



# “MY JOB IS TO KILL”

ONGOING HUMAN RIGHTS VIOLATIONS AND IMPUNITY IN THE PHILIPPINES

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First published in 2020

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

**Index: ASA 35/3085/2020**

**Original language: English**

**[amnesty.org](http://amnesty.org)**



**Cover photo:** Photos of victims of killings lay on the floor at an event organized by Philippine organization Rise Up for Life and for Rights. Some of the pictures bear the message “Hustisya!” – “Justice!”, a common cry amidst the almost total climate of impunity for killings in the country. Metro Manila, 1 December 2019.

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# SUMMARY

Four years into the Duterte administration, the human rights crisis in the Philippines deepens. Killings of alleged drug offenders and others suspected of committing crimes persist in a climate of impunity amid unceasing incitement to violence by the President. Attacks against activists perceived to be sympathetic to the Communist Party of the Philippines have surged and grown more brazen. Meanwhile, assaults on press freedom and other critics of the government are at their highest levels since the Marcos dictatorship.

This briefing details ongoing human rights violations in the Philippines. It describes how, despite international pressure that has included UN action, new and pre-existing human rights violations worsened by a climate of almost total impunity continue to this day. Amnesty International's findings support the conclusions of the recent report of the UN Office of the High Commissioner for Human Rights (OHCHR) that human rights violations in the Philippines continue to be fuelled by a climate of "near total impunity" and sustained incitement "by the highest levels of government."<sup>1</sup>

In December 2019, Amnesty International carried out field research in the Philippines, examining new incidents of drug-related killings. The organisation also documented increasing abuses on the island of Negros, including cases of arbitrary detention and extrajudicial executions. In addition to a field mission, Amnesty International carried out remote research to document other human rights violations that have arisen, or continued amidst the COVID-19 pandemic.

Cases of drug-related killings appeared to be extrajudicial executions or were otherwise consistent with patterns that Amnesty International has documented over the course of the "war on drugs."<sup>2</sup> As has been true over the years, victims were poor and their families expressed helplessness at the obstacles in pursuing justice for the killing of their loved ones.<sup>3</sup> As President Duterte continues to incite violence against those suspected of using or selling drugs - his threats growing stronger in recent months - the government still fails to credibly investigate, let alone prosecute police officers suspected of extrajudicial executions.

An interagency review panel that has been set up by the authorities is clearly no more than an effort to evade further international scrutiny rather than a genuine attempt to thoroughly investigate thousands of killings by police in anti-drug operations. Human rights groups, including Amnesty International, are deeply sceptical of this panel, not least because it will have among its members the very agencies that are directly implicated in the "war on drugs" and have been accused of human rights violations, including the Philippine National Police and the Philippine Drug Enforcement Agency. Meanwhile, killings have persisted and appear to have increased despite a prolonged and strict COVID-19 lockdown, which itself was marked with rights violations.<sup>4</sup>

Apart from ongoing violations in the context of the "war on drugs", Amnesty International has also documented that President Duterte's declaration of an "all-out war" against "Communist rebels" has resulted in rising human rights violations. Members of organisations accused of being "legal fronts" of the communist insurgency have been subjected to arbitrary arrest and detention by the military and police on Negros island. The government's counter-insurgency campaign has also led to an increase in killings of lawyers and human rights defenders in Negros. This has perpetuated a climate which has led to other killings, including of journalists, as well as massacres of farmers and peasants. As with relatives of victims of

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<sup>1</sup> Report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, UN Doc. A/HRC/44/22, 4 June 2020 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924>

<sup>2</sup> See for example, Amnesty International, *If you are poor, you are killed: Extrajudicial executions in the Philippines "war on drugs,"* 31 January 2017 (<https://www.amnesty.org/en/documents/asa35/5517/2017/en/>)

<sup>3</sup> See for example, Amnesty International "They just kill": Ongoing extrajudicial executions and associated violations in the Philippines' "war on drugs", July 2019. <https://www.amnesty.org/en/latest/news/2019/07/philippines-un-investigation-urgently-needed-duterte-war-drugs/>

<sup>4</sup> See for example, Amnesty International, *Philippines: President Duterte gives "shoot to kill" order amid pandemic response,* 2 April 2020 <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/>

drug-related killings, families of victims expressed anger and powerlessness when it came to obtaining any form of accountability amidst widespread impunity.

The Duterte administration has also launched a crackdown against the press and other critics of the government, which is having an increasingly chilling effect on the right to freedom of expression in the country. Maria Ressa, executive editor of online news outlet Rappler, Rappler's directors and a former researcher are being subjected to seven cases in what is clearly a targeted campaign to silence one of the country's most prominent journalists and news outlets, and to send a warning to others.<sup>5</sup> On 15 June 2020, a local court convicted Ressa and former Rappler employee Reynaldo Santos Jr of cyber libel, making them the first journalists in the Philippines convicted of this offence.<sup>6</sup> In July, in another setback for media freedom, Congress denied the application for the franchise renewal of TV network ABS-CBN, which has been off the air since May.<sup>7</sup> Moreover, Senator Leila de Lima, a prisoner of conscience and one of the President's most vocal critics, is in her fourth year of arbitrary detention on politically-motivated charges after pushing for a Senate investigation of drug-related killings.<sup>8</sup> She has recently expressed concern that witnesses are under intense pressure to testify against her, and there has also been concern over the death of a key prosecution witness Jaybee Sebastian, who died under suspicious circumstances.

New developments have been alarming. On 3 July 2020, President Duterte signed into law a dangerous new anti-terrorism law that defines terrorism in a vague and overly-broad manner in contravention of international standards. Human rights organisations fear it will be used to label even the mildest government critics as terrorists.<sup>9</sup> During the annual State of the Nation Address on 27 July 2020, President Duterte again incited violence and called once more on Congress to accelerate attempts to re-introduce the death penalty including for drug-related crimes. Re-introducing the death penalty would violate the Philippines' obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, both of which it has ratified.<sup>10</sup> In August, the President taunted human rights groups, saying, "These human rights people are so timid. What do you do? Just count the dead? Sons of b\*tches, you should change jobs, not in human rights. Work at morgues if that's all that you do," before once again reiterating his willingness to kill alleged drug offenders. The following month he ordered the head of the Bureau of Customs to kill drug smugglers, and promised to protect him if he does,<sup>11</sup> yet further examples of his endless incitement.

Widespread impunity for ongoing violations in the "war on drugs" and the broader situation in the country has further emboldened the government to pursue new policies and actions that undermine human rights. Domestic accountability measures are flawed and have no prospect of bringing an end to violations when killings continue to be encouraged from the very top.

The adoption of the 2019 resolution on the Philippines at the UN Human Rights Council (UNHRC) and the publication of a comprehensive report by the OHCHR were first steps forward towards accountability. An examination of the situation by the International Criminal Court is also ongoing. However, tougher international action is required to end human rights violations in the country, prevent more needless killings, provide a glimmer of hope and justice for thousands of victims and their families, and to hold those responsible to account.

The UNHRC should ensure continued, strengthened monitoring and reporting on the human rights situation in the Philippines and play a more active role in contributing to accountability. Given the scale and nature of the violations, and the near total lack of accountability at national level, Amnesty International urges UNHRC member states to establish an independent international mechanism to conduct in-depth investigations into human rights violations and abuses in the Philippines, and the International Criminal Court to expedite its examination of the situation with a view to opening an investigation into the country before the end of 2020.

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<sup>5</sup> Lian Buan, *Cases vs Maria Ressa, Rappler directors, staff since 2018*, Rappler, July 2020 <https://rappler.com/nation/list-cases-filed-against-maria-ressa-rappler-reporters>

<sup>6</sup> Amnesty International, *Philippines: Quash conviction of Rappler journalists Maria Ressa and Rey Santos*, 15 June 2020 <https://www.amnesty.org/en/latest/news/2020/06/philippines-quash-conviction-of-rappler-ressa-santos/>

<sup>7</sup> Amnesty International, *Philippines : Denial of ABS-CBN franchise another nail in the coffin of press freedom*, 10 July 2020 <https://www.amnesty.org.ph/2020/07/denial-of-abs-cbn-franchise/>

<sup>8</sup> See for example, Amnesty International, *Human Rights Defender in punitive detention should be released*, 5 June 2020 <https://www.amnesty.org/en/documents/asa35/2483/2020/en/>; Amnesty International, *Philippines: Free senator and end attacks on human rights defenders*, 20 February 2020 <https://www.amnesty.org/en/latest/news/2020/02/philippines-free-senator-and-end-attacks-on-human-rights-defenders/>

<sup>9</sup> Amnesty International, *Philippines: Dangerous anti-terror law yet another setback for human rights*, 3 July 2020 <https://www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/>

<sup>10</sup> Kristine Joy Patag, *Duterte again pitches re-imposition of death penalty on drug-related crimes*, Philippine Star, 27 July 2020 <https://www.philstar.com/headlines/2020/07/27/2031009/duterte-again-pitches-re-imposition-death-penalty-drug-related-crimes>

<sup>11</sup> Inquirer, *'Kill' those dealing in illegal drugs, Duterte tells Customs chief*, 1 September 2020 <https://newsinfo.inquirer.net/1329504/duterte-wants-boc-chief-to-kill-shape-up-as-drugs-still-flowing-in-ph-through-customs>

# 1. ONGOING VIOLATIONS IN THE “WAR ON DRUGS”

**“It is my job to scare people, to intimidate people, and to kill people.”**

President Duterte, in a speech to local officials, 10 March 2020.<sup>12</sup>

In the face of repeated condemnation from local and international human rights organisations, UN experts, and the international community, President Duterte continues to encourage the police to kill criminals and alleged drug offenders, and has vowed to protect those who kill for him.

His threats have become even more incessant in recent months, amid reports of an increase in killings once again. In March 2020, the President railed against human rights groups and critics of the “war on drugs” in a speech meant to address COVID-19, stating, “A mayor can always threaten a criminal without criminal liability. It is my job to scare people, to intimidate people, and to kill people.” In his 4th State of the Nation Address, President Duterte justified his war on drugs and abuses seen under his administration, simultaneously vowing to uphold human rights and then threatening to kill people who use drugs.<sup>13</sup> From July to August 2020, the President spoke anew about his readiness to kill on national television no less than four times, in one case stating, “I said, I will kill you if you destroy my country and I will really do it. You’d be unlucky if you’re there.”<sup>14</sup> These calls are further evidence of the climate of impunity and the deliberate and systematic nature of the killings which continue to be conducted as part of a government-orchestrated attack against people suspected of using or selling drugs.

Since Amnesty International’s reports in 2017 and 2019 documenting crimes under international law committed as part of the anti-drug campaign, further scandals have eroded the credibility of the government’s “war on drugs.”<sup>15</sup> In September 2019, there was a rise in the number of members of the national police force and local officials killed or arrested for their alleged involvement in the drug trade. The

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<sup>12</sup> Argyll Cyrus Geducos, *Duterte: It’s my job to scare, intimidate, kill people*, Manila Bulletin, 11 March 2020 <https://mb.com.ph/2020/03/11/duterte-its-my-job-to-scare-intimidate-kill-people/>

<sup>13</sup> Sofia Tomacruz, *Quick point-by-point summary of Duterte’s SONA 2020*, Rappler, 28 July 2020 <https://rappler.com/newsbreak/iq/summary-duterte-sona-2020>

<sup>14</sup> In another speech on 31 August 2020, President Duterte ordered the Chief of Customs, to “shoot to kill” drug smugglers. He also said that he gave the Bureau of Immigration guns for this purpose and promised that he would protect him from jail. See for example: Darryl John Esguerra, *‘Kill’ those dealing in illegal drugs, Duterte tells Customs chief*, Inquirer, 13 September 2020 <https://newsinfo.inquirer.net/1329504/duterte-wants-boc-chief-to-kill-shape-up-as-drugs-still-flowing-in-ph-through-customs>

<sup>15</sup> See for example : ABS CBN, *Senate approves release of identities of ‘ninja cops’*, 24 September 2019 <https://news.abs-cbn.com/news/09/24/19/senate-approves-release-of-identities-of-ninja-cops> ; Jay Hilotin, *Philippine ‘ninja cops’ unmasked: Their role in drug trade*, Gulf News, 6 October 2019 <https://gulfnews.com/world/asia/philippines/philippine-ninja-cops-unmasked-their-role-in-drug-trade-1.1570352773779>

following month, then Philippine National Police Chief General Oscar Albayalde resigned after being linked to a drug recycling scheme in 2013, allegations which he denied.<sup>16</sup> While the government launched a probe into his alleged involvement in the sale of illicit drugs, no investigation has been carried out to examine the thousands of suspected human rights violations committed in anti-drug operations.

Following these developments, long-standing critic of the 'war on drugs' Vice President Leni Robredo reiterated her opinion that the anti-drug campaign had failed, prompting an outburst from President Duterte.<sup>17</sup> In November 2019, Vice President Robredo accepted the President's invitation to co-chair the government's anti-drugs inter-agency committee alongside the chief of the Philippine Drug Enforcement Agency (PDEA).<sup>18</sup>

Less than three weeks later, after the Vice President used her role to demand human rights reforms, President Duterte fired her from her post. In the weeks that she held the position, she had demanded transparency and access to intelligence reports and other documents on the government's anti-drug policies. She had also called on the authorities to address the policy of abusive drug "watchlists" and recommended the adoption of a health-based approach to drug use. However, her recommendations resulted in no meaningful change, confirming that the government was set on maintaining its punitive approach and resistant to reform.<sup>19</sup>

In January 2020, Vice President Robredo publicly discussed her findings from her time on the inter-agency committee. She stated that the government has only been going after people who use drugs, and that treatment and rehabilitation programs were inadequate. The Vice President called on the government to end the deadly Oplan Tokhang ("Operation Knock and Plead"); focus police resources on the higher levels of organized criminal groups; and improve its collection and interpretation of drug-related data.<sup>20</sup>

Vice President Robredo's assessment of the "war on drugs" confirmed what human rights observers, including Amnesty International, have concluded time and again: that the Philippine government's "war on drugs" is a war on the poor, characterized by rampant and ongoing human rights violations and overwhelming impunity for the police and high-ranking officials, that meets the threshold of crimes against humanity.

Amnesty International reiterates the need to put an end to this punitive approach to drugs, and instead reform drug policies to ensure that public health and human rights are put at the centre of government policy. The blanket prohibition on drugs that punishes, attacks and stigmatizes people with the aim of stopping them and deterring others from using drugs has only led to violence, disease, mass incarceration, suffering and abuse. Instead, Amnesty International calls on the Philippines to take a compassionate approach based on international human rights law and standards to ensure that drug control policies protect people, not harm them.

In December 2019, Amnesty International carried out field research in the Philippines and examined recent incidents of drug-related killings. Cases documented by Amnesty International, many with witnesses who asked to remain anonymous in fear for their safety, show that extrajudicial executions by police and people believed to be associated with the police have continued.

## 1.1 EXTRAJUDICIAL EXECUTIONS

### METRO MANILA

Police officers continue to be involved in killings of people suspected of using or selling drugs during anti-drug operations. Also, as documented in the past, unknown armed persons, many suspected of being linked to the police, were also involved in killings of people with alleged links to drugs and, sometimes, other

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<sup>16</sup> Amnesty International, *Philippines: Probe of Police Chief should extend to other human rights abuses in the "war on drugs,"* 11 October 2019 <https://www.amnesty.org/en/documents/asa35/1199/2019/en/>

<sup>17</sup> Amnesty International, *Philippines: Vice President's new role must mark end of drug killings,* 6 November 2019 <https://www.amnesty.org/en/latest/news/2019/11/philippines-vice-president-new-role-mark-end-drug-killings/>

<sup>18</sup> CNN Philippines, *Robredo accepts anti-drug czar post, vows drug war policy changes,* 6 November 2019 [https://cnnphilippines.com/news/2019/11/6/Vice-President-Leni-Robredo-Inter-Agency-Committee-on-Anti-Illegal-Drugs-accept.html?fbclid=IwAR0\\_HlxRtmREyA5HJW2XiXoya\\_A1ociV4r2Yr4r0nGT9LkRDuQ3Mm6vomvM](https://cnnphilippines.com/news/2019/11/6/Vice-President-Leni-Robredo-Inter-Agency-Committee-on-Anti-Illegal-Drugs-accept.html?fbclid=IwAR0_HlxRtmREyA5HJW2XiXoya_A1ociV4r2Yr4r0nGT9LkRDuQ3Mm6vomvM)

<sup>19</sup> Amnesty International, *Philippines: Vice President Robredo was never given the chance to stop drug killings,* 24 November 2019, <https://www.amnesty.org/en/latest/news/2019/11/philippines-vice-president-robredo-never-given-chance-stop-drug-killings/>

<sup>20</sup> Mara Cepeda, *Here are reforms Robredo wants in Duterte gov't's drug war*, Rappler, 7 January 2020 <https://rappler.com/newsbreak/iq/robredo-icad-report-drug-war-recommendations>

crimes. Police continue to claim that the suspected criminals pulled out a gun, which they say forced them to retaliate and shoot to kill them. In some cases, there are no eyewitnesses to these incidents, making it difficult to know exactly what happened. Yet, consistent with previous research undertaken by Amnesty International and other human rights organisations, in cases in which the organisation was able to interview direct witnesses, their testimony contradicts the police version of events.

### **“I’M SURRENDERING!”**

Jerbert<sup>21</sup> was a fish port worker and pedicab driver in the Market 3 slum area of Navotas City, in Metro Manila. In September 2019, police allegedly carried out a “buy-bust operation”<sup>22</sup> – targeting Jerbert and another individual. The police report viewed by Amnesty International said that Jerbert opened fire on the police before he was killed, and that drugs were found in his possession. Relatives who spoke to Amnesty International shared a different version of events—they said that Jerbert was sleeping when men in masks and jackets barged into the house where he and his partner lived. As Jerbert was on the second floor, he escaped out the window and onto the roof.

Amnesty International spoke to a witness in a neighbouring residence who corroborated this account. Jerbert was said to have initially tried to run from police, but those nearby told Amnesty International he later begged for his life, repeatedly shouting, “I’m surrendering, I’m surrendering”, and climbing down the roof before being shot dead.<sup>23</sup> Jerbert’s family said that he had previously used drugs. The family was too frightened to file a complaint against the police, with officers still roaming the area and conducting regular operations there. In October 2019, a fire hit the community of Market 3, leaving hundreds of people homeless, including Jerbert’s family. When Amnesty International visited the area two months later, families were still rebuilding their makeshift homes. “We mean nothing to them (the authorities)”, one relative said.

Jerbert’s case is similar to previous incidents of extrajudicial executions that Amnesty International has documented in which direct witnesses said they had heard the victim surrender before being shot dead in cold blood.<sup>24</sup>

### **“SIR, WHY DID YOU CALL US DRUG ADDICTS?”**

Lauro Lagarde, a 22-year-old man who works as a driver for a private company, told Amnesty International that on the early evening of 5 October 2019, he was sitting outside with his best friend, Kim Lester Ramos, after a game of basketball.<sup>25</sup> Lauro and Kim had been close friends since childhood, growing up together in Mountainview subdivision in Marikina City, Metro Manila. As they were waiting on the side of a road, a motorcycle driver passed by, then turned around and came back to tell them, to their surprise, to “stop being drug addicts.” The two men were confused – they had never seen this man before, and he was not in police uniform so did not seem to be an officer. After a few minutes, they left on their own motorcycle to get food, with Lauro driving. On the way, they ran into the same man again at an intersection where he had stopped, sitting on his motorcycle.

Lauro told Amnesty International that it appeared to be just a coincidence that they had seen him again, but he approached the driver and asked, “Sir, why did you call us drug addicts earlier?” Lauro said that, without warning, the man pulled out a gun and held it to Lauro’s chest. Lauro told him not to point a gun at him, stepping off his motorcycle and putting his hand on the gunman’s shoulder. That was when the man shot him – he was hit on the left side of his hip. As he fell to the ground, he called for his friend Kim to get help. According to Lauro, Kim ran off, and the gunman ran after him. Lauro described what he saw next:

**“Kim ran in the direction that we had come from ... Then suddenly the man stopped, while Kim was still running, and he shot him. I could see it. He shot Kim and Kim fell to the ground. Then the man walked toward Kim, and I think he looked at Kim to check if he was still alive. When he saw that Kim wasn’t moving any more, he came back toward me.”**

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<sup>21</sup> Name withheld for security reasons, citing fears of police reprisals

<sup>22</sup> An operation in which police or drug enforcement agents go undercover to catch unsuspecting people using or selling drugs

<sup>23</sup> Amnesty International interview, Metro Manila, 6 December 2020

<sup>24</sup> See for example Amnesty International, *If you are poor, you are killed: Extrajudicial executions in the Philippines “war on drugs,”* 31 January 2017 (<https://www.amnesty.org/en/documents/asa35/5517/2017/en/>) p.18

<sup>25</sup> Amnesty International interview, Metro Manila, 8 December 2020



Terrified that the man would shoot him again, Lauro played dead. When he felt people had started to gather around, he moved and then tried to make a call on his cell phone. The man snatched his phone away, telling him in a loud voice so others could hear, that he had no right to seek help, as he was a criminal – “You are both criminals”, the man reportedly told him. The man then identified himself to the crowd as a policeman and told them to go away. Minutes later, an ambulance arrived and was able to transport Lauro to a hospital; by then, Kim was already dead.

The official police report states that a gun and drugs were found on Kim’s body, and that Kim tried to snatch a gun from the policeman in question, resulting in a struggle and Kim’s death. At the crime scene, witnesses who saw Kim’s body before a police cordon was set up told Amnesty International that he was holding his wallet and a handkerchief. Photos seen by Amnesty International show him with a gun in his hand, and his body position altered. Throughout the nine days Lauro was in hospital, he was under surveillance by different police officers in uniform. On his first day there, he was told that a police complaint had been filed against him and he was charged with direct assault with attempted homicide.

The Ramos family is one of the few families that have been supported in their pursuit of justice by local authorities, including the Marikina City mayor. In December 2019 the Ramos family filed charges of murder, frustrated murder and planting of evidence against the police. However, at the time of publication, Amnesty International is aware of no further progress on the case.<sup>26</sup>



A photo calling for Justice for Kim Lester Ramos, together with his favourite dessert, lie on his gravestone, placed there by his family in December 2019, a few months after his death. © Amnesty International

### “HE WAS ONLY WASHING DISHES”

On the evening of 2 December 2019, Mark Anthony “Mac-Mac” Ruivivar was washing dishes outside his home down a dark, narrow alleyway, in Barangay Manresa, Quezon City, when neighbours and his family said they heard gun shots. Amnesty International spoke to a direct witness who said they peered out a window to see Mac-Mac standing outside his house with his arms raised. Another bullet from gunmen hit him, and by the last shot, he had fallen down. Witnesses who spoke to Amnesty International identified those who shot him as police from the CIDU (Criminal Investigation and Detection Unit) t-shirts they were wearing. Unusually, those involved were not covering their faces.

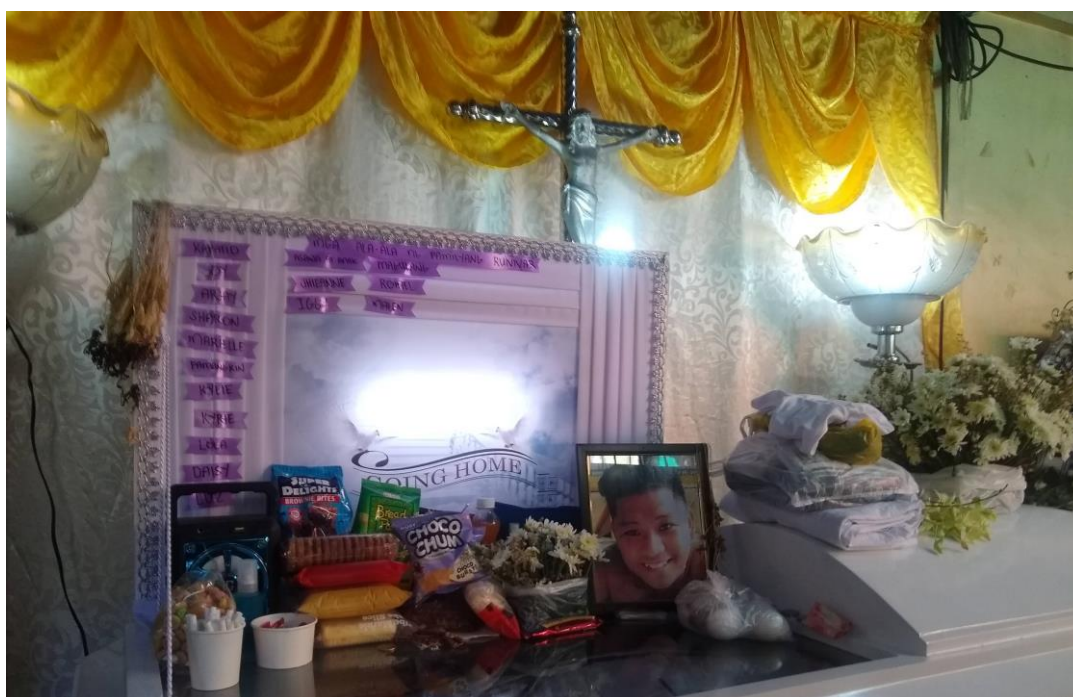
<sup>26</sup> Rambo Talabong, *In Depth: Victim plays dead: In Marikina, a new case of ‘extrajudicial killing’*, Rappler, 12 October 2019 <https://specials.rappler.com/newsbreak/in-depth/242358-new-case-extrajudicial-killing-marikina/index.html>

A video of the incident, which later went viral, showed family members screaming, “why did they kill Mac-Mac, he was only washing dishes”, as officers dragged his body down the alley. The police then took his body from the alley to a car, arguing they were taking him to the hospital, but the family questioned this as he was clearly dead. Police pointed guns at those who were remonstrating and sped away. After spending hours trying to identify which hospital he was taken to, relatives eventually found Mac-Mac’s body in the morgue at East Avenue Hospital, in Quezon City.

Members of the family were at a loss to explain why Mac-Mac had been targeted. While he was named on a drug list of people that reportedly surrendered to local authorities as part of the anti-drug campaign, his family said he never actually did so. Although they admitted he previously used drugs, they were told by the barangay (village) authorities that he wouldn’t be included in the “drug watch list” since he was already working (making him presumably, ‘productive’), at which point invitations to barangay anti-drug abuse council meetings stopped coming. The family denied that Mac-Mac was ever involved in crime, saying that he had no criminal record. Police officials quoted in media reports, however, claimed that Mac-Mac was responsible for two robbery/homicide incidents in Quezon City, saying that he fired on police officers <sup>27</sup>

Mac-Mac’s family members expressed fear of reprisals because police in civilian clothes attended the wake. “They would be there, every day until the burial; they would even gamble and play games with other people”, they said. When speaking with Amnesty International in December 2019, one relative worried, “We still receive reports that police in civilian clothes go around the area but don’t ask questions. We are scared at night – we just stay inside the house, as something might happen.”

Amnesty International has documented how “drug watch lists”, such as the one Mac-Mac was allegedly on, are at the centre of the Duterte administration’s anti-drug campaign. Established outside of any judicial process, these lists have been the basis for the arrests and killings of people suspected of using or selling drugs and continue to be abused by the authorities.



The casket of Mark Anthony “Mac-Mac” Ruivivar at his funeral, 15 December 2019, Quezon City. A witness said police shot the 22-year-old man outside his house in December despite him being unarmed © Amnesty International

## KILLINGS DURING THE COVID-19 PANDEMIC

Despite the crisis sparked by the COVID-19 pandemic, drug-related killings have continued in the Philippines in the wake of further orders to kill by the President. A photojournalist documenting killings in

<sup>27</sup> Remate online, *Robbery suspek, utas sa engkuwentro sa QC*, 3 December 2019 <https://www.remate.ph/robbery-suspek-utas-sa-engkuwentro-sa-qc/>

Metro Manila told Amnesty International that a reshuffling of police commanders had recently led to a “spike in cases” of killings in Camanava (Caloocan, Malabon, Navotas , Valenzuela) since the appointment of a new police chief at the start of September.<sup>28</sup>

Analysis of government data by Human Rights Watch has revealed that killings in police anti-drug operations were up by 50 percent during the pandemic. Based on government data, police killed at least 155 people from April to July 2020, compared to 103 people from December 2019 to March 2020.<sup>29</sup>

Apart from killings by police, killings by motorcycle-riding assailants, many of whom are suspected of being linked to the police, have continued, for example in Cebu province. In March, at least eight people, including two police officers, were killed there by unknown assailants driving motorcycles.<sup>30</sup>

Drug-related killings by unknown assailants also persist in communities such as Barangay Pinyahan, Quezon City, Metro Manila. During two weeks in July, Father Robert Reyes told how he presided over funeral masses for three victims of killings in the village. One was for 49-year-old vendor Gilbert Paala, who just finished serving 10 years in jail for drug-related charges. He was killed on 20 July while selling duck eggs. This was the way in which he started to provide for his family, using the PhP 5,000 (USD 103) cash aid from the government for those most affected by the pandemic.<sup>31</sup>

Meanwhile, the “war on drugs” continues to have a devastating impact on children, who have been killed or otherwise harmed during police operations, or by motorcycle-riding assailants. The killings of children have left hundreds of families struggling with the trauma of such a loss.<sup>32</sup> A joint report released in June 2020 by the World Organisation Against Torture and the Children’s Legal Rights and Development Centre of the Philippines concluded that at least 122 children (ages 1-17) were killed from 2016 to the end of 2019 in the context of the anti-drugs campaign, stating that with many families too afraid to testify, the numbers of killings may be higher than the figure stated. The report also documented that the killings continue, with at least seven children killed from January to March 2020.

## 1.2 UNRELENTING IMPUNITY

Four years on, there is virtually no accountability for the killings and other abuses committed in the context of the “war on drugs”.<sup>33</sup> Amnesty International remains aware of only one case—the murder of Kian delos Santos—in which police officers were convicted of an unlawful drug-related killing. Administrative cases also appear to have been brought against some police officers, but the nature of these are unclear and are also an inadequate remedy for victims of violations of the right to life.<sup>34</sup>

In August 2020, the National Bureau of Investigation recommended charges against 11 police officers for a fabricated anti-drug operation that took place in February 2020, which resulted in the killing of six people.<sup>35</sup> Though welcome, the scale of the new probe pales in comparison to thousands of killings during police operations that have not been effectively investigated. Actual charges have yet to be filed against the 11 police officers. Despite this, the authorities have continued to insist that there are no human rights violations as a result of the anti-drug campaign or alternatively that the government can investigate on its own the thousands of killings documented in police operations, assertions that human rights groups, including Amnesty International and others, have repeatedly disproved.<sup>36</sup>

<sup>28</sup> Conversation with Amnesty International, 13 September 2020

<sup>29</sup> Carlos Conde, *Killings in Philippines Up 50 Percent During Pandemic*, 8 September 2020, Human Rights Watch <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>

<sup>30</sup> Ted Regencia, *Duterte presses on with ‘drug war’ despite coronavirus lockdown*, 1 April 2020 , Al Jazeera <https://www.aljazeera.com/news/2020/03/duterte-presses-drug-war-coronavirus-lockdown-200325073658942.html>

<sup>31</sup> See for example, Christian V. Esguerra, *Priest warns of ‘virus’ of vigilante killings as fear grips QC slum*, ABS CBN, 31 August 2020 <https://news.abs-cbn.com/news/08/31/20/priest-warns-of-virus-of-vigilante-killings-as-fear-grips-qc-slum>

<sup>32</sup> Ana P Santos, *Duterte’s drug war: Philippine fathers mourn sons in silence*, Al Jazeera, 2 March 2020 <https://www.aljazeera.com/news/2020/02/duterte-drug-war-philippine-fathers-mourn-sons-silence-200227024025581.html>

<sup>33</sup> In her report, High Commissioner Michelle Bachelet noted the “almost insurmountable” barriers to seek justice within the country. Apart from fears over personal safety, the report stated that family members, witnesses, journalists and lawyers interviewed expressed a “sense of powerlessness” in pursuing justice.

<sup>34</sup> Associated Press, *Philippines says 8,000 police punished over drug killings*, Bangkok Post , 18 July 2019 <https://www.bangkokpost.com/world/1714728/philippines-says-8-000-police-punished-over-drug-killings>

<sup>35</sup> Dona Z. Pazzibugan, *NBI tags 11 Bulacan cops for killing 6 in ‘fabricated’ drug bust*, Philippines Inquirer, 13 August 2020 <https://newsinfo.inquirer.net/1320916/nbi-tags-11-bulacan-cops-for-killing-6-in-fabricated-drug-bust>

<sup>36</sup> See for example, Amnesty International, “If you are, If you are poor, you are killed: Extrajudicial executions in the Philippines “war on drugs,” 31 January 2017 (<https://www.amnesty.org/en/documents/asa35/5517/2017/en/> p. 49; Amnesty International, “‘They just kill’: Ongoing extrajudicial executions and associated violations in the Philippines’ war on drugs”, July 2019 <https://www.amnesty.org/en/latest/news/2019/07/philippines-un-investigation-urgently-needed-duterte-war-drugs/> p.31

Families of victims have expressed guilt and helplessness in describing their inability to obtain justice for their loved ones, citing the enormous obstacles to filing cases, their continued difficulty of obtaining police or autopsy reports, and their immense fear of retaliation. As such, a climate of total impunity prevails in which police and others are encouraged and free to kill people without consequence. Moreover, those accused of having committed a criminal offence are not granted fair trial guarantees, so they are unable to defend themselves in court. People suspected of being involved in the drug trade, and increasingly other crimes, are often not apprehended or summoned, questioned or if need be arrested, but instead gunned down in cold blood.

Investigations before the Office of the Ombudsman have also been stalled for years. In the absence of action from the Department of Justice, including the National Bureau of Investigation, and the Internal Affairs Service of the Philippine National Police to investigate and prosecute those responsible for unlawful killings, victims and NGOs have filed cases before the Office of the Ombudsman, which has the power to investigate any illegal, unjust, improper or inefficient act by a public official, including the police. Yet in a meeting with Amnesty International in December 2019, the Ombudsman stated that no complaint related to a drug-related killing had progressed beyond the Deputy Ombudsman for the Military and other Law Enforcement Officials (MOLEO) to his desk.

Amnesty International has also raised concerns over the transfer or promotion of police officers who have been accused of human rights violations, often as a reward for the implementation of punitive and deadly anti-drug operations.<sup>37</sup> In September 2020, PLtGen. Camilo Cascolan was appointed as the new Philippine National Police Chief. The promotion of Cascolan, a close ally of the President and co-author of Oplan Double Barrel, the strategy that underpins the “war on drugs”, to the highest police post in the country is not only an indication of the levels of impunity enjoyed by those who have been involved in human rights abuses but also a potentially alarming sign of the drug war’s direction of travel.<sup>38</sup> Since assuming his post, Cascolan has stated that he would conduct a review of the approach of the drug war, in a seeming attempt to appease observers. However, Cascolan recently denied all government responsibility for extrajudicial killings in police operations.<sup>39</sup>

### **INTER-AGENCY REVIEW PANEL**

During the interactive dialogue held at the 44th session of the HRC in July 2020, the Philippines’ Justice Secretary Menarda Guevarra announced the creation of a government inter-agency panel to review more than 5,600 cases of killings in police anti-drug operations.<sup>40</sup> Since this announcement, the government has shared few details about this panel, including its mandate and powers. Amnesty International has formally contacted the agencies on this panel requesting more details but has not received a response to date. However, it is already very clear from the information available that the panel will not be able to carry out credible, independent and effective investigations into drug-related killings for the following reasons:

- The panel has among its members the very agencies – including the police and the Philippine Drug Enforcement Agency – accused of being behind human rights violations and directly implicated in the “war on drugs”. Moreover, findings by the panel would seemingly need to be evaluated and finalized by other government agencies that are also involved in the anti-drug campaign, making it inherently flawed by its lack of independence.
- The pervasive climate of fear, harassment and repression, and well-documented fears of retaliation experienced by victims and their families in the Philippines may further undermine the credibility of a government-led panel, as victims and witnesses will be reluctant to engage with it. The fact that agencies involved in human rights violations are also members of the panel may also place the security of these persons at risk of threats or other reprisals should they be required to engage with police and other agencies accused of serious violations.<sup>41</sup>

<sup>37</sup> Meeting with Amnesty International, Metro Manila, 10 December 2019

<sup>38</sup> Rambo Talabong, *What to know about Camilo Cascolan, the next PNP chief*, Rappler, 1 September 2020 <https://rappler.com/newsbreak/iq/things-to-know-camilo-cascolan-pnp>

<sup>39</sup> Rambo Talabong, *Got EJK claims? 'Come to me,' says new police chief Cascolan*, Rappler, 7 September 2020 <https://rappler.com/nation/pnp-chief-cascolan-message-ejk-claims>

<sup>40</sup> Patricia Denise M. Chiu, *DOJ chief tells UN rights body new panel to probe 5,000 deaths in police anti-drug operations*, Inquirer, 30 June 2020 <https://newsinfo.inquirer.net/1299804/doj-chief-tells-un-rights-body-new-panel-to-probe-5000-deaths-in-police-anti-drug-operations#ixzz6Yc8ubqOg>

<sup>41</sup> From Amnesty International’s research, the Philippine National Police is well versed at harassing and intimidating those who bring complaints against them. Most perpetrators are still on active police duty, often living amongst the community.

- The review that has been announced only relates to 5,600 killings that occurred during police operations, a number which itself is disputed and does not include the thousands more executions carried out by unknown assailants, many of whom are believed to be associated with and have links to the police. The review will also exclude probes into other human rights violations associated with the “war on drugs”, including arbitrary detention, and torture and other ill-treatment.
- Launching this investigation only after the presentation of a damning report by the OHCHR and mounting pressure from the international community, indicates that this is an attempt by the Government to evade accountability, purposely timed to shut down an international mechanism for investigation at the Human Rights Council and an ongoing probe by the International Criminal Court.
- Despite the announcement of the inter-agency panel, the government has not committed to ending extrajudicial executions, arbitrary detentions and other violations associated with the anti-drugs campaign. On the contrary, the President and his administration have continued to instigate violence and directly instruct the police to kill suspected criminals.

Accordingly, it is Amnesty International’s assessment that this panel is the latest attempt by the Duterte administration to evade international scrutiny rather than a genuine effort to end human rights violations and ensure justice and reparations for all victims of the “war on drugs.”

## 1.3 REFORMING A FLAWED APPROACH

The “war on drugs” and its punitive measures continue to undermine efforts to reform policies to ensure people are protected from the problems associated with drugs in the Philippines. Instead, the “war on drugs” has effectively been a war on people, in particular the poorest and most marginalised in society. The government’s punitive approach has resulted in widespread human rights violations and abuses that arise from and are facilitated by the implementation of flawed drug control policies and abusive drug enforcement operations.

Amnesty International recognizes the risks that drugs can pose to individuals and societies, and the obligation that states have to adopt adequate measures to protect people from the harmful effects of drugs. However, it is precisely because of these risks that governments need to enhance their responses to drug-related problems by adopting evidence-based approaches that put the protection of people’s health and other human rights at their heart.

Drug policies must therefore be accompanied by an expansion of health and other social services to address drug-related problems, including prevention, information, harm reduction, voluntary treatment and rehabilitation services where medically indicated and on a non-discriminatory basis, including in prisons and other situations where people are deprived of their liberty. The authorities should shift away from punitive approaches based on criminalization and refocus its attention on health and other social services, which are needed to address the root causes that increase the risks of using drugs and that lead people to engage in the drug trade, such as ill-health, denial of education, unemployment, lack of housing, poverty and discrimination.

In particular, the government must ensure that such services are available, acceptable and easily accessible to everyone on a non-discriminatory basis, and of good quality. This means paying specific attention to the needs of the most marginalized and to the specific needs of women, children and adolescents. Harm reduction and treatment services must provide suitable environments for women who use drugs, including by providing integrated sexual and reproductive healthcare, information and services, and childcare facilities, and should be responsive to other gender-specific needs.

Furthermore, the authorities should immediately put an end to their ongoing campaign to stigmatize and demonize people who use drugs and their families. Instead, the government should develop and implement campaigns in consultation with people who use drugs to counter current stereotypes and to raise awareness throughout society of the rights of people who use drugs, paying specific attention to the stereotyped and gender-biased views about drugs that disproportionately affect women and girls.

To guarantee that drug policies are centered on the protection of public health and human rights also requires addressing deep-rooted injustices in the criminal justice system. The implementation of drug laws and drug enforcement operations has produced profoundly unequal outcomes across marginalised

communities.<sup>42</sup> Addressing such inequalities and ensuring the protection of public health requires ensuring that no one is detained solely for the use and possession of drugs for personal use, and exhausting all available alternatives before incarcerating people accused of minor, non-violent drug-related offences as a way to facilitate access to health and social services that people who use drugs may need to reduce drug-related harms. It is of utmost importance that all governments and intergovernmental organizations that provide any financial or technical assistance to the Philippines for drug-enforcement operations ensure that such assistance does not contribute, or carry a real risk of contributing, to the further commission of human rights violations in the country. Any such cooperation, including training or technical advice, must be halted if used, either directly or indirectly, to commit human rights abuses or if there is a real risk of it being used in such a way.

## **CRIMES AGAINST HUMANITY**

Amnesty International has concluded that extrajudicial executions and other human rights violations committed as part of the “war on drugs” may amount to crimes against humanity. As demonstrated in previous findings, these crimes have continued over a period of several years, with frequent statements of support and approval from senior government officials and almost complete impunity for the perpetrators, who appear in most cases to be either police officers or people linked to the police. It is Amnesty International’s position that these acts should therefore be investigated as possible crimes under international law.

The International Criminal Court (ICC) has not yet opened a formal investigation into the situation in the Philippines. Amnesty International continues to call for the ICC to expedite the preliminary examination into possible crimes against humanity, with a view to opening an investigation as a matter of urgency.

In 2019, President Duterte warned that the second half of his six-year term will only be harsher, stating that “the last three years of my term will be the most dangerous for people into drugs”. Amnesty International is concerned that if the international community does not act strongly enough to pressure the Duterte administration – and other governments that might be tempted to follow its lead – it will continue and possibly escalate its campaign of killings and other human rights violations with impunity.

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<sup>42</sup> UNDP, *Addressing the Development Dimensions of Drug Policy*. New York, 2015, <https://www.undp.org/content/undp/en/home/librarypage/hiv-aids/addressing-the-development-dimensions-of-drug-policy.html> p. 7

# 2. ATTACKS ON ACTIVISTS

## “Red-tagging is the preliminary step to killing”

Local official, Bacolod City, December 2019.<sup>43</sup>

Since the breakdown of peace talks between the government and the National Democratic Front of the Philippines, the political arm of the Communist Party of the Philippines, there has been a surge in human rights violations, including killings of activists accused of being linked to the communist insurgency in the country.<sup>44</sup>

### 2.1 “RED-TAGGING”

At the beginning of the Duterte administration, hopes were high for a peace agreement between the government and the Communist Party of the Philippines – New People’s Army – National Democratic Front (CPP-NPA-NDF).<sup>45</sup> While campaigning as a presidential candidate ahead of the 2016 elections, Duterte stated that he would prioritise peace negotiations with armed groups including the NPA, declaring himself an ally of the Left and promising a peace agreement within his term.<sup>46</sup> However, negotiations ran into obstacles when talks failed to reach consensus within a year of him taking power. Soon after, clashes erupted and a ceasefire broke down.<sup>47</sup> Hope for progress fell significantly when President Duterte seemingly lost patience and signed Proclamation 360, formally ending talks with the CPP-NPA-NDF in November 2017.<sup>48</sup>

Shortly afterwards, the President announced that he would “go after the legal fronts” of the CPP, referring to groups the government alleges are linked to the communist movement, and reiterated his order to the military to “destroy the [communist] apparatus”.<sup>49</sup> This shift in policy replicated the favoured approach by

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<sup>43</sup> Sofia Tomacruz, *Duterte: It is my job to kill*, Rappler, 10 March 2020 <https://rappler.com/nation/duterte-says-job-to-kill>

<sup>44</sup> The New People’s Army, the armed wing of the Communist Party of the Philippines, has been engaged in an armed insurgency with the Philippine Armed Forces since its formation in 1969. For more information, see for example: Alan Robles, *The Philippines’ communist rebellion is Asia’s longest-running insurgency*, South China Morning Post, 19 September 2019 <https://www.scmp.com/week-asia/politics/article/3027414/explained-philippines-communist-rebellion-asias-longest-running>

<sup>45</sup> See for example, Duetsche Welle, *Hopes of peace for communist insurgents in Philippines*, 25 June 2016 <https://www.dw.com/en/hopes-of-peace-for-communist-insurgents-in-philippines/a-19356647>, Christine Joice C Cudis, *High Hopes on Peace Talks*, Sunstar Philippines, 22 September 2016 <https://www.sunstar.com.ph/article/99876/Business/High-hopes-on-peace-talks>

<sup>46</sup> Editha Caduya, *Duterte vows peace in 3-6 months if elected president*, Rappler, 3 January 2016 <https://rappler.com/nation/elections/rodrigo-duterte-peace-order-agenda>

<sup>47</sup> See for example, Carmela Fonbuena, *The end of the affair? Duterte’s romance with the Reds*, Rappler, <https://rappler.com/newsbreak/in-depth/cpp-rodrigo-duterte-peace-talks>

<sup>48</sup> See for example, Presidential Communications Operations Office, News Release From the Presidential Spokesperson – On Proclamation 360, 23 November 2017 [https://pcoo.gov.ph/news\\_releases/presidential-spokesperson-proclamation-360/](https://pcoo.gov.ph/news_releases/presidential-spokesperson-proclamation-360/)

<sup>49</sup> Delfin T. Mallari, Frinston Lim, *Duterte says Left-wing groups are next targets*, Inquirer, 28 January 2018 <https://newsinfo.inquirer.net/964165/duterte-says-left-wing-groups-are-next-targets>

previous governments of increased militarisation, with a focus on dismantling civil society groups and political organisations accused of being sympathetic to the leftist armed struggle.<sup>50</sup>

Many such targeted groups told Amnesty International that in the wake of the new presidential command, they have faced increased harassment from the government and attacks by unknown individuals, as seen during previous declarations of Martial Law under the Marcos and Arroyo administrations.<sup>51</sup> The phenomenon of “red-tagging”—labelling individuals or groups as communists or terrorists—has not only posed a grave threat to civil society organizations and human rights defenders, but also resulted in death threats, “hate speech”, and killings.<sup>52</sup> Attacks on political activists and human rights defenders on the island of Negros are just one example of how the government’s dangerously broad counter-insurgency strategy has led to an increase in human rights violations against leftist activists across the country.

## 2.2 RISING VIOLENCE IN NEGROS ISLAND

Negros island has long been a hotspot for poverty, fuelled by land struggles amongst peasants and large-scale landowners. This context has made it ripe for violent clashes among armed groups, including the NPA, farmers, private individuals and state forces for decades.<sup>53</sup>

Since the enactment of different pieces of legislation, including Executive Order 70 that created a national task force to end the local communist armed conflict (2018)<sup>54</sup> and Military Order 32<sup>55</sup> which declared Negros to be in a state of “lawless violence”, mainstream political opposition groups and civil society organisations have been increasingly “red-tagged” by the authorities, and subsequently arbitrarily detained or, increasingly, killed.<sup>56</sup> A petition by the Duterte administration to declare the CPP-NPA-NDF as a terrorist organisation is pending before the Supreme Court; however, the President has self-described them as terrorists, having “declared” them as such. Military press releases have echoed these statements.<sup>57</sup>

In December 2019, Amnesty International researchers travelled to the province of Negros Occidental to document human rights violations. Research was undertaken in three cities there: Bacolod, Sagay and Kabankalan. Amnesty International interviewed direct witnesses to killings, relatives of those killed, religious leaders, civil society activists, and staff of the National Human Rights Commission Region 6 sub-office, among others. Those interviewed by Amnesty International described how human rights violations have surged since the peace talks collapsed in 2018. As in the past, “red-tagging” or branding individuals and organizations as “communist fronts” has become a means to try to quash support for insurgents, putting at risk anyone who may be perceived to support the communist movement or the NPA, or simply hold views critical of the government.

A local official told Amnesty International that while impunity was nothing new, the situation on the island was “the worst ever...there is a sense that certain people can easily be killed – drug users and red-tagged people...red-tagging is the preliminary step to killing.”<sup>58</sup>

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<sup>50</sup> For an in-depth analysis of how the tactic of targeting ‘front groups’ of the CPP resulted in killings and other human rights violations under the Arroyo administration see for example the report by the UN Special Rapporteur on Extrajudicial, arbitrary and summary executions Philip Alston (2008) A/HRC/8/3/Add.2 *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mission to Philippines*, 16 April 2018 <https://www.ohchr.org/EN/Issues/Executions/Pages/AnnualReports.aspx>

<sup>51</sup> Alexander Martin Remollino, *Victims of Martial Law See in Arroyo a Tyrant Worse Than Marcos*, 21 September 2009 <https://www.bulatlat.com/2009/09/21/victims-of-martial-law-see-in-arroyo-a-tyrant-worse-than-marcos/>

<sup>52</sup> The UN Human Rights Office documented that, between 2015 and 2019, at least 248 human rights defenders, legal professionals, journalists and trade unionists have been killed in relation to their work <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924>. A lower but equally concerning number of 143 is cited by the Commission on Human Rights of the Philippines in a report on systematic attacks on HRDs in July 2020 <http://chr.gov.ph/reports/>

<sup>53</sup> See for example: Jason Gutierrez, *Burst of Violence grips Philippine island Negros and some see Duterte’s Hand*, New York Times, 29 July 2019 <https://www.nytimes.com/2019/07/29/world/asia/philippines-negros-killings-duterte.html>; Rappler, *Negros Oriental bloodshed: State-sponsored or insurgency-related?* 27 August 2019 <https://rappler.com/newsbreak/in-depth/negros-oriental-bloodshed-state-sponsored-or-insurgency-related> Anne Marxze Umil, *Contextualizing militarization and killings in Negros*, 23 August 2019 <https://www.bulatlat.com/2019/08/23/contextualizing-militarization-and-killings-in-negros/>

<sup>54</sup> Government of the Philippines, Executive Order No. 70, s. 2018 <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>

<sup>55</sup> Government of the Philippines, Memorandum Order 32 <https://www.officialgazette.gov.ph/downloads/2018/11nov/20181122-MO-32-RRD.pdf>

<sup>56</sup> See for example, Rappler, *TIMELINE: Killings in Negros*, 24 August 2020 <https://rappler.com/newsbreak/iq/timeline-killings-in-negros>

<sup>57</sup> JC Gotinga, *Duterte says communist rebels are terrorists because he ‘declared’ so*, Rappler, 8 July 2020 <https://rappler.com/nation/duterte-says-communist-rebels-terrorists-because-declared-so>

<sup>58</sup> Amnesty International interview, Bacolod, 11 December 2019.



Following the enactment in July 2020 of a new national anti-terror law, Amnesty International and other civil society organisations expressed alarm that human rights violations against those associated with the political left would increase.<sup>59</sup> The new law includes a worryingly overbroad definition of terrorism, paving the way for its indiscriminate use against human rights defenders, political activists, religious or ethnic minority communities, or other marginalized groups.<sup>60</sup> As a church leader in Bacolod told Amnesty International: “The Left has been labelled as terrorists. This changes the whole picture. Once you label them as terrorists, you don’t negotiate with them; you eliminate them.”<sup>61</sup>

## ARBITRARY ARRESTS AND DETENTION

Amnesty International investigated the coordinated set of raids that took place on 31 October 2019 by police and the army in Negros Occidental and Metro Manila, and the subsequent arrest of dozens of activists and others of whom at least some remain arbitrarily detained.<sup>62</sup> In Bacolod City, police and military forces conducted separate raids on the offices of Bayan Muna, which is part of a political bloc of party-list groups in Congress called Makabayan, as well as women’s rights and political organization Gabriela and trade unionists the National Federation of Sugar Workers (NFSW).<sup>63</sup> The police arrested over 50 people, including some children, accusing them of participating in explosives and firearms training; as of September 2020 14 of them remain detained and were facing non-bailable charges of illegal possession of firearms and explosives. The authorities claimed that they seized firearms during the raids, but those who were arrested maintain that any weapons alleged to have been found were planted by security forces.

Amnesty International spoke to several witnesses who described how police and military forces raided the offices of Bayan Muna, and accused them of false charges.<sup>64</sup> On 31 October, at about 5 pm, while a group of performers were rehearsing for a series of cultural shows inside the compound, the gate of the office was broken open by military forces. Those inside were told to lie on the ground, and not to look up. Some said that they were told that if they looked, something bad would happen to them. A witness and one of the cultural performers said that they spent about two hours lying on the ground. During this time, the military went into the offices, and then left. Immediately after, police conducted their own “search”. Police were said to have found firearms around the property separately, collected them together, and put them in a box, which they brought outside. As soon as the firearms were revealed, the media was brought in to take pictures. Eventually, those in the compound were rounded up and taken to the Provincial Police Office, where they were repeatedly interrogated, many over the course of several days.

Activist Mary Anne Krueger described what happened during the raid on the offices of Gabriela, which was conducted at around the same time.<sup>65</sup> As with the Bayan Muna raid, the military entered the compound first, then the police. In this case, they took a “soft approach”, allegedly telling Mary Anne, her children who were with her, and a group of call centre workers with whom she was conducting meetings, to go outside. Mary Anne said when she told the head of the police that she feared they would plant weapons, he assured her they would not. The military entered the house around 6:30 pm and left around 10 or 10:30 pm. Although Mary Anne was allowed to observe, she was being watched by a police officer. Towards the end of the search, the officer went out and told her they found something in the office. It was a gun under a table. In another room, the police said that they found a second gun, in the courtyard by a house in the back of the compound. Mary Anne was then read her rights and arrested.

All the leaders of the groups Amnesty International spoke to said that the planting of explosives and firearms was a common method in order to arrest political activists on non-bailable charges and hinder the activities of these groups. A leader of the NFSW, Butch Lozande, told Amnesty International, “They are just doing things for the sake of ‘red-tagging’ us. They never charge us in court to prove that we are members of CPP-NPA; they only charge us with illegal possession of firearms. They don’t have any case.”<sup>66</sup>

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<sup>59</sup> See for example: Amnesty International, *Philippines: Dangerous anti-terror law yet another setback for human rights*, 3 July 2020 <https://www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/>

<sup>60</sup> See for example: Amnesty International, *Philippines: Reject Dangerous Anti Terror Law*, 4 June 2020 <https://www.amnesty.org/download/Documents/ASA3524762020ENGLISH.pdf>

<sup>61</sup> Amnesty International interview, Bacolod, 11 December 2019

<sup>62</sup> Amnesty International, *Philippines: Concerns over raids, mass arrests of activists*, 2 November 2019 <https://www.amnesty.org/en/documents/asa35/1342/2019/en/>

<sup>63</sup> See for example, Bulatlat, *62 nabbed as Army, police raid offices of activist groups in Bacolod*, 31 October 2019 <https://www.bulatlat.com/2019/10/31/62-nabbed-as-army-police-raid-offices-of-activist-groups-in-bacolod/>; Carla P Gomez, *57 activists arrested in Negros*, 2 November 2019 <https://newsinfo.inquirer.net/1184834/57-activists-arrested-in-negros>

<sup>64</sup> Amnesty International interviews, Bacolod, 13 December 2019

<sup>65</sup> Amnesty International interview, Bacolod, 13 December 2019

<sup>66</sup> Amnesty International interview, Bacolod, 13 December 2019

## KILLINGS

Labelling groups and individuals who are critical of government policies as “communist fronts” has resulted in violent attacks, including killings, across Negros. Since 2018, numerous lawyers have been killed, and others have been the victims of attempted killings.<sup>67</sup> The fear of being associated with activist groups critical of the government has led to a shortage of lawyers willing to represent those who have been arrested. According to one civil society leader, lawyers are afraid to take on agrarian cases, drug-related cases, labour cases or any case that could be associated with the political opposition.<sup>68</sup>

On the evening of 8 November 2018, Attorney Benjamin Ramos was shot dead by motorcycle-riding gunmen outside a store in the centre of Kabankalan City, Negros Occidental. He was a founding member of the National Union of People’s Lawyers (NUPL), and the Executive Director of Paghidaet sa Kauswagan Development Group (PDG), a non-profit organization assisting peasant groups.<sup>69</sup>

Members of PDG, including Attorney Ramos’ wife Clarissa Ramos, told Amnesty International that since the killing of her husband, threats against her and other PDG staff members had escalated.<sup>70</sup> According to Clarissa Ramos, her husband had experienced increasing levels of harassment and intimidation since 2017. They attributed this intimidation to the government and military in Negros, who singled him out for his work with political and activist groups critical of the government. PDG staff showed Amnesty International a banner that was circulated in municipalities that labelled 62 individuals as “CNN” personalities (an acronym

supposedly used by security forces to refer to members of the CPP-NPA-NDF), as well as flyers which were circulated accusing opposition groups, including Attorney Ramos, of being “traitors of the nation”. They also referred to the sensitive work that Attorney Ramos and PDG took on, including fact-finding missions carried out to investigate suspected cases of military abuse and cases in which Attorney Ramos defended persons accused of membership in the NPA.



Clarissa Ramos holds a photo calling for justice for the killing of her late husband, Attorney Benjamin Ramos who was gunned down in Kabankalan City, Negros Occidental on 8 November 2018.

PDG staff spoke of how threats and intimidation had intensified after Attorney Ramos’ death, and how other PDG members and the farming communities they worked with had been targeted. Two PDG staff members received threatening notes, including signs depicting their faces in a coffin, as well as threatening Facebook messages. The military also singled them out by name on the weekly military-sponsored radio show “Kapayapaan para sa Kalinong kag Kauswagan” (“Peace for Tranquility and Prosperity”), in which military spokespersons constantly “red-tag” individuals and organisations. As a result of the threats, several PDG staff decided to move into the organisation’s offices, rather than live at home, in the hope they might be safer. Clarissa Ramos told Amnesty International that there had been no progress in the police investigation into her husband’s killing. She has also not received information about a supposed task force

that was created to look into his death. While she initially wanted to have faith in the police, she was surprised when she read in a newspaper that the police had suggested that one possible motive for her husband’s killing was a gambling dispute, a claim that lacked any grounds.<sup>71</sup> As of the date of this briefing, Amnesty International is aware of no further progress in the inquiry, while Clarissa Ramos and other PDG members continue to fear for their lives.

<sup>67</sup> See for example, Ted Regencia, *34 lawyers killed since Duterte became president: lawyers’ group*, Al Jazeera, 7 November 2018 <https://www.aljazeera.com/news/2018/11/philippines-human-rights-lawyer-shot-dead-negros-island-181107072451909.html>

<sup>68</sup> Amnesty International interview, Bacolod, 13 December 2019.

<sup>69</sup> Rappler, *‘Mabinay 6’ lawyer shot dead in Negros Occidental*, 7 November 2018 <https://rappler.com/nation/human-rights-lawyer-benjamin-ramos-shot-dead-november-6-2018>

<sup>70</sup> Amnesty International interview, Kabankalan, 12 December 2019.

<sup>71</sup> Clarissa Ramos was adamant that while her husband occasionally played mahjong to relax, he never gambled for money. See for example, Ador Vincent Mayol, *Widow hits police for linking slain lawyer to gambling*, Inquirer, 10 November 2018 <https://newsinfo.inquirer.net/1052376/widow-hits-police-for-linking-slain-lawyer-to-gambling>

A sensitive case that Attorney Ramos was involved in at the time of his death was the Sagay 9 massacre. On 20 October 2018, unknown gunmen shot and killed nine sugarcane workers, including three men, four women and two children, while they were holding a campout in Hacienda Nene, Barangay Bulanon, Sagay.<sup>72</sup> Amnesty International visited the site of the massacre, spoke to witnesses who heard gun shots being fired, and saw bullet holes that were left in the walls when unidentified men opened fire nearby late that evening. A relative of a victim who spoke to Amnesty International described how families of the victims are still awaiting justice. While the government blames the NFSW for the killings, others have accused private militia.<sup>73</sup> Some activists who spoke to Amnesty International believe such militia have often been supported by the government in the crackdown against the NPA and political activists.

Since the Sagay 9 Massacre, there has been at least one other alleged massacre in which 14 peasants were killed. According to reports, simultaneous police operations were carried out after midnight on 30 March 2019 in three areas of Negros Oriental province: in Canlaon City, and in the towns of Manjuyod and Santa Catalina.<sup>74</sup> Police said the operations were aimed at serving search and arrest warrants for illegal possession of firearms and explosives against suspected members and supporters of the NPA. By the end of the evening, eight people were killed in Canlaon, four in Manjuyod, and two in Santa Catalina. All of them, according to the police, were suspected members of the NPA and were killed because they resisted arrest.<sup>75</sup> At least 12 other suspects were arrested and detained, including some who were identified as members or leaders of local organizations. Although Amnesty International was not able to speak to witnesses about this incident, the organization has called for an effective investigation into the killings with a view to clarifying the circumstances of the incidents and assessing whether there were legitimate grounds for the use of lethal force.<sup>76</sup> As far as Amnesty International is aware, no such investigation has occurred.

On 17 August 2020, an unknown assailant shot activist and human rights defender Zara Alvarez dead in Bacolod City, Negros Occidental.<sup>77</sup> Alvarez was a paralegal at the human rights group Karapatan and the Research and Advocacy Officer of Negros Island Health Integrated Program. According to Karapatan, Alvarez was the 13th staff member killed since the beginning of the Duterte administration in 2016. She had repeatedly received death threats before her murder.<sup>78</sup> Following Alvarez's killing, other Negros Island-based activists reportedly received threatening messages through their social media accounts that said "you're next".<sup>79</sup> Just a week earlier, on 10 August 2020, activist and peace advocate Randall Echanis and his neighbour were killed at Echanis' home in Quezon City, Metro Manila.<sup>80</sup> Echanis, whose body sustained multiple stab wounds according to an autopsy, was the chairperson of Anakpawis Partylist and Deputy Secretary General of the farmer's group Kilusang Magbubukid ng Pilipinas (KMP). He served as a consultant for the National Democratic Front of the Philippines (NDFP), during past negotiations with the government.

Following their deaths, the Office of the UN High Commissioner for Human Rights stated that it was "appalled" by the violence and threats against human rights defenders, including Alvarez and Echanis.<sup>81</sup> Their murder are the latest examples of the deadly violence caused by the Philippine government's "red-tagging" of political activists and human rights defenders. The two were among the individuals named in a "terrorist" list drawn up by the Department of Justice and submitted to a Philippine court. Although their names were eventually removed from the list, it originally included many prominent activists and human rights defenders, including the former UN Special Rapporteur Victoria Tauli-Corpuz.<sup>82</sup> Amnesty International believes that as long as indiscriminate red-tagging by the government persists, killings of political activists and human rights defenders will continue.

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<sup>72</sup> See for example, Rappler, *9 farmers killed at Negros Occidental hacienda*, October 2018 <https://rappler.com/nation/farmers-killed-sagay-negros-occidental-hacienda-nene-october-20-2018>;

<sup>73</sup> See for example *NFSW decries charges vs members over 'Sagay 9' killings*, Philstar, 29 October 2019 <https://www.philstar.com/nation/2018/10/29/1864189/nfsw-decries-charges-vs-members-over-sagay-9-killings>

<sup>74</sup> *14 farmers massacred in Negros Oriental, lawmaker says*, ABS CBN, 31 March 2020 <https://news.abs-cbn.com/news/03/30/19/14-farmers-massacred-in-negros-oriental-lawmaker-says>

<sup>75</sup> Emmanuel Tupas, Alexis Romero, *Palace justifies killing of 14 people in Negros Oriental police operations*, Philippine Star, 2 April 2019 <https://www.philstar.com/nation/2019/04/02/1906483/palace-justifies-killing-14-people-negros-oriental-police-operations>

<sup>76</sup> Amnesty International, *Philippines: Investigate killing of 14 people in police operations*, 2 April 2019 <https://www.amnesty.org/en/documents/asa35/0156/2019/en/>

<sup>77</sup> Ted Regencia, *Human rights leader killed in Philippine 'war against dissent'*, Al Jazeera, 19 August 2020 <https://www.aljazeera.com/news/2020/08/human-rights-leader-killed-philippine-war-dissent-200818052014188.html>

<sup>78</sup> Mark Saludes, *Human rights activist slain in central Philippines knew her life was under threat*, Licas News, 18 August 2020 <https://www.licas.news/2020/08/18/another-human-rights-activist-slain-in-central-philippines/>

<sup>79</sup> David Pierson, *Philippine human rights workers are being systematically killed in a growing war on dissent*, 27 August 2020, <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>

<sup>80</sup> Rambo Talabong, *Randy Echanis laid to rest as tension escalates in probe*, Rappler, 17 August 2020 <https://rappler.com/nation/andy-echanis-burial-as-tension-escalates-probe>

<sup>81</sup> UN News, *UN rights office 'appalled' at violence against human rights defenders in the Philippines*, 21 August 2020 <https://news.un.org/en/story/2020/08/1070752>

<sup>82</sup> Manuel Mogato, *Philippines seeks 'terrorist' tag for 600 alleged communist guerrillas*, 8 March 2018 <https://www.reuters.com/article/us-philippines-rebels/philippines-seeks-terrorist-tag-for-600-alleged-communist-guerrillas-idUSKCN1GKOD0>

# 3. THREATS TO FREEDOM OF EXPRESSION & THE MEDIA

**“Just because you’re a journalist, you are not exempted from assassination if you’re a son of a b\*tch”**

President Duterte, 1 June 2016.<sup>83</sup>

The Duterte administration has launched a relentless crackdown against independent media and journalists in the Philippines. The media and, more generally, any other critics of the government have not been attacked with such ferocity as they have been under the current administration since the Marcos era.<sup>84</sup> Threats and attacks against journalists and government critics, as well as the deployment of armies of trolls and online bots, especially during the COVID-19 pandemic seemingly aimed to ward off criticism of the government,<sup>85</sup> have contributed to self-censorship and a chilling effect not only within the media industry but also amongst the wider public.

## 3.1 CRACKDOWN ON CRITICS

### MEDIA OUTLETS

One of the most prominent cases of repression against media workers in the country’s recent history is that of journalist Maria Ressa and the news website she founded, Rappler. Rappler has been a consistent critic of President Duterte and his administration, publishing detailed investigations into some of the thousands of extrajudicial executions of poor and marginalized people committed by police and unknown armed persons during anti-drugs operations.

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<sup>83</sup> AFP, “Duterte endorses killing corrupt journalists”, Inquirer, 1 June 2016 <https://newsinfo.inquirer.net/788543/duterte-endorses-killing-corrupt-journalists#ixzz6VY1DDHxa>

<sup>84</sup> Under the dictatorship of Ferdinand Marcos, the former president used martial law to silence and control the media. See for example, Camille Elemia, FAST FACTS: *How Marcos silenced, controlled the media during Martial Law*, Rappler, 19 September 2020 <https://rappler.com/newsbreak/iq/how-marcos-silenced-media-press-freedom-martial-law>

<sup>85</sup> Lynzy Billing, *Duterte’s troll armies drown out COVID-19 dissent in the Philippines*, Rappler, 22 July 2020 <https://rappler.com/technology/features/philippine-troll-armies-coda-story>

On 15 June 2020, Ressa and former Rappler journalist Reynaldo Santos Jr. were convicted of cyber libel, becoming the first journalists in the Philippines to be convicted of the offence.<sup>86</sup> The case against the two stems from an investigative article by Santos, published on 29 May 2012, which alleges that former Philippine Chief Justice Renato Corona used a vehicle owned by businessman Wilfredo Keng, who had suspected links to the sale of illicit drugs and human trafficking. The article was published more than three months before the enactment of the Cybercrime Prevention Act of 2012 – the law used to convict Ressa and Santos that criminalizes libel committed online. After the trial began on 23 July 2019, the court concluded its examination in December in what is believed to be one of the fastest libel trials in recent times.<sup>87</sup> The two posted bail, and are appealing the verdict.

Overall, multiple arrest warrants have been issued in the last two years against Ressa, who has already spent thousands of dollars on bail. As of July 2020, there are seven cases being conducted in local courts against Ressa, Santos, and other Rappler directors.<sup>88</sup> These lawsuits, as well as investigations, include alleged tax violations and violations of the prohibition against foreign control over mass media.

The attacks against Ressa and Rappler reflect a wider, systematic government crackdown on media freedom and the right to freedom of expression. Another case that has gained international attention has been the denial of the franchise application of ABS-CBN, the country's largest broadcast media network that has been off the air since May 2020. President Duterte has repeatedly attacked ABS-CBN for reportedly failing to run his paid political campaign advertisements during the 2016 elections and claimed that the network's reporting was biased against him and his administration.<sup>89</sup> On 5 May 2020, the National Telecommunications Commission ordered ABS-CBN to halt its TV and radio broadcasts, following several unsuccessful attempts to renew the network's franchise to operate which had expired on 4 May 2020.<sup>90</sup>

On 10 July 2020, following months of deliberations and appeals, the Philippine Congress – whose members are mostly allies of the President – voted to deny ABS-CBN's franchise renewal application.<sup>91</sup> ABS-CBN has produced numerous investigative reports highlighting extrajudicial executions and other human rights violations committed as part of the government's anti-drugs campaign. Amnesty International believes that the closure of ABS-CBN is politically motivated and sets an alarming precedent in violation of the right to freedom of expression, media freedom and the public's right of access to information.

## VIOLETIONS DURING THE COVID-19 PANDEMIC

Individuals who have freely expressed their views have also been the subject of arrests and investigations by the government, especially during the COVID-19 pandemic. In April 2020, the Philippines' National Bureau of Investigation summoned individuals suspected of spreading "fake news" related to COVID-19, citing the Bayanihan to Heal as One Act,<sup>92</sup> which grants special powers to the President to address the pandemic.<sup>93</sup> However, human rights groups said these individuals included those who were merely airing their grievances online. Cebu City-based artist Bambi Beltran was arrested without a warrant on 19 April 2020 over a Facebook post that police considered to be "fake news". Although her charges were dismissed in September 2020, she was held for over 90 hours.<sup>94</sup> Also in April 2020, a Filipino labour official sought the deportation of a Filipina worker in Taiwan for her criticism online of President Duterte and the Philippine government's response to the pandemic; the Philippines' representative in Taipei later apologized to Taiwan's foreign

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<sup>86</sup> Amnesty International, *Philippines: Quash conviction of Rappler journalists Maria Ressa and Rey Santos*, 15 June 2020 <https://www.amnesty.org/en/latest/news/2020/06/philippines-quash-conviction-of-rappler-ressa-santos/>

<sup>87</sup> Amnesty International, *Philippines: Journalists face jail as verdict expected in baseless trial*, 12 June 2020 <https://www.amnesty.org/en/documents/asa35/2510/2020/en/>

<sup>88</sup> Lian Buan, *List: Cases vs Maria Ressa, Rappler directors, staff since 2018*, Rappler, 25 February 2019 <https://rappler.com/nation/list-cases-filed-against-maria-ressa-rappler-reporters>

<sup>89</sup> Krissy Aguilar, *Duterte says he's a casualty of ABS-CBN*, ABS-CBN, 27 July 2020 <https://newsinfo.inquirer.net/1312734/duterte-says-hes-a-casualty-of-abs-cbn>

<sup>90</sup> Amnesty International, *Philippines: Major TV network threatened by authorities must be allowed to air*, 5 May 2020 <https://www.amnesty.org/en/latest/news/2020/05/philippines-major-tv-network-threatened-allowed-to-air/>

<sup>91</sup> Amnesty International Philippines, *Denial of ABS-CBN franchise another nail in the coffin of press freedom*, 10 July 2020 <https://www.amnesty.org.ph/2020/07/denial-of-abs-cbn-franchise/>

<sup>92</sup> In March 2020, President Duterte signed the Bayanihan to Heal as One Law, which grants him special powers to address the COVID-19 pandemic. It also punishes several acts, including "creating, perpetuating or spreading false information", with up to two months in prison, up to P1 million in fines, or both.

<sup>93</sup> Lian Buan, *NBI summons 'more than a dozen' for coronavirus posts*, Rappler, 2 April 2020 <https://rappler.com/nation/nbi-summons-more-than-dozen-people-social-media-coronavirus-posts>

<sup>94</sup> Ryan Macasero, *Taken after midnight, cuffed to a chair: The arrest of Cebuana artist Bambi Beltran*, Rappler, 22 May 2020 <https://rappler.com/newsbreak/in-depth/taken-midnight-cuffed-chair-cebuana-artist-bambi-beltran>

affairs ministry, saying that deportation is the “sovereign privilege of the host country and that there were no attempts from the Philippine government to curtail the right to freedom of expression of Filipinos overseas.”<sup>95</sup>

Aside from criticism of the government response to COVID-19, other topics of free speech and media freedom have come under threat during the pandemic, as also shown in the drastic actions that the government has taken against Rappler and ABS-CBN. Nonoy Espina, the national chairperson of the National Union of Journalists of the Philippines (NUJP), told Amnesty International that “Never since the Marcos dictatorship have the media and freedom of the press and expression been attacked by government as they have been under the administration of Rodrigo Duterte... While most journalists have refused to be cowed and continued to report independently and courageously, there is also a marked timidity in some reportage as individuals exercise more caution in who or what they report on and how.”<sup>96</sup>

It also appears that the government’s violent campaign against communism has likewise expanded to include those advocating for press freedom and freedom of expression. During the height of coordinated and nationwide protests against the closure of ABS-CBN, the government-created National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)<sup>97</sup> accused in a Facebook post the Communist Party of the Philippines (CPP) of using the TV network’s franchise renewal issue to spread propaganda and mobilize legitimate groups to “sow chaos and division” among Filipinos. The NTF-ELCAC’s social media post detailing these accusations has since been taken down. This post was disowned by the Presidential Communications Operations Office, although its own social media page had earlier shared the original post.<sup>98</sup>

In July, three funeral wreaths were delivered to the office of ABS-CBN TV Northern Mindanao in Cagayan de Oro City in southern Philippines, as network employees and supporters were staging a protest action against the network’s closure. The wreaths, sent by unknown people, expressed support for the NPA, CPP’s armed wing, while calling for the reopening of the TV network and identified organisations that have previously been red-tagged.<sup>99</sup> Employees believed it was an attempt to intimidate them and the network by accusing them of links to communist armed groups.

## ARBITRARY DETENTION OF SENATOR LEILA DE LIMA

Philippine Senator Leila de Lima, designated by Amnesty International as a prisoner of conscience who has been detained solely for the exercise of her right to freedom of expression, has been detained by the Philippine government since 24 February 2017. The authorities cited de Lima’s alleged links to imprisoned drug offenders when they filed politically-motivated charges against her, which are based mainly on the testimonies of these convicted individuals, to justify her arrest and detention.<sup>100</sup> De Lima has faced President Duterte’s ire since 2009 when, as Chairperson of the Philippines’ Commission on Human Rights, she launched an investigation into extrajudicial executions by the so-called “Davao death squad” in Davao City, where the President was mayor for more than two decades.<sup>101</sup> In August 2016, de Lima, as Chairperson of the Senate Committee on Justice and Human Rights, started an investigation into the killings that began immediately after Duterte took office as President. The President and his allies in the executive and legislative branches responded with an extensive smear campaign against de Lima, in his own words, to “destroy” her.<sup>102</sup>

Currently, de Lima is facing three drug-related cases, including allegedly conspiring to commit drug trading. In two of these cases, de Lima has asked the courts to allow her provisional liberty by posting bail, saying

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<sup>95</sup> Amnesty International Philippines, *Drop probe, threats of deportation against Taiwan OFW over peaceful criticism*, 20 April 2020, <https://www.amnesty.org.ph/2020/04/ofw-taiwan-drop-probe-deportation/>

<sup>96</sup> Amnesty International email correspondence with Espina, 15 August 2020.

<sup>97</sup> In December 2018, Duterte issued Executive Order 70 (EO 70) providing for a “Whole-of-Nation approach in defeating the Local Communist Terrorist Groups”, leading to the creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) to “synchronize the utilization of the government’s instrumentalities of power with the capabilities of private sector stakeholders to finally end the 50-year long deceit, lies and atrocities committed by the communist terrorists against the people.” The full text of EO 70 is available here: <https://www.officialgazette.gov.ph/2018/12/04/executive-order-no-70-s-2018/>

<sup>98</sup> Catalina Ricci S. Madarang, *Gov’t task force: Communist rebels used ABS-CBN to spread propaganda*, Interaksyon, 11 May 2020 <https://www.interaksyon.com/politics-issues/2020/05/11/168165/govt-task-force-communist-rebels-used-abs-cbn-to-spread-propaganda/>

<sup>99</sup> Froilan Gallardo, *3 funeral wreaths delivered to ABS-CBN in CDO as employees, supporters stage protest action*, Mindanews, 26 July 2020 <https://www.mindanews.com/top-stories/2020/07/3-funeral-wreaths-delivered-to-abs-cbn-in-cdo-as-employees-supporters-stage-protest-action/>

<sup>100</sup> Amnesty International, *Philippines : Outspoken Senator marks two years in arbitrary detention*, 22 February 2019 <https://www.amnesty.org/en/latest/news/2019/02/philippines-outspoken-senator-marks-two-years-arbitrary-detention/>

<sup>101</sup> *De Lima : CHR will prove there is a Davao Death Squad*, Mindanews, 17 April 2009 <https://www.mindanews.com/c166-the-davao-killings/2009/04/de-lima-chr-will-prove-there-is-a-davao-death-squad/>

<sup>102</sup> Alex Ho, *Duterte blasts de Lima: Immoral, used narco money*, CNN Philippines, 18 August 2016 <https://cnnphilippines.com/news/2016/08/17/Duterte-De-Lima-immoral-drug-money.html>

that the evidence against her is weak.<sup>103</sup> Judicial proceedings in her cases have been delayed without justification in the past, including deferments of her arraignment and an amendment to the charges against her. In early 2020, de Lima said the witnesses against her are “under intense pressure” from the government to testify against her, citing one hearing where a witness apparently mouthed an apology to her, and another witness who allegedly approached her after the hearing to apologize.<sup>104</sup> She has recently expressed her alarm at the reported death of key prosecution witness, Jaybee Sebastian, allegedly from COVID-19. De Lima has called on the family of Sebastian to speak out regarding the alleged pressure placed on him to testify against her, including an incident in which she alleges that he was stabbed in New Bilibid Prison, after initially refusing to testify.<sup>105</sup>



*Detained Senator Leila de Lima waves to supporters and the media as she attends a court hearing in Metro Manila © Amnesty International*

## 3.2 KILLINGS OF JOURNALISTS

A month before he assumed the country’s highest government office on 30 June 2016, President Duterte – during a speech in his hometown city of Davao to announce his Cabinet – was asked how he planned to address the problem of killings of journalists in the country. His response was ominous “Just because you’re a journalist, you are not exempted from assassination if you’re a son of a b\*tch”.<sup>106</sup>

During Duterte administration, alarming trends have emerged, increasing the risks to journalists’ lives and the impunity for the killings of journalists. To date, local media safety monitor National Union of Journalists of the Philippines (NUJP) has recorded at least 16 journalists killed since 2016.<sup>107</sup> In its 2019 Global Impunity Index, the New York City-based Committee to Protect Journalists ranks the Philippines 5<sup>th</sup> on its list of 13 countries with the worst impunity records.<sup>108</sup>

The circumstances of the killing of journalists echo other cases of murder in the Philippines – of human rights defenders, political activists, and people suspected of using or selling drugs or suspected of having

<sup>103</sup> Kristine Joy Patag, *De Lima moves for bail in second drug case*, Philippine Star, 14 August 2020

<https://www.philstar.com/headlines/2020/08/14/2035296/de-lima-moves-bail-second-drug-case>

<sup>104</sup> Joyce Ilas, *De Lima says her drug conviction is the only acceptable result for Duterte*, CNN Philippines, 25 February 2020

<https://cnnphilippines.com/news/2020/2/25/De-Lima-Duterte-jail-drug-charges.html>

<sup>105</sup> <https://newsinfo.inquirer.net/1311405/tell-all-that-you-know-de-lima-tells-sebastians-widow-other-false-witnesses>

<sup>106</sup> AFP, “Duterte endorses killing corrupt journalists”, Inquirer, 1 June 2016 <https://newsinfo.inquirer.net/788543/duterte-endorses-killing-corrupt-journalists#ixzz6VY1DDHxa>

<sup>107</sup> National Union of People’s Journalists, *Justice for Rex Cornelio, 16th journalist slain under Duterte*, 6 May 2020

<https://nujp.org/statement/statement-justice-for-rex-cornelio-16th-journalist-slain-under-duterte/>

<sup>108</sup> Committee to Protect Journalists, *Getting away with murder*, 29 October 2019 <https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice/>

committed other crimes. Armed and unidentified perpetrators on motorcycles wait for or follow their targets and, as soon as the situation permits, shoot them dead before fleeing the scene. Attacks against journalists on the island of Negros serve as emblematic cases.

On the evening of 5 May 2020, radio broadcaster Cornelio “Rex Cornelio” Pepino was murdered in Dumaguete City in Negros Oriental province, becoming the 16<sup>th</sup> journalist killed during the Duterte administration. According to media reports, Pepino was riding home from work on a motorcycle with his wife, when two unidentified men also on a motorcycle shot him several times and killed him. Pepino’s wife Colen, who was unharmed, spoke in a radio interview of how the suspects shot Pepino once more in the head before fleeing the scene.<sup>109</sup> The NUJP said in a statement it is “very likely” that Pepino’s murder, which happened just two days after World Press Freedom Day, was linked to his profession. The radio station he worked for – dyMD Energy 93.7 FM – described him as a “hard-hitting” radio commentator who discussed his positions against illegal mining, graft and corruption, and poor governance in his daily program.<sup>110</sup> In another statement, the Dumaguete Press Club said Pepino’s murder “could be politically motivated since politics was his favourite topic which might have hit the nerve of some political sectors”.<sup>111</sup>

Pepino’s murder was the first death in a string of killings in Negros Oriental in a span of just nine days – from 5 to 13 May 2020 – that left six other people dead.<sup>112</sup> Another victim was Rodel Barillo, a person of interest in the murder of Pepino who was gunned down in Guihulngan City on 12 May 2020, hours before he was supposed to be served a warrant of arrest for having been involved in the killing of Pepino. The police later said a gun recovered from Barillo’s house was the same firearm used to kill Pepino.<sup>113</sup>

In late July 2020, the Presidential Task Force on Media Security (PTFOMS) – formed through an administrative order in 2016 that created an inter-agency body supposedly to protect members of the press against “political violence and abuse of power”<sup>114</sup> – took over the government’s investigation of Pepino’s murder. Before this, separate probes were being conducted by the Philippine National Police, the National Bureau of Investigation and the office of Negros Oriental Governor Roel Degamo. PTFOMS Executive Director Joel Sy Egco said in reports that this centralized probe was to dispel fears of “whitewashing by Negros Oriental local officials.”<sup>115</sup>

Pepino is the third journalist killed in Dumaguete City alone since 2018. Another Dumaguete-based journalist, Dindo Generoso, was killed on 7 November 2019 while on his way to radio station dyEM 96.7 Bai Radio where he worked. Media monitor Reporters Without Borders described Generoso as a critic of small town lottery, a government-sanctioned gambling activity that was often criticised by Generoso in his radio show for supposedly becoming a source of corruption.<sup>116</sup> The Dumaguete City government also described Generoso as “a family man who spoke truth to power, one who is passionate in his principles”.<sup>117</sup> On 1 May 2018, radio program host Edmund Sestoso died of gunshot wounds at a hospital a day after he was shot by masked gunmen in Barangay (village) Daro, Dumaguete City. Sestoso – who hosted a morning show on radio station dyGB 97.1 FM and was once the chairman of the Dumaguete City chapter of NUJP – was in a pedicab on his way home when he was attacked. Reports said the suspect then shot the tires of a vehicle that was supposed to take him to the hospital.<sup>118</sup> While charges were brought against individuals in the case of Generoso, no one has been yet convicted. Furthermore, as far as Amnesty International is aware, Sestoso’s murder remains unresolved, and there have been no updates on the investigation.<sup>119</sup>

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<sup>109</sup> Ted Regencia, *Murder of radio anchor caps turbulent day in Philippine media*, Al Jazeera, 6 May 2020

<https://www.aljazeera.com/news/2020/05/murder-radio-anchor-caps-turbulent-day-philippine-media-200506010930285.html>

<sup>110</sup> Irma Faith Pal, *Radioman shot dead in Dumaguete City*, Inquirer, 6 May 2020 <https://newsinfo.inquirer.net/1270570/radioman-shot-dead-in-dumaguete-city>

<sup>111</sup> Negros Chronicle, *Official statement of the Dumaguete Press Club*, 9 May 2020 <https://www.negroschronicle.com/official-statement-of-the-dumaguete-press-club-inc/>

<sup>112</sup> Rappler, *7 shot dead in Negros Oriental in 9 days*, 14 May 2020 <https://rappler.com/nation/shot-dead-negros-oriental-week>

<sup>113</sup> The Manila Times, *Rex Cornelio, one of many murder victims in Negros Oriental*, 27 July 2020

<https://www.manilatimes.net/2020/07/27/opinion/columnists/topanalysis/rex-cornelio-one-of-many-murder-victims-in-negros-oriental/746354/>

<sup>114</sup> The full text of Administrative Order 01, which created the Presidential Task Force on Media Security (PTFOMS) is here:

<https://www.officialgazette.gov.ph/downloads/2016/10oct/20161011-AO-1-RRD.pdf>

<sup>115</sup> Negros Chronicle, *PTFOMS takes over Rex Cornelio murder case*, 25 July 2020 <https://www.negroschronicle.com/ptfoms-takes-over-rex-cornelio-murder-case/>

<sup>116</sup> Reporters without Borders, *Philippine radio host gunned down criticizing corrupt gambling*, 12 November 2019

<https://rsf.org/en/news/philippine-radio-host-gunned-down-criticizing-corrupt-gambling>

<sup>117</sup> Government of the Philippines, Dumaguete City, *Remembering the life passion and dream of Dindo Generoso*, 7 September 2020

<http://dumaguete.gov.ph/2019/11/21/remembering-the-life-passion-and-dream-of-dindo-generoso/>

<sup>118</sup> Committee to Protect Journalists, *Radio reporter killed in the Philippines*, 2 May 2018 <https://cpj.org/2018/05/radio-reporter-killed-in-the-philippines/>

<sup>119</sup> Juancho Gallarde, *Slain broadcaster’s wife withdraws criminal raps*, Visayan Daily Star, 8 June 2018

<https://www.visayandaily.com/2018/June/08/topstory7.htm>



# 4. CONCLUSION & RECOMMENDATIONS

The reliance on violent and repressive policies continues to perpetuate human rights violations across the Philippines. The refusal of the government to end human rights violations in the “war on drugs” has created a climate of impunity and emboldened the authorities to pursue further policies and actions that undermine human rights. UN Human Rights Council (UNHRC) action on the Philippines – mandating a report by the Office of the High Commissioner for Human Rights on the human rights situation in the Philippines – was a first step forward to pave the way towards accountability in a context of near-total impunity for the heinous crimes committed in the Philippines. Stronger measures from the UNHRC and International Criminal Court, however, are required to end human rights violations in the country, provide justice and reparations for thousands of families of victims, and hold those responsible to account. Action by the international community will not bring back victims of human rights violations, but it can prevent more deaths, and spare more families, already desperately poor, from years of pain and trauma. It is the only way to send a message to the government that impunity in the Philippines will not be allowed to prevail.

## RECOMMENDATIONS

### **To the Philippine authorities:**

- End the violent and abusive approach to the so-called “war on drugs,” including by ceasing deadly drug enforcement operations by the police.
- Take immediate measures to implement a drug control policy that puts the protection of people’s health and human rights at the centre, in compliance with international human rights law and standards.
- Order members of law enforcement agencies to refrain from all conduct that violates international law, including unlawful killings, arbitrary arrests, acts of torture and other ill-treatment, and other abuses.
- Provide immediate and unhindered access to international human rights monitoring and investigative mechanisms, including UN bodies, Special Procedures of the Human Rights Council, and investigators of the International Criminal Court.
- Suspend from active duty officers and units implicated in fatal shootings while a proper investigation is conducted and ensure that, if they are found responsible, disciplinary and criminal penalties are imposed as appropriate.
- Initiate thorough, independent, impartial, and effective investigations into the conduct of law enforcement officials. Ensure prosecution in all cases where investigations uncover sufficient,

admissible evidence of criminal responsibility for crimes including extrajudicial executions and involvement in murders by unknown armed persons that may be linked to the police.

- Undertake investigations and prosecutions of all senior police officials and politicians where there is reasonable suspicion that they have direct and/or command or superior responsibility for crimes under international law and other serious violations and abuses of human rights.
- Urgently expand health and social services to address drug-related problems, including prevention, information, harm reduction, voluntary treatment and rehabilitation services where medically indicated and on a non-discriminatory basis.
- Exhaust all available alternatives before incarcerating people accused of minor, non-violent drug-related offences and take steps to ensure that no one is detained solely for the use and possession of drugs for personal use.
- End the “red-tagging” of civil society organisations and political activists, cease violence and threats of violence against them, and bring those responsible for such offences to justice in fair trials.
- Drop all charges against Maria Ressa, Reynaldo Santos Jr, and Rappler, which appear to be politically motivated and in retaliation for their critical views of the government, and end attacks on media freedom, including media network ABS-CBN by restoring their license to operate.
- Immediately and unconditionally release Senator Leila de Lima who has been solely detained for the peaceful exercise of her human rights, and drop all politically-motivated charges against her.
- Cease the harassment of human rights defenders and government critics and take measures to guarantee their rights to freedom of expression and peaceful assembly.
- Explicitly recognize the legitimacy of human rights defenders and journalists, and publicly acknowledge their contribution to the advancement of human rights.
- Conduct prompt, thorough, impartial and effective investigations into the killings of journalists.
- Repeal or amend laws that impose criminal penalties simply for sharing or distributing information, and refrain from imposing blanket bans on the dissemination of information including those based on vague and ambiguous concepts such as “false news” or “spreading misinformation”.

#### **To the UN Human Rights Council:**

- Continue to exert pressure on the Philippines authorities to take concrete action to end the human rights crisis in the country, in line with the above recommendations;
- Ensure the situation remains on the agenda of the Council, and ensure robust monitoring, documentation and reporting on the situation at regular intervals to the Council.
- Establish an independent investigative mechanism, mandated to conduct an in-depth investigation into human rights violations and abuses in the Philippines, with a view to contributing to accountability and justice for victims.

#### **To the International Criminal Court:**

- Expedite the preliminary examination into possible crimes in the context of the “war on drugs” in the Philippines with a view to opening an investigation into the situation by the end of 2020.

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# “MY JOB IS TO KILL”

## ONGOING HUMAN RIGHTS VIOLATIONS AND IMPUNITY IN THE PHILIPPINES

Four years into President Duterte’s administration, human rights violations in the Philippines continue amid an almost total climate of impunity. This briefing details ongoing human rights violations one year since a resolution on the country was passed by the UN Human Rights Council. It concludes that in the absence of credible domestic action, it falls on the international community to ensure the situation remains on the UN agenda, and launch an independent, international level investigation into extrajudicial executions in the context of the “war on drugs” and other violations that have occurred since 2016.