



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 [*Doo·ter·tee*].

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.

But when the way a problem is measured suddenly changes mid-course, it raises doubts about the quality and truthfulness of what’s 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.

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.