



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 60 days.

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.

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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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