



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