almendral, "As H.I.V. Soars in the Philippines, Conservatives Kill School Condom Plan," *The New York Times*, February 28, 2017, https://www.nytimes.com/2017/02/28/world/asia/as-hiv-soars-in-philippines-conservatives-kill-school-condom-plan.html?_r=0.

Even when those who surrendered are placed into so-called treatment centers, instead of outright prisons, large problems remain. Many who surrendered do not necessarily have a drug abuse problem as they surrendered preemptively to avoid being killed if they for whatever reason ended up on the watch list. Those who do have a drug addiction problem mostly do not receive adequate care. Treatment for drug addiction is highly underdeveloped and underprovided in the Philippines, and China's rushing in to build larger treatment facilities is unlikely to resolve this problem. In China itself, many so-called treatment centers often amounted to *de facto* prisons or force-labor detention centers, with highly questionable methods of treatment and very high relapse rates.

As long as there is demand, supply and retailing will persist, simply taking another form. Indeed, there is a high chance that Duterte's hunting down of low-level pushers (and those accused of being pushers) will significantly increase organized crime in the Philippines and intensify corruption. The dealers and traffickers who will remain on the streets will only be those who can either violently oppose law enforcement and vigilante groups or bribe their way to the highest positions of power. By eliminating low-level, mostly non-violent dealers, Duterte is paradoxically and counterproductively setting up a situation where more organized and powerful drug traffickers and distribution will emerge.

Inducing police to engage in *de facto* shoot-to-kill policies is enormously corrosive of law enforcement, not to mention the rule of law. There is a high chance that the policy will more than ever institutionalize top-level corruption, as only powerful drug traffickers will be able to bribe their way into upper-levels of the Philippine law enforcement system, and the government will stay in business. Moreover, corrupt top-level cops and government officials tasked with such witch-hunts will have the perfect opportunity to direct law enforcement against their drug business rivals as well as political enemies, and themselves become the top drug capos. Unaccountable police officers officially induced to engage in extrajudicial killings easily succumb to engaging in all kinds of criminality, being uniquely privileged to take over criminal markets. Those who should protect public safety and the rule of law themselves become criminals.

Such corrosion of the law enforcement agencies is well under way in the Philippines as a result of President Duterte's war on drugs. Corruption and the lack of accountability in the Philippine police preceded Duterte's presidency, but have become exacerbated since, with the war on drugs blatant violations of rule of law and basic legal and human rights principles a direct driver. The issue surfaced visibly and in a way that the government of the Philippines could not simply ignore in January 2017 when Philippine drug squad police officers kidnapped a South Korean businessman Jee Ick-joo and extorted his family for money. Jee was ultimately killed inside the police headquarters. President Duterte expressed outrage and for a month suspended the national police from participating in the war on drugs while some police purges took places. Rather than a serious effort to root out corruption, those purges served principally to tighten control over the police. The wrong-headed illegal policies of Duterte's war on drugs were not examined or corrected. Nor were other accountability and rule of law practices reinforced. Thus when after a month the national police were asked to resume their role in the war on the drugs, the perverted system slid back into the same human rights violations and other highly detrimental processes and outcomes.

WHAT COUNTERNARCOTICS POLICIES THE PHILIPPINES SHOULD ADOPT

The Philippines should adopt radically different approaches: The shoot-to-kill directives to police and calls for extrajudicial killings should stop immediately, as should dragnets against low-level pushers and users. If such orders are issued, prosecutions of any new extrajudicial killings and investigations of encounter killings must follow. In the short term, the existence of pervasive culpability may prevent the adoption of any policy that would seek to investigate and prosecute police and government officials and members of neighborhood councils who have been involved in the state-sanctioned slaughter. If political leadership in the Philippines changes, however, standing up a truth commission will be paramount. In the meantime, however, all existing arrested drug suspects need to be given fair trials or released.

Law-enforcement and rule of law components of drug policy designs need to make reducing criminal violence and violent militancy among their highest objectives. The Philippines should build up real intelligence on the drug trafficking networks that President Duterte alleges exist in the Philippines and target their middle operational layers, rather than low-level dealers, as well as their corruption networks in the government and law enforcement. However, the latter must not be used to cover up eliminating rival politicians and independent political voices.

To deal with addiction, the Philippines should adopt enlightened harm-reduction measures, including methadone maintenance, safe-needle exchange, and access to effective treatment. No doubt, these are difficult and elusive for methamphetamines, the drug of choice in the Philippines. Meth addiction is very difficult to treat and is associated with high morbidity levels. Instead of turning his country into a lawless Wild East, President Duterte should make the Philippines the center of collaborative East Asian research on how to develop effective public health approaches to methamphetamine addiction.

IMPLICATIONS FOR U.S. POLICY

It is imperative that the United States strongly and unequivocally condemns the war on drugs in the Philippines and deploys sanctions until state-sanctioned extrajudicial killings and other state-authorized rule of law violations are ended. The United States should adopt such a position even if President Duterte again threatens the U.S.-Philippines naval bases agreements meant to provide the Philippines and other countries with protection against China's aggressive moves in the South China Sea. President Duterte's pro-China preferences will not be moderated by the United States being cowed into condoning egregious violations of human rights. In fact, a healthy U.S.-Philippine long-term relationship will be undermined by U.S. silence on state-sanctioned murder.

However, the United States must recognize that drug use in the Philippines and East Asia more broadly constitute serious threats to society. Although internationally condemned for the war on drugs, President Duterte remains highly popular in the Philippines, with 80 percent of Filipinos still expressing "much trust" for him after a year of his war on drugs and 9,000 people dead.¹⁹ Unlike in Latin America, throughout East Asia, drug use is highly disapproved of, with little empathy for users and only very weak support for drug policy reform. Throughout the region, as well as in the Philippines, tough-on-drugs approaches, despite their ineffective outcomes and

¹⁹ Nicole Curato, "In the Philippines, All the President's People," *The New York Times*, May 31, 2017, <https://www.nytimes.com/2017/05/31/opinion/philippines-rodrigo-duterte.html>.

human rights violations, often remain popular. Fostering an honest and complete public discussion about the pros and cons of various drug policy approaches is a necessary element in creating public demand for accountability of drug policy in the Philippines.

Equally important is to develop better public health approaches to dealing with methamphetamine addiction. It is devastating throughout East Asia as well as in the United States, though opiate abuse mortality rates now eclipse methamphetamine drug abuse problems. Meth addiction is very hard to treat and often results in severe morbidity. Yet harm reduction approaches have been predominately geared toward opiate and heroin addictions, with substitution treatments, such as methadone, not easily available for meth and other harm reduction approaches also not directly applicable.

What has been happening in the Philippines is tragic and unconscionable. But if the United States can at least take a leading role in developing harm reduction and effective treatment approaches toward methamphetamine abuse, its condemnation of unjustifiable and reprehensible policies, such as President Duterte's war on drugs in the Philippines, will far more soundly resonate in East Asia, better stimulating local publics to demand accountability and respect for rule of law from their leaders.

National Ecumenical-Interfaith Forum for Filipino Concerns, Statement Submitted for the Record

NATIONAL ECUMENICAL-INTERFAITH FORUM FOR FILIPINO CONCERNS



The Human Rights Consequences Of The War On Drugs In The Philippines

Statement from Northern California Chapter of the
National Ecumenical-Interfaith Forum for Filipino Concerns
to Tom Lantos Human Rights Commission

Contact: Rev. Dr. Mary Susan Gast msgast45@gmail.com

The National Ecumenical-Interfaith Forum for Filipino concerns was organized in 2007, following publication of a report by the UN Special Rapporteur that documented human rights violations by the Philippine Army and security forces under their command. The Northern California chapter draws on many faith traditions and acts in solidarity with religious and political groups in the Philippines and the United States to sponsor educational events, relief efforts, legislative action, and public witness to address the issues of human rights, economic justice, and the peace process in the Philippines. NEFFCON is a member organization of the Ecumenical Advocacy Network on the Philippines, and heartily supports the testimony submitted by the EANP on July 20, 2017.

In addition to the statements made by EANP, we would underscore the impact on children of President Duterte's war on drugs. Children have been left without parents and children have been killed—either as “collateral damage” or as targets—in the war on drugs. Reuters reported in February that President Duterte had said that young children “were becoming drug runners, thieves and rapists, and must be ‘taught to understand responsibility.’” <http://www.reuters.com/article/us-philippines-drugs-children-insight-idUSKBN15T1NB> This is his basis for promoting legislation to lower the age of criminal responsibility from age 15 to age 9, well below the internationally accepted age of 12. “This is a direct violation of children's rights,” according to Human Rights Watch. <https://www.hrw.org/news/2016/11/22/bid-jail-kids-philippines>

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Katarungan, Statement Submitted for the Record



Center for Peace, Justice and Human Rights in the Philippines

Statement Submitted to the Tom Lantos Human Rights Commission in Response to the Hearing on the Human Rights Consequences on the War on Drugs in the Philippines

July 26, 2017

Let me begin by expressing our thanks to the Tom Lantos Human Rights Commission for conducting the hearing on the "Human Rights Consequences of the War on Drugs in the Philippines".

I am an adviser of Katarungan, (Justice in Pilipino) an organization with members in DC, Maryland, and VA that promotes peace, justice and human rights in the Philippines. Formed in 2008 in response to the human rights crisis under then Philippine President Gloria Macapagal Arroyo that gained international notoriety whose military, police and paramilitary forces were responsible for numerous extra-judicial killings, enforced disappearances and illegal arrests that were committed to silence its government critics.

Our group has organized speaking tours for Filipino victims of human rights violations, has done media work and community forums to raise awareness in the DC-MD-VA area. We have also participated in legislative advocacy to make lawmakers aware of the human rights situation in the Philippines.

We are greatly concerned by the shocking number---in the thousands--- of extrajudicial killings of drug addicts and dealers living in poverty. Even mere suspects are killed. But those involved in drugs among the wealthy and the police are spared.

This killing spree by the Duterte government has spread to those branded as "enemies of the state" which include journalists critical of the regime, social activists indigenous people called Lumads defending their ancestral lands. Even church people are not spared.

There has been a lack of appropriate investigation, due process, prosecution and punishment in all these violations of human rights. Victims and their families do not get justice.

We are troubled that the Duterte administration, like previous administrations, continues to use brute force as a way to deal with perceived threats to law and order. According to Karapatan, (the Alliance for the Advancement of People's Rights) the Duterte government is continuing policies detrimental to the people's interests, especially the marginalized poor who comprise the vast majority of Filipinos.

www.katarungan-dc.org

His war on drugs, and his counter-insurgency plan called Oplan Kapayapaan, instead of providing security gives more insecurity and danger, particularly to the poor living in the rural areas.

Duterte's declaration of Martial Law in the whole island of Mindanao gives vast powers of the military and police, over and above civilian local authorities. Initially declared for a period of 60 days, Martial Law was extended by a compliant Congress up to the end of 2017!

Martial Law in Mindanao has already resulted in numerous human rights violations. The national human rights group Karapatan has recently documented numerous victims of indiscriminate shelling, bombing of villages, politically-motivated killings, illegal arrests, and thousands subjected to threats, harassment and intimidation. The recent destruction of the City of Marawi has caused the dislocation of 416,005 of Maranaos who are in evacuation centers.

We and other human rights and peace advocates are strongly urging President Duterte that the solution to the peace and order problem is not Martial Law and the use of the military and police forces. These have failed in the past. We urge the Duterte government to address the social problems of joblessness, homelessness, lack of medical care and educational facilities. We strongly urge him to address the problem of poverty of the vast majority of Filipinos. We believe that these are the causes of the rebellion of the poor.

Lastly, we support the Filipino People's call urging President Duterte to re-open the peace talks between the Philippine government and the National Democratic Front of the Philippines which he cancelled and threatened to wage a "total war" for this will only result in the loss of more and more lives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dante C. Simbulan', with a stylized, cursive script.

Dr. Dante C. Simbulan, Ph.D
Adviser

www.katarugan-dc.org

Philippine Solidarity Task Force California-Nevada, Statement Submitted for the Record



26 July 2017

The Tom Lantos Human Rights Commission
c/o Kimberly Stanton, Staff, Senator McGovern's Office
c/o Jaime Staley, Staff, Senator Randy Hultgren's Office

The Philippine Solidarity Task Force (PSTF) of the California-Nevada Annual Conference United Methodist Church offers its most profound gratitude to the Tom Lantos Human Rights Commission for the recent hearing on "Human Rights Consequence of the War on Drugs". As members of The United Methodist Church, we give thanks whenever our elected officials take note of the abuse of human rights around the world. We are grateful for your addition to the national situation in the Philippines.

The PSTF was founded more than 10 years ago in response to the extra-judicial killings that were being then committed under the regime of President Macapagal-Arroyo. For the past decade, we have continued to work for justice alongside the people of the Philippines. Through conferences and lobbying efforts, we have sought to raise awareness within the United States of the Philippine national situation. We have also sent annual pastoral and solidarity visits to the Philippines, with regular episcopal accompaniment.

We are grieved to find that even as elected leadership has changed, extra-judicial killings have been a mainstay in the Philippines. While President Duterte campaigned with a promise to eradicate the national drug problem, his violent and inhumane policies are simply an amplification of the ongoing political repression of his predecessors. The 'war on drugs' is little more than a front for ongoing fear mongering among community organizers and activists. Indeed, impunity continues to be readily available for those most responsible for the drug networks.

We of the PSTF know that the recent hearing is a first and important step. In order to work for real change, we must first address root causes. Drug dealing and its use is most rampant in communities in which there is little opportunity for economic development. Thus, we condemn the nationwide War on Drugs which has translated to a war on the poor, particularly the urban poor, while allowing for the protection of drug lords and their protectors in the Philippine government to go on without punishment. The drug problem in the Philippines cannot be separated from the greater national situation. It is only when the Filipino people have control over their nation's natural resources, as well as access to

lucrative livelihood, that the work of eradicating drug use and ending corruption can begin. We encourage the US Congress, under the leadership of the Tom Lantos Human Rights Commission, to hold the Government of the Republic of the Philippines (GRP) accountable for the monies it receives from the United States and to be more accountable to its citizenry. We urge the GRP to be more diligent in its work to resume formal peace talks with the National Democratic Front, and to be more sincere in its work to address the root causes of the armed conflict in the Philippines, starting with fulfillment of past agreements such as the release of political prisoners, and fulfilling the Comprehensive Agreement on Social and Economic Reforms, which includes the agreement for free land distribution.

We at the PSTF are committed to being in partnership in your work. Please feel free to contact us at krabut.az@gmail.com if we be of any assistance.

In solidarity,

Kira Salde-Azzam

**Philippines Senate Bill 1313 - An Act Mainstreaming the Public
Health Approach to Philippine Drug Policy**

February 6, 2017

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The Lancet Commissions, Public Health and international drug policy, Executive Summary

The Lancet Commissions

Public health and international drug policy



Joanne Csete, Adeeba Kamarulzaman, Michel Kazatchkine, Frederick Altice, Marek Balicki, Julia Buxton, Javier Cepeda, Megan Comfort, Eric Goosby, João Goulão, Carl Hart, Thomas Kerr, Alejandro Madrazo Lajous, Stephen Lewis, Natasha Martin, Daniel Mejia, Adriana Camacho, David Mathieson, Isidore Obot, Adeolu Ogunrombi, Susan Sherman, Jack Stone, Nandini Vallath, Peter Vickerman, Tomáš Zábanský, Chris Beyrer

Executive summary

In September, 2015, the member states of the UN endorsed Sustainable Development Goals (SDGs) for 2030, which aspire to human-rights-centred approaches to ensuring the health and wellbeing of all people. The SDGs embody both the UN Charter values of rights and justice for all and the responsibility of states to rely on the best scientific evidence as they seek to better humankind. In April, 2016, these same states will consider control of illicit drugs, an area of social policy that has been fraught with controversy and thought of as inconsistent with human rights norms, and in which scientific evidence and public health approaches have arguably had too limited a role.

The previous UN General Assembly Special Session (UNGASS) on drugs in 1998—convened under the theme, “A drug-free world—we can do it!”—endorsed drug-control policies with the goal of prohibiting all use, possession, production, and trafficking of illicit drugs. This goal is enshrined in national laws in many countries. In pronouncing drugs a “grave threat to the health and wellbeing of all mankind”, the 1998 UNGASS echoed the foundational 1961 convention of the international drug-control regime, which justified eliminating the “evil” of drugs in the name of “the health and welfare of mankind”. But neither of these international agreements refers to the ways in which pursuing drug prohibition might affect public health. The war on drugs and zero-tolerance policies that grew out of the prohibitionist consensus are now being challenged on multiple fronts, including their health, human rights, and development impact.

The Johns Hopkins–Lancet Commission on Drug Policy and Health has sought to examine the emerging scientific evidence on public health issues arising from drug-control policy and to inform and encourage a central focus on public health evidence and outcomes in drug-policy debates, such as the important deliberations of the 2016 UNGASS on drugs. The Commission is concerned that drug policies are often coloured by ideas about drug use and dependence that are not scientifically grounded. The 1998 UNGASS declaration, for example, like the UN drug conventions and many national drug laws, does not distinguish between drug use and drug misuse. A 2015 report by the UN High Commissioner for Human Rights, by contrast, emphasised that drug use “is neither a medical condition, nor does it necessarily lead to drug dependence”. The idea that all drug use is dangerous and evil has led to enforcement-heavy policies and has made it difficult to see potentially dangerous drugs in

the same light as potentially dangerous foods, tobacco, and alcohol, for which the goal of social policy is to reduce potential harms.

Health impact of drug policy based on prohibition

The pursuit of drug prohibition has generated a parallel economy run by criminal networks. Both these networks, which resort to violence to protect their markets, and the police and sometimes military or paramilitary forces that pursue them contribute to violence and insecurity in communities affected by drug transit and sales. In Mexico, the striking increase in homicides since the government decided to use military forces against drug traffickers in 2006 has been so great that it reduced life expectancy in the country.

Injection of drugs with contaminated equipment is a well known route of HIV exposure and viral hepatitis transmission. People who inject drugs are also at high risk of tuberculosis. The continued spread of unsafe injection-linked HIV contrasts with the progress that has been made in reducing sexual and vertical transmission of HIV in the past three decades. We found that repressive drug policing greatly contributes to the risk of HIV linked to injection. Policing could be a direct barrier to services such as needle and syringe programmes (NSP) and use of non-injected opioids to treat dependence among those who inject opioids, which is known as opioid substitution therapy (OST). Police seeking to boost arrest totals have targeted facilities that provide these services to find, harass, and detain large numbers of people who use drugs. Drug paraphernalia laws, which prohibit possession of injecting equipment, lead people who inject drugs to fear carrying syringes and force them to share equipment or dispose of it unsafely. Policing practices undertaken in the name of the public good have demonstrably worsened public health outcomes.

One of the greatest impacts of pursuit of drug prohibition identified by the Commission with respect to infectious disease is the excessive use of incarceration as a drug-control measure. Many national laws impose lengthy custodial sentences for minor, non-violent drug offences, and people who use drugs are over-represented in prison and pretrial detention. Drug use and drug injection occur in prisons, although their occurrence is often denied by officials. HIV and hepatitis C virus (HCV) transmission occurs among prisoners and detainees, and is often complicated by co-infection with tuberculosis (in many places multidrug-resistant tuberculosis). Too few countries offer prevention or treatment services despite international guidelines that

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urge comprehensive measures, including provision of injection equipment, for people in state custody.

New mathematical modelling undertaken by the Commission illustrates that incarceration and high risk of infection in the post-incarceration period can contribute importantly to national incidence of HCV infection among people who inject drugs, in a range of countries with varying levels of incarceration, average prison sentences, durations of injection, and OST coverage levels in prison and after release. For example, in Thailand, where people who inject drugs might be in prison for nearly half the time they spend injecting, an estimated 56% of incident HCV infection could occur in prison. In Scotland, where prison sentences are shorter for people who inject drugs and OST coverage is relatively high in prison, an estimated 5% of incident HCV infection occurs in prison, but as much as 21% could occur in the high-risk post-release period. These results underscore the importance of alternatives to prison for minor drug offences, ensuring access to OST in prison, and a seamless link from prison services to OST in the community.

The evidence also clearly demonstrates that enforcement of drug laws has been applied in a discriminatory way against racial and ethnic minorities in a number of countries. The USA is perhaps the best documented but not the only country with clear racial biases in policing, arrests, and sentencing. In the USA in 2014, African American men were more than five times more likely than white people to be incarcerated for drug offences in their lifetime, although there is no significant difference in rates of drug use among these populations. The impact of this bias on communities of people of colour is intergenerational and socially and economically devastating.

We also found substantial gender biases in current drug policies. Of women in prison and pretrial detention around the world, the proportion detained because of drug infractions is higher than that of men. Women involved in drug markets are often on the bottom rungs—eg, as couriers or drivers—and might not have information about major traffickers to trade as leverage with prosecutors. Gender and racial biases have pronounced overlap, resulting in an intersectional threat to women of colour and their children, families, and communities.

In both prison and the community, HIV, HCV, and tuberculosis programmes for people who use drugs—including testing, prevention, and treatment—are gravely underfunded, resulting in preventable death and disease. In several middle-income countries with large numbers of people who use drugs, drug-related HIV and tuberculosis programmes that were expanded with support from the Global Fund to Fight AIDS, Tuberculosis and Malaria have lost funding because of changes to the Global Fund's eligibility criteria. There is an unfortunate failure to emulate the example of western

European countries that have eliminated unsafe injection-linked HIV as a public health problem by sustainably scaling up prevention and care and enabling minor offenders to avert prison. Political resistance to harm-reduction measures dismisses strong evidence for their effectiveness and cost-effectiveness. Mathematical modelling shows that if OST, NSP, and antiretroviral therapy for HIV are all available, even if the coverage of each is less than 50%, their synergy can lead to effective prevention in a foreseeable future. People who use drugs are often not seen to be worthy of costly treatments, or they are thought not to be able to adhere to treatment regimens despite evidence to the contrary.

Lethal drug overdose is an important public health problem, particularly in light of rising consumption of heroin and prescription opioids in some parts of the world. Yet the Commission found that the pursuit of drug prohibition can contribute to overdose risks in numerous ways. Prohibition creates unregulated illegal markets in which it is impossible to control the presence of adulterants in street drugs, which add to overdose risk. Several studies also link aggressive policing to rushed injection and overdose risk. People with a history of drug use, who are over-represented in prison because of prohibitionist policies, are at extremely high risk of overdose when released from state custody. Lack of ready access to OST also contributes to injection of opioids, and bans on supervised injection sites cut off an intervention that has reduced overdose deaths very effectively. Restrictive drug policies also contribute to unnecessary controls on naloxone, a medicine that can reverse opioid overdose very effectively.

Although only a small proportion of people who use drugs will ever need treatment for drug dependence, that minority faces enormous barriers to humane and affordable treatment in many countries. There are often no national standards for quality of treatment for drug dependence and no regular monitoring of practices. In too many countries, beatings, forced labour, and denial of health care and adequate sanitation are offered in the name of treatment, including in compulsory detention centres that are more like prisons than treatment facilities. Where there are humane treatment options, often the people most in need of help cannot afford it. In many countries, there is no treatment designed particularly for women, although it is known that women's motivations for, and physiological reactions to, drug use differ from those of men.

The pursuit of the elimination of drugs has led to aggressive and harmful practices targeting people who grow crops used in the manufacture of drugs, especially coca leaf, opium poppy, and cannabis. Aerial spraying of coca fields in the Andes with the defoliant glyphosate (N-(phosphonomethyl)glycine) has been associated with respiratory and dermatological disorders and miscarriages. Forced displacement of poor rural families who have no secure land tenure exacerbates their poverty and

food insecurity and in some cases forces them to move their cultivation to more marginal land. Geographical isolation makes it difficult for state authorities to reach drug-crop cultivators in public health and education campaigns and it cuts cultivators off from basic health services. Alternative development programmes meant to offer other livelihood opportunities have poor records and have rarely been conceived, implemented, or evaluated with respect to their impact on people's health.

Research about drugs and drug policy has suffered from a lack of a diversified funding base and assumptions about drug use and drug pathologies on the part of the dominant funder, the US Government. At a time when drug-policy discussions are opening up around the world, there is an urgent need to bring the best of non-ideologically-driven health science, social science, and policy analysis to the study of drugs and the potential for policy reform.

Policy alternatives in real life

Concrete experiences from many countries that have modified or rejected prohibitionist approaches in their response to drugs can inform discussions of drug-policy reform. Countries such as Portugal and the Czech Republic decriminalised minor drug offences years ago, with significant financial savings, less incarceration, significant public health benefits, and no significant increase in drug use. Decriminalisation of minor offences along with scaling up low-threshold HIV prevention services enabled Portugal to control an explosive, unsafe injection-linked HIV epidemic, and probably prevented one from happening in the Czech Republic.

Where formal decriminalisation might not be an immediate possibility, scaling up of health services for people who use drugs can demonstrate the value to society of responding with support rather than punishment to people who commit minor drug infractions. A pioneering OST programme in Tanzania is encouraging communities and officials to consider non-criminal responses to heroin injection. In Switzerland and Vancouver, Canada, substantial improvements in access to comprehensive harm-reduction services, including supervised injection sites and heroin-assisted therapy (ie, prescription of heroin for therapeutic purposes under controlled conditions), have transformed the health picture for people who inject drugs. Vancouver's experience also illustrates the importance of meaningful participation of people who inject drugs in decision making on policies and programmes affecting their communities.

Conclusions and recommendations

Policies meant to prohibit or greatly suppress drugs present a paradox. They are portrayed and defended vigorously by many policy makers as necessary to preserve public health and safety, and yet the evidence suggests that they have contributed directly and indirectly to lethal violence, communicable-disease transmission, discrimination, forced displacement, unnecessary

physical pain, and the undermining of people's right to health. Some would argue that the threat of drugs to society might justify some level of abrogation of human rights for protection of collective security, as is provided for in human rights law in case of emergencies. International human rights standards dictate that, in such cases, societies still should choose the least harmful way to address the emergency and that emergency measures should be proportionate and designed specifically to meet transparently defined and realistic goals. The pursuit of drug prohibition meets none of these criteria.

Standard public health and scientific approaches that should be part of policy making on drugs have been rejected in the pursuit of prohibition. The idea of reducing the harm of many kinds of human behaviour is central to public policy in traffic safety, tobacco and alcohol regulation, food safety, safety in sports and recreation, and many other areas of human life where the behaviour in question is not prohibited. But explicitly seeking to reduce drug-related harms through policy and programmes and to balance prohibition with harm reduction is regularly resisted in drug control. The persistence of unsafe injection-linked transmission of HIV and HCV that could be stopped with proven, cost-effective measures remains one of the great failures of the global responses to these diseases.

Drug policy that is dismissive of extensive evidence of its own negative impact and of approaches that could improve health outcomes is bad for all concerned. Countries have failed to recognise and correct the health and human rights harms that pursuit of prohibition and drug suppression have caused, and, in doing so, neglect their legal responsibilities. They readily incarcerate people for minor offences but then neglect their duty to provide health services in custodial settings. They recognise uncontrolled illegal markets as the consequence of their policies, but do little to protect people from toxic, adulterated drugs that are inevitable in illegal markets or the violence of organised criminals, which is often made worse by policing. They waste public resources on policies that do not demonstrably impede the functioning of drug markets, and miss opportunities to invest public resources wisely in proven health services for people often too frightened to seek services.

To move towards the balanced policy that UN member states have called for, we offer the following recommendations:

- Decriminalise minor, non-violent drug offences—use, possession, and petty sale—and strengthen health and social-sector alternatives to criminal sanctions.
- Reduce the violence and other harms of drug policing, including phasing out the use of military forces in drug policing, better targeting of policing on the most violent armed criminals, allowing

possession of syringes, not targeting harm-reduction services to boost arrest totals, and eliminating racial and ethnic discrimination in policing.

- Ensure easy access to harm-reduction services for all who need them as a part of responding to drugs, in doing so recognising the effectiveness and cost-effectiveness of scaling up and sustaining these services. OST, NSP, supervised injection sites, and access to naloxone—brought to a scale adequate to meet demand—should all figure in health services and should include meaningful participation of people who use drugs in planning and implementation. Harm-reduction services are crucial in prison and pretrial detention and should be scaled up in these settings. The 2016 UNGASS should do better than the UN Commission on Narcotic Drugs (CND) in naming harm reduction explicitly and endorsing its centrality to drug policy.
- Prioritise people who use drugs in treatment for HIV, HCV infection, and tuberculosis, and ensure that services are adequate to enable access for all who need care. Ensure availability of humane and scientifically sound treatment for drug dependence, including scaled-up OST in the community and in prisons. Reject compulsory detention and abuse in the name of treatment.
- Ensure access to controlled drugs, establish intersectoral national authorities to determine levels of need, and give WHO the resources to assist the International Narcotics Control Board in using the best science to determine the level of need for controlled drugs in all countries.
- Reduce the negative impact of drug policy and law on women and their families, especially by minimising custodial sentences for women who commit non-violent offences and developing appropriate health and social support, including gender-appropriate treatment of drug dependence, for those who need it.
- Efforts to address drug-crop production need to take health into account. Aerial spraying of toxic herbicides should be stopped, and alternative development programmes should be part of integrated development strategies, developed and implemented in meaningful consultation with the people affected.
- A more diverse donor base is needed to fund the best new science on drug-policy experiences in a non-ideological way that, among other things, interrogates and moves beyond the excessive pathologising of drug use.
- UN governance of drug policy should be improved, which should include respecting WHO's authority to determine the dangerousness of drugs. Countries should be urged to include high-level health officials in their delegations to CND. Improved representation of health officials in national delegations to CND would, in turn, be a likely result of giving health

authorities an important day-to-day role in multisectoral national drug-policy-making bodies.

- Health, development, and human rights indicators should be included in metrics to judge success of drug policy, and WHO and the UNDP should help to formulate them. The UNDP has already suggested that indicators such as access to treatment, frequency of overdose deaths, and access to social welfare programmes for people who use drugs would be useful indicators. All drug policies should also be monitored and assessed as to their impact on racial and ethnic minorities, women, children and young people, and people living in poverty.
- Move gradually toward regulated drug markets and apply the scientific method to their assessment. Although regulated legal drug markets are not politically possible in the short term in some places, the harms of criminal markets and other consequences of prohibition catalogued in this Commission will probably lead more countries (and more US states) to move gradually in that direction—a direction we endorse. As those decisions are taken, we urge governments and researchers to apply the scientific method and ensure independent, multidisciplinary, and rigorous assessment of regulated markets to draw lessons and inform improvements in regulatory practices, and to continue evaluating and improving.

We urge health professionals in all countries to inform themselves and join debates on drug policy at all levels. True to the stated goals of the international drug-control regime, it is possible to have drug policy that contributes to the health and wellbeing of humankind, but not without bringing to bear the evidence of the health sciences and the voices of health professionals.

Introduction

"We must consider alternatives to criminalization and incarceration of people who use drugs and focus criminal justice efforts on those involved in supply. We should increase the focus on public health, prevention, treatment, and care, as well as on economic, social, and cultural strategies."

Ban Ki-moon, UN Secretary-General, on International Day Against Drug Abuse and Illicit Trafficking, June 26, 2015¹

In 2015, member states of the UN, in the presence of more than 150 heads of state, endorsed a set of Sustainable Development Goals (SDGs) that were formulated to embody the founding principles of the UN, including universal human rights and justice for all.² The SDG resolution commits member states to addressing climate change and other large issues in ways that are informed by the best scientific research. The SDGs are also based on a notion of human security that is not confined to traditional public order authorities, but in which health and social sectors play an important part.²

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**United Nations Office on Drugs and Crime & The World Health
Organization, Principles of Drug Dependence Treatment**

March 2008

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U.N. Joint Statement on Compulsory Drug Detention and Rehabilitation Centers



JOINT STATEMENT Compulsory drug detention and rehabilitation centres

United Nations entities call on States to close compulsory drug detention and rehabilitation centres and implement voluntary, evidence-informed and rights-based health and social services in the community

The continued existence of compulsory drug detention and rehabilitation centres, where people who are suspected of using drugs or being dependent on drugs, people who have engaged in sex work, or children who have been victims of sexual exploitation are detained without due process in the name of “treatment” or “rehabilitation”, is a serious concern.

Compulsory drug detention and rehabilitation centres¹ raise human rights issues and threaten the health of detainees, including through increased vulnerability to HIV and tuberculosis (TB) infection. Criteria for detention of individuals in these centres vary within and among countries. However, such detention often takes place without the benefit of sufficient due process, legal safeguards or judicial review. The deprivation of liberty without due process is an unacceptable violation of internationally recognised human rights standards. Furthermore, detention in these centres has been reported to involve physical and sexual violence, forced labour, sub-standard conditions, denial of health care, and other measures that violate human rights.

There is no evidence that these centres represent a favorable or effective environment for the treatment of drug dependence, for the “rehabilitation” of individuals who have engaged in sex work, or for children who have been victims of sexual exploitation, abuse or the lack of adequate care and protection.

The UN entities which have signed on to this statement² call on States that operate compulsory drug detention and rehabilitation centres to close them without delay and to release the individuals detained. Upon release, appropriate health care services should be provided to those in need of such services, on a voluntary basis, at community level. These services should include evidence-informed drug dependence treatment; HIV and TB prevention, treatment,

¹ Various terms are used for these centres.

² International Labour Organisation; Office of the High Commissioner for Human Rights; United Nations Development Programme; United Nations Educational, Scientific and Cultural Organisation; United Nations Population Fund; United Nations High Commissioner for Refugees; United Nations Children's Fund; United Nations Office on Drugs and Crime; United Nations Entity for Gender Equality and the Empowerment of Women; World Food Programme; World Health Organisation; and Joint United Nations Programme on HIV/AIDS.

care and support; as well as health, legal and social services to address physical and sexual violence and enable reintegration. The UN stands ready to work with States as they take steps to close compulsory drug detention and rehabilitation centres and to implement voluntary, ambulatory, residential and evidence-informed alternatives in the community.

Where a State is unable to close the centres rapidly, without undue delay, we urge that the following be established immediately:

- a process to review the detention of those in the centres to ensure that there is no arbitrary detention and that any detention is conducted according to relevant international standards of due process and provides alternatives to imprisonment. This review will allow the identification of those who should be released immediately and those who should be referred for voluntary, evidence-informed treatment programmes within the community;
- a process to review conditions in compulsory drug detention and rehabilitation centres with a view to immediately improving those conditions so as to meet relevant international standards applicable in closed settings, including access to quality and evidence-informed health care, social and education services, and the elimination of inhumane and degrading treatment and forced labour,³ until the centres are closed;
- provision of health care services pending closure of the centres, including for treatment of HIV and other sexually transmitted infections (STIs), TB and opportunistic infections, as well as health and legal services to respond to physical and sexual violence;
- judicial and other independent oversight and reporting over the review and closure process of the centres; and
- moratoria on further admission into compulsory drug detention and rehabilitation centres of people who use drugs, people who have engaged in sex work and children who have been the victims of sexual exploitation.

Evidence demonstrates that the most effective responses to drug dependence and the health-related harms associated with it, such as HIV infection, require treating drug dependence as a health condition through evidence-informed and rights-based approaches, which in many cases need to be established. All health care interventions, including drug dependence treatment, should be carried out on a voluntary basis with informed consent, except in clearly defined exceptional circumstances in conformity with international human rights law that guarantees such provisions are not subject to abuse. Responses to drug use and health-related harms associated with it should include evidenced-informed prevention and treatment of HIV, other STIs and TB, for those engaged in drug use.

Where sex workers benefit from due process, protection from discrimination and violence, and access to HIV prevention, treatment, care and support, they have been able to dramatically reduce their vulnerability and that of their clients to HIV and other STIs.

³ For more on a rights-based approach to HIV in the context of labour, see ILO recommendation of HIV and AIDS and the World of Work, 2010 (No. 200).

In the case of children under the age of 18 years, the most effective and appropriate responses are those that are family-based and build on the strengths of local communities.⁴ These should be the first option in full compliance with their rights to welfare, protection, care and justice. Children who are, or have been, involved in sex work should be treated as child survivors of commercial sexual exploitation, in accordance with the Convention on the Rights of the Child (1989) and the ILO Worst Forms of Child Labour Convention, 1999 (No 182), not as offenders liable to criminal penalties. Those children who are dependent on drugs should benefit from rights-based and evidence-informed programmes to facilitate their recovery and reintegration into families and communities.

States increasingly acknowledge the concerns associated with these compulsory drug detention and rehabilitation centres, including their lack of effectiveness in preventing relapse, their high costs, and their potential negative impact on efforts to ensure universal access to HIV prevention, treatment, care and support. We note with appreciation that some countries are in the process of scaling down the number of such centres and building greater capacity for voluntary, evidence-informed, community-based approaches. These positive steps are critical to expanding understanding and building support for an approach to drug dependence, sex work and child sexual exploitation that is based on available scientific and medical evidence, ensures the protection of human rights and enhances public health.

We are committed to work with countries to find alternatives to compulsory drug detention and rehabilitation centres, including through technical assistance, capacity building and advocacy. Forms of support might include the following:

- sharing of information and good practices on voluntary, evidence-informed and community- and rights-based programmes for people who use drugs, those who engage in sex work, and children who have been victims of sexual exploitation;
- dialogue with policy-makers to increase support for voluntary, evidence-informed and rights-based treatment and programmes for drug dependence;
- multisectoral collaboration among law enforcement, health, judiciary, human rights, social welfare and drug control institutions to assist in developing frameworks of action to support voluntary and community-based services for people who use drugs, those who engage in sex work and children who have been victims of sexual exploitation; and
- establishment of services to address the root causes of vulnerability (e.g. poverty, gender inequality and the lack of sufficient family and community support structures).

March 2012

⁴ See also UNICEF "Position on compulsory detention centers in East Asia and Pacific". Available at http://www.unicef.org/easpro/media_18366.html.

Community Anti-Drug Coalitions of America (CADCA), Community Based infrastructure for Drug Prevention

Sue Thau

The infrastructure necessary to achieve population level changes in drug use/abuse requires communities to engage in the following five-step evidence-based process: 1) assess prevention needs based on epidemiological data¹; 2) build prevention capacity²; 3) develop a strategic plan³; 4) implement effective community prevention programs, policies and practices⁴; and 5) evaluate efforts for outcomes.⁵ The strength of this comprehensive approach is that it not only identifies a community's issues, problems and gaps, but also its assets and resources. This allows a community to plan, implement and evaluate its efforts across all community sectors in all relevant settings for individuals, families, schools, workplaces and the community at large.

No single entity bears the sole responsibility for preventing youth drug use and abuse; rather a comprehensive blend of individually and environmentally focused efforts must be adopted and multiple strategies must be implemented across multiple sectors of a community to address this issue. Generalized universal prevention programs to help build strong families and provide youth with the skills to make good, healthy decisions are necessary, however, there is also a need to focus specifically on environmental strategies which include, changing social norms, and reducing access and availability through systems and policy changes.

¹ Butterfoss, F.D. (2007). *Coalitions and partnerships for community health*. San Francisco, CA: Jossey-Bass.

² Ibid.

³ Collie-Akers VL, Fawcett SB, Schultz JA, Carson V, Cyprus J, Pierle JE. (July 2007). Analyzing a community-based coalition's efforts to reduce health disparities and the risk for chronic disease in Kansas City, Missouri. *Preventing Chronic Disease* [serial online]. 2007 Jul. Available from http://www.cdc.gov/pcd/issues/2007/jul/06_0101.htm. Hays, C.E., Hays, S.P., DeVille, J.O., & Mulhall, P.F. (2000). Capacity for effectiveness: The relationship between coalition structure and community impact. *Evaluation and Program Planning*, 23, 373-379.

⁴ Foster-Fishman, P.G., Berkowitz, S.L., Lounsbury, D.W., Jacobson, S., & Allen, N.A. (2001). Building collaborative capacity in community coalitions: A review and integrative framework. *American Journal of Community Psychology*, 29(2), 241-261.

⁵ KU Work Group for Community Health and Development. (2007). Use Promising Approaches: Implementing Best Processes for Community Change and Improvement. Lawrence, KS: University of Kansas. Retrieved November 12, 2008, from the World Wide Web: <http://ctb.ku.edu/en/promisingapproach/>. Roussos, S.T. & Fawcett, S.B. (2000). A review of collaborative partnerships as a strategy for improving community health. *Annual Review of Public Health*, 21, 369-402.

In order to achieve population level reductions in drug use, a multi sector, and community based drug prevention infrastructure must be organized to strategically plan, implement and evaluate community wide comprehensive strategies as well as evidence-based drug prevention programs throughout multiple community sectors and settings. These strategies, programs and services are developed and delivered by the community as a whole and include multiple community partners, such as parents, youth, schools, youth serving organizations, healthcare providers, and other relevant community departments, sectors and participants.

The above described coalition infrastructure has allowed those communities that are properly organized and data driven to not only reduce youth marijuana, underage drinking and tobacco use, but to also push back against emerging drug trends. Communities with this coalition infrastructure in place can identify and combat synthetic drug problems like K2 and Spice, meth, and prescription drugs, quickly and before they attain crisis proportions because they are on top of their local data, and are ready to implement environmental strategies, policy changes and programs to improve conditions at the local level. These coalitions have been successful in both the United States and internationally. In the United States, this coalition model has been taken to scale through the Drug-Free Communities (DFC) program, which has been independently evaluated and shown impressive population level outcomes in 30 day use of alcohol, tobacco and marijuana among both middle and high school aged students.

The Drug-Free Communities (DFC) Program

The DFC program has been a central component of the United States' demand reduction strategy since its passage in 1998. The program provides the funding necessary for communities to identify and respond to local drug, alcohol, and tobacco issues among youth. In order to be eligible for a DFC grant, a local coalition must:

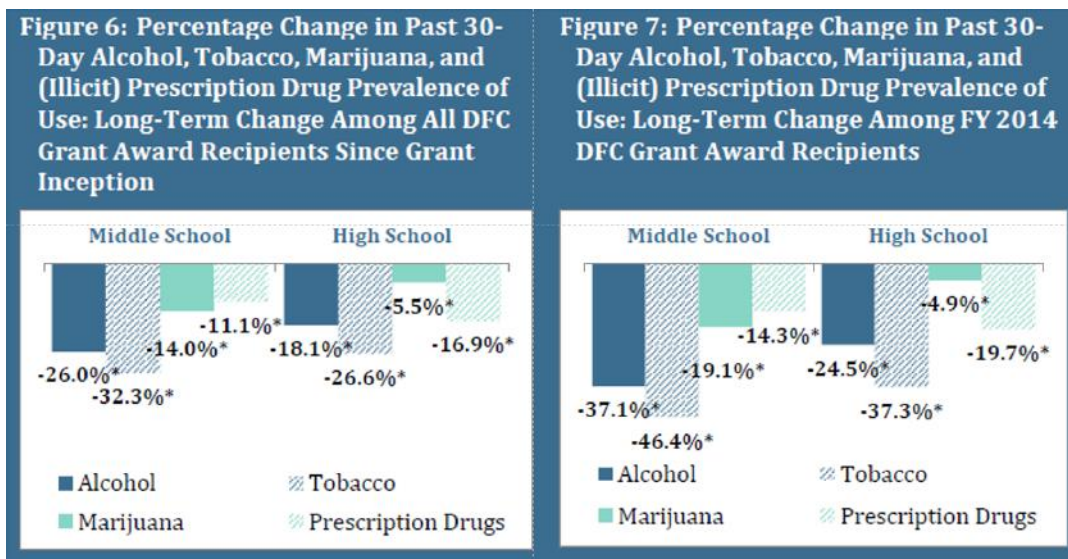
- Be in existence for 6 months prior to applying
- Have community-wide involvement of the following 12 sectors, which each commit to work together through the coalition, to reduce youth drug, alcohol, and tobacco use:
 - Youth
 - Parents
 - Businesses
 - Media
 - Schools
 - Youth serving organizations
 - Religious or fraternal organizations
 - Law Enforcement
 - Civic and volunteer groups
 - Health care professionals

- State, local, or tribal agencies
- Other organizations involved in reducing substance abuse
- Have community-wide data for planning, implementation, and evaluation; and
- Target the entire community with effective strategies

DFC grantees have reduced drug use and abuse in communities throughout the United States because they are organized, data-driven, and take a comprehensive, multi-sector approach to solving and addressing drug issues. DFC coalitions are singularly situated to deal with emerging drug trends because they have the necessary infrastructure in place to effectively address all drug-related issues within their communities

2014 National Evaluation of the DFC Program Shows that Rates of Substance Use are Dropping in DFC-Funded Communities:

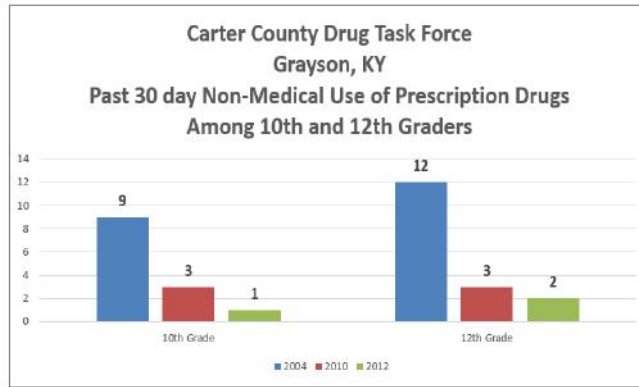
- Prevalence of past 30-day use, in DFC-funded communities, declined significantly across all substances (alcohol, tobacco, marijuana) and school levels (middle and high school) between DFC coalitions' first and most recent data reports.⁶



⁶ National Evaluation of the Drug-Free Communities Support Program. Summary of Core Outcomes, Findings through 2013. ONDCP | DFC National Evaluation Outcome Status Update.

Selected Outcomes of Drug-Free Communities Grantees

In this DFC community, past 30 day non-medical use of prescription drugs **decreased at a rate of 88.9% among 10th graders; 83.3% among 12th graders.**



The Seven Strategies to Affect Community Change

CADCA trains community coalitions throughout the world in effective community problem-solving strategies so that they are able to use local data to assess their specific substance use and abuse-related issues and problems and develop comprehensive, data driven, multi-sector strategies to address them.

When coalitions get to the implementation phase of the 5-step evidence-based process, outlined in detail on page 1, CADCA trains them on how to execute seven strategies to affect community change and achieve population level reductions in youth drug use. These seven strategies have been developed by researchers to categorize interventions.

Based on what their local data and conditions indicate, coalitions implement a mutually reinforcing combination of all of the following seven strategies:

- *Providing Information* – Educational presentations, workshops or seminars or other presentations of data (e.g., public announcements, brochures, dissemination, billboards, community meetings, forums, web-based communication).
- *Enhancing Skills* – Workshops, seminars or other activities designed to increase the skills of participants, members and staff needed to achieve population level outcomes (e.g., training, technical assistance, distance learning, strategic planning retreats, curricula development).
- *Providing Support* – Creating opportunities to support people to participate in activities that reduce risk or enhance protection (e.g.,

providing alternative activities, mentoring, referrals, support groups or clubs).

- *Enhancing Access/Reducing Barriers*- Improving systems and processes to increase the ease, ability and opportunity to utilize those systems and services (e.g., assuring healthcare, childcare, transportation, housing, justice, education, safety, special needs, cultural and language sensitivity).
- *Changing Consequences (Incentives/Disincentives)* – Increasing or decreasing the probability of a specific behavior that reduces risk or enhances protection by altering the consequences for performing that behavior (e.g., increasing public recognition for deserved behavior, individual and business rewards, taxes, citations, fines, revocations/loss of privileges).
- *Physical Design* – Changing the physical design or structure of the environment to reduce risk or enhance protection (e.g., parks, landscapes, signage, lighting, outlet density).
- *Modifying/Changing Policies* – Formal change in written procedures, by-laws, proclamations, rules or laws with written documentation and/or voting procedures (e.g., workplace initiatives, law enforcement procedures and practices, public policy actions, systems change within government, communities and organizations).

Independent, published research indicates that CADCA’s community problem-solving approach, which is based on the five evidence-based processes and the seven strategies to affect community change, is an effective model for coalitions trying to achieve both community changes and population level changes. Coalitions begin their success by receiving training from CADCA. This training then leads to significant improvements for all elements of the model including, increasing coalition capacity, implementing essential processes (such as community assessments, logic models, work plans, sustainability plans and evaluation plans), and using comprehensive strategies. This approach leads directly to effective community changes⁸ and population level changes.⁹ The research also demonstrates that success is sequential, beginning with CADCA’s training on the model and ending with population level changes in substance use. Coalitions trained by CADCA see statistically significant improvements in all areas of coalition function including capacity, planning, implementation and the use of environmental strategies. These coalitions also see statistically significant outcomes such as impacting policies at a variety of levels, and creating population level change in risk factors and substance abuse rates. This research fits into an

⁸ Yang, Evelyn, Foster Fishman, Pennie, Collins, Charles, and Ahn, Soyeon. “Testing a Comprehensive Community Problem-Solving Framework for Community Coalitions”, in *Journal of Community Psychology*, Vol. 40, No. 6 (2012), 681-698.

⁹ Pennie Foster-Fishman and Mei You, “Longitudinal Evaluation of the Impact of CADCA’s Institute’s Training & TA on Coalition Effectiveness: Tracking DFC Coalitions for 48 Months Post Training”, Michigan State University, February 7, 2015.

ever expanding body of research demonstrating that properly trained coalitions implementing effective practices are critical to community success in the prevention of substance use and abuse.

In the international context, the community anti-drug coalition model has been successfully calibrated and implemented in 22 different countries on 5 continents in 7 languages around the world. The global adaptation of this model focuses on the development of local community capacity to form effective community coalitions. These communities are also trained to follow and adapt CADCA's Community Problem Solving model, a best practices framework that guides both domestic and international coalitions in their development and intervention activities.

As with coalitions in the United States, in the international context, when community coalitions develop and adapt essential core processes (e.g., logic models, strategic action plans) and pursue environmental change strategies (e.g., changing policies and procedures; shifting local practices; providing information), they can achieve population level reductions in targeted community problems. To date, over 230 community coalitions have been developed outside of the United States, and most of these coalitions follow, with a high degree of fidelity, what they were trained to do by CADCA in pursuing essential coalition processes and implementing numerous effective community change strategies.

CADCA has been working on establishing community anti-drug coalitions in the Philippines since 2012. CADCA's trainings have led to the building and strengthening of local community capacity through the implementation and adaptation of the essential core processes in the context of the Philippines. The result has been a highly reactive response from key community stakeholders to come together to work comprehensively toward addressing illicit drug problems. To date, a total of 16 community anti-drug coalitions have been organized and are in existence throughout the Philippines.

**Human Rights Watch, License to Kill: Philippine Police Killings
in Duterte's "War On Drugs"**

March 2017

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DRUG WAR

PCIJ findings: What's flawed, fuzzy with drug war numbers?

BY [PHILIPPINE CENTER FOR INVESTIGATIVE JOURNALISM \(PCIJ\)](#)

JUNE 8, 2017

PRESIDENT RODRIGO R. Duterte has repeatedly said that drugs are the root of society's many ills. He also seems to see drugs everywhere and in almost anything, even in the ongoing conflict in Marawi. Yet even as his administration's controversial war against illegal drugs continues to claim lives, it has also spawned a side battle over numbers and public-relation points.

Earlier last month, the newly created Inter-Agency Committee on Anti-Illegal Drugs (ICAD) launched #RealNumbersPH, an official report that supposedly offers the true and correct numbers on the drug war — from the government's perspective. ICAD officials lamented what they called the misreporting and exaggeration by the news media of the numbers of those who were killed, arrested, or surrendered. What the ICAD officials left out was that most of those stories were based on information provided by the Philippine National Police (PNP) and other official sources.

In fact, the government's drug war narrative so far has not only been bloody, it has also been blurry. Although government officials have not denied that lives have been lost in the anti-drug campaign, they have yet to explain its narrative that is crowded with constantly changing concepts and terms, even as it is decked in numbers inflated then deflated and later inflated again. Indeed, it is a narrative defined from a war waged mainly as a police operation, its "accomplishments" or success pegged on an ever-lengthening trail of bodies and victims, but with no certain answers for whence or how it should end, and bereft of solid baselines and firm targets.

Over the last 11 months, PCIJ has been monitoring, collecting, curating, and organizing data and documents on the government's war against drugs. It has also sent dozens of request letters to the PNP, the Philippine Drug Enforcement Agency (PDEA), the Dangerous Drugs Board (DDB), the Department of Health, the Department of Social Welfare and Development, the Department of Budget and Management, the Department of the Interior and Local Government, as well as police regional and local commands to build a database on the drug war. To clarify the numbers enrolled in #RealNumbersPH and gather even more data, PCIJ also conducted separate interviews with senior officials of the PNP, PDEA, and DDB.

Ironically, in the course of its data inquiries, PCIJ found some of the numbers enrolled in reports of #RealNumbersPH to be puzzling at best and too incredible at the very least.

That, however, is just one of the multiplying number riddles in the government's anti-drug campaign.

By their own data and documents, and according to senior officials from the PNP, PDEA, and DDB interviewed by PCIJ, the Duterte administration's drug war remains wrapped in weak, flabby, misleading, and not sufficiently explained and meaningful data and numbers.

The most confounding number of all is the correct estimate of the total number of alleged drug users in the country. Is it 1.8 million, according to DDB? Or is it four million, according to President Duterte and PDEA — or 4.7 million, the latest from PDEA's new formula?

It must be stressed that the officials interviewed from all the three agencies admit that these figures are not hard, real numbers. And since they all could be correct only in the particular context in which they were derived, this means they could also be wrong when used outside of that context.

In other words, 11 months into the deployment of Oplan Tokhang and Project Double Barrel, the matter of how many total drug users must be snared or coaxed to surrender under Duterte's drug war remains an unsettled issue.

DDB's 1.8-million estimate of total drug dependents was derived from a 2015 survey that divided the country into five "regional groupings": Metro Manila, North Luzon, South Luzon, Visayas, and Mindanao.

The survey aimed to reasonably represent male and female Filipino population aged 10 to 69 years old. After mathematical computations, the survey concluded that the minimum required sample size per regional group would be 838, or a total of 4,190 respondents. But apparently because it had ample available survey funding, the team raised the sample size to 1,000 per regional group, bringing total sample size to 5,000. Field work for the survey was conducted from Dec. 5, 2015 to Feb. 5, 2016.

Of the 5,000 respondents, 4,694 or almost 94 percent were categorized to be "non-users" or had "never used drugs before," including 102 who were not aware of any kind of illegal drugs. Only 306 or six percent of the total respondents were "lifetime users" or had used drugs at least once in their lifetime. Of these "lifetime users," 193 or 63 percent had "used drugs before 2015" while 113 or 34 percent were "current users" or had "used drugs within January 2015 and February 2016." Of the 113 "current users," 39 (35 percent) were "one-time users," and 74 (65 percent) were "repeat users."

For much of the ongoing drug war, the PNP has chosen to use the estimate of 1.8 million drug users as basis for calculating its success or passing rate in the government's anti-drug campaign. A PNP document dated Jan. 10 includes an

“accounting of drug personalities” portion that cites 70 percent of the 1.8 million estimate number of alleged drug users as the “passing target.” That means PNP considered coaxing the surrender of 1.26 million of the total estimated drug users as its passing rate. By the time the document came out, police tallies already had more than 1.43 million of what it called “surrenderers.” By its own reckoning thus, the PNP had already hit its minimum target at that point.

President Duterte, however, had initially quoted a 3-million figure but soon turned consistent in insisting that there are four million drug dependents in the country, with the figure allegedly coming from “intelligence reports.”

Recently, though, PDEA did him even better, saying that drug users in the Philippines now total 4.7 million. This estimate was derived using PDEA’s “formula ratio and proportion,” which is in turn pegged on the number of surrenderees as a ratio of total households visited under Oplan Tokhang, divided by total number of households in the Philippines, and with a margin of error of 20 percent (supposedly representing the proportion of drug personalities “who did not surrender”).

This is PDEA’s formula: “The number of total houses visited (under Oplan Tokhang) is to the number of surrenderers is equal to X. Based on the said statistical computation, with a margin of error of 20% – those who did not cooperate with the law enforcers during the house visitation, there are 4.7 million drug users in the Philippines.”

According to PDEA, its formula makes this assumption: “For every eight households, there is one drug personality in the household.”

Thus, based on data derived from police intelligence and operations reports, PDEA asserts that as of May 18, 2017, “the real number of drug users in the Philippines is 4.7 million.”

Then again, a “house” is not exactly a “household” — a difference that PDEA’s formula ignores. A household represents both the house and its dwellers — “a social unit consisting of a person living alone or a group of persons who sleep in the same housing unit and have a common arrangement in the preparation and consumption of food,” according to the Philippine Statistics Authority. In contrast, a “house” refers only to the physical dwelling.

Yet a lot more numbers that government uses and #RealNumbersPH reports to define the drug war remain flawed and flabby on two levels: their accuracy in terms of facts and context, and their policy implications.

On the level of facts and context:

- Some numbers need further validation from original sources. For example, PNP ground units enroll numbers by mistake or double-reporting errors, hence the slide up and down in the number of those killed and arrested between December 2016 and January 2017. The PNP says that this has happened because incident reports are instantaneously sent to the PNP's National Operations Center but that it takes a week for investigating teams and regional commanders to validate and consolidate their reports on the same incidents.
- Some numbers had been clustered under categories that the police had changed arbitrarily over time, and may thus raise questions about numbers shaving or double counting. These include the shift from categories of DUIs (death under investigation, by August 2016, though already defined at this point as murder cases), to MCUI (murder cases under investigation, by January 2017), to HCUI (homicide cases under investigation, by March 2017); and from "killed" in July 2016 reports to "killed in police operations" from August 2016 to January 2017, to "died" in police operations (by March 2017). Ever-changing disaggregation of DUI, MCUI, and HCUI figures, by status, death, or incidents, have also paved the way to another level of confusion in clustering and comparing the numbers.
- The rehabilitation and reintegration of an estimated 1.3 million "surrendered" (as of May 2017) remain the biggest gaps in the services that ICAD must address. DDB says that by World Health Organization standards, only one percent of the total estimated drug users in a country may require inpatient care. The police's punitive operations, however, do not make this distinction among those who had surrendered, or even between active and non-active drug users. Too, there is as yet no clear and systematic coordination among the PNP, DOH, and local government units and barangays on directing surrenderers to available rehab and treatment services.
- Some numbers were not disaggregated by meaningful categories. Of those who had "surrendered," for instance, how many are active, and how many are non-active drug users; how many would need inpatient rehabilitation, and how many, only outpatient care? These details, PNP admitted, were not secured during the profiling of the surrenderers in the first nine months of the drug war, hence the need for "revisitation." In both public and private facilities, the patients would need to shoulder significant costs, according to the DDB. In public facilities, the cost of care for non-indigents could run from P5,000 to P11,000 a month, and in private facilities, from P25,000 to P200,000 a month. The government has plans but no certain assurance that it can offer financial subsidy to cover the cost of rehabilitation for indigent patients.
- Some numbers are either misleading or incorrect (i.e. number of drug rehabilitation facilities and actual bed capacity). #RealNumbersPH says that 10,500 of those who had surrendered had been "rehabilitated" in 48 drug

rehabilitation facilities in the country. According to DDB data, which included non-accredited rehabs, there are now 21 public rehabilitation facilities, and 33 private rehabilitation facilities, or 54 in all. Their combined total bed capacity, however, is only 3,529 — 1,850 in the public facilities, and 1,679 in private facilities. There is thus a yawning gap between the fact that there are only 54 rehabilitation facilities for over 1.3 million alleged drug users and pushers who had surrendered, as of May 23, 2017.

- Some numbers have no direct causal relationship (i.e. number of “surrendered” vis-a-vis number of households visited) but these have been used by no less than PDEA to come up with its estimated total number of drug dependents in the country. In truth, the PNP says that a big proportion of surrendered showed up at village assemblies and had not been visited at their homes, even as some homes visited in posh villages did not yield surrendered.

- Some numbers had been separated arbitrarily by the police, or without clear basis disclosed to the public (i.e. number of those killed in “death under investigation” or murder or homicide cases, vis-a-vis number of those killed in police operations).

- Some numbers had been computed against old reference values but this was not disclosed by #RealNumbersPH, among them the value of shabu seized, using the pre-Tokhang reference rate of P5,000 to P7,000 per gram. These prices also apply only to high-grade shabu, but the bulk of drugs seized from surrendered are reportedly low-grade shabu in sachets.

- The PNP-Public Information Office recently stopped providing regional breakdown of drug war data as it “may compromise the effectiveness of the conducted activities.” This raises questions on transparency. While the police has proclaimed it wants to give a clearer picture of the drug war, in practice it has turned more opaque about data that could assist more and better reporting on the drug war.

On the level of policy implications:

- Except for Central Luzon, there are more DUI cases than the numbers of those killed in anti-drug operations of the police across the nation. This implies that vigilante and unnamed armed groups may have netted a far bigger number of casualties among alleged drug users and pushers — a sad commentary on the effectiveness and impact of Project Double Barrel. But just a fraction of so-called DUI incidents has triggered the filing of cases in court. And in a majority of these cases, the suspects remain at large.

- Given that there are more DUI incidents than the numbers of those killed in police operations, the PNP’s Scene-of-Crime Operations (SOCO) unit has only 680 personnel, and the PNP’s Internal Affairs Service, only 664 personnel

nationwide, as of August 2016. These small numbers of SOCO and IAS personnel (that include those not assigned to investigation) would be hard put running after the rising numbers of DUI and internal-cleansing cases, let alone clear their backlogs even before Double Barrel came into force.

- A total of 4,654 firearms and 382 explosives had reportedly been seized by the PNP from a total of 55,481 anti-drug operations, as of May 26, 2017. The prevalence of loose firearms in the areas visited by Project Double Barrel raises concern about possible evidence recycling and how much firearms and explosive yet to be confiscated or recovered by the police.
- The numbers of children (26,415, as of Jan. 31, 2017) and women (39,518, as of Jan. 31, 2017) who had “surrendered” continue to rise but there are no sufficient services for them that had been lined up. Across the nation, no government rehab center has a specific rehabilitation program for women and children enrollees; child surrenderees are often referred to government social workers or even mixed with adults in already severely congested rehabilitation facilities and detention centers. DDB reported early efforts of community-based treatment focused on women, but the program is far from being fully rolled out in the whole country.
- It seems unusual that the regions registering high numbers of child “surrenderees” (Top 5: Central Visayas, 4,841 children; Northern Mindanao, 4,676; Zamboanga Peninsula, 2,514; Davao Region, 2,266; and Caraga, 2001) did not match the Top 5 regions with the highest numbers of those killed, arrested, and had surrendered under Oplan Tokhang/Project Double Barrel. By the government’s composite data on those killed in police operations and DUI incidents, the following regions land on the top 5: Metro Manila, Calabarzon, Central Luzon, Central Visayas, and Northern Mindanao.
- How many barangays tagged to be “affected” by drugs had been “cleared” under Tokhang/Project Double Barrel in the last 11 months? There are no specific tracking data for this, except for reports by DDB and PDEA on the numbers of “drug-affected barangays” before July 2016, compared with those as of April 2017. It is unusual that the two sets of numbers show that from only 32 to 36 percent of total barangays classified to be “drug-affected” in July 2016, the figure has grown to 48 percent, out of the total barangays in the country, by April 2017.
- The data on “drug-affected barangays” before July 2016 show that the Top 10 regions with the biggest percentage of “drug affectation” are, in order of magnitude, Calabarzon, Metro Manila, Central Luzon, Ilocos Region, Eastern Visayas, Negros Island Region, Western Visayas, Cagayan Valley, Bicol Region, and Caraga. By the numbers of those killed in both police operations and DUI incidents, as of January 2017, the Top 5 regions are Metro Manila, Calabarzon, Central Luzon, Central Visayas, and Northern Mindanao. The Ilocos Region and Eastern Visayas have registered only smaller numbers.

- By April 2017, the Top 10 regions, by number of drug-affected barangays follow in order of magnitude are: Ilocos Region, Calabarzon, Central Visayas, Central Luzon, Metro Manila, Cagayan Valley, Caraga, Western Visayas, Mimaropa, and Eastern Visayas. By the numbers of those killed in both police operations and DUI incidents, the Ilocos Region, Central Visayas, and Cagayan Valley have registered smaller numbers.
- “Internal cleansing” of police personnel involved in the illegal drugs trade remains a belated, if also hazy, matter in the PNP, in terms of data disclosed to the public. A report received by PCIJ recently from PNP’s Double Barrel Secretariat showed that for 2016, only 166 PNP officers and men — out of the 145,0000-strong PNP — had been established to be “involved in illegal drugs.” The 166 include 158 PNP personnel from regional offices and national support units, and only eight from national headquarters. Of the 166 total, the big clusters have ranks of PO1 (67 personnel), P03 (45), P02 (30), and SP01 (12). In addition, there are also one police superintendent, two chief inspectors, one senior inspector, two inspectors, two SPO3, one SPO2, and three non-uniformed personnel.
- A related matter is what the PNP calls its “motu propio investigation” of a total of 331 cases under “remaining investigation,” apart from 294 cases “terminated at IID (Investigation and Inspection Division) level, and 119 cases “for pre-charge investigation.” It is not clear though if the PNP’s numbers also refer to the number of respondents in the cases.

Source: <https://pcij.org/2017/06/08/pcij-findings-whats-flawed-brfuzzy-with-drug-war-numbers/>