

Since the Philippines escalated its "drug war" in June of last year, over 3,900 people have been killed in anti-drug operations¹, with nearly 2,300 more drug-related murders² and thousands still "unexplained,"³ according to police reports. Estimates by media and human rights groups for the total drug war killings have ranged from 7,000 up to 14,000.⁴ Though the Duterte administration recently suspended most police participation in its drug war,⁵ it has done so before, with unclear impact.⁶

Appearance suggests there may be a deliberate policy of extrajudicial killing.

Officials insist drug suspects get killed from resisting arrest, and that other drug-related killings are from criminal gang fights.⁷ But authorities have opened investigations into just 1% of the acknowledged police killings⁸, and initiated no prosecutions from them. Many believe government-linked vigilantes or police account for some of the drug-related and unexplained killings.⁹

Additional facts raise questions. The Philippines saw a 50% increase in the official homicide rate starting that June.¹⁰ Video shows police killing Kian delos Santos, an unarmed, cooperating 17-year old¹¹ – one of 54 known cases of children under 18 killed in the Philippine drug war, including an infant.¹² International NGOs and the Philippines' own human rights defenders have documented many abuses, including incentive payments for killing.¹³

We call for a process of accountability, starting with a UN-led investigation.

The first venue for justice is a nation's own courts. If a government is unwilling or unable to seek justice, treaties allow for intervention by the International Criminal Court, or a similar body chartered for the situation.¹⁴ But the road to international justice is lengthy.

In the immediate present, the most feasible step forward is an investigation led by the UN.¹⁵ Such an investigation would probe the nature and scale of the alleged crimes, while giving priority to protecting witnesses and investigators. Should the Philippine government not allow this to proceed, a UN Commission of Inquiry could be formed to gather facts.¹⁶

An investigation would look for the mid-level organizers and the individuals implementing policies or practices on the ground. But it would also seek out the leaders. In that context, it is impossible to ignore words publicly spoken by Duterte himself. The president has repeatedly called for mass killings, and promised to protect police from prosecution.¹⁷ He has even threatened to kill human rights activists.¹⁸ **Even in the absence of known official orders, international law considers inducement to commit murder a basis to hold individuals criminally responsible for that crime.**¹⁹

It is similarly impossible to ignore Duterte's reputed ties as mayor to the infamous Davao Death Squad.²⁰ Investigators would likewise probe the possible roles of key administration officials such as Police Chief Ronald dela Rosa and Justice Secretary Vitaliano Aguirre.²¹

The situation in the Philippines makes a purely internal solution unlikely, at least for now.

Human rights defenders, attorneys and journalists have attempted to respond to the crisis, but faced retaliation.²² The list of incidents in which political leaders who have criticized the administration's drug policies have been targeted is long enough to raise questions about the motivation for the attacks.

After Senator Leila de Lima organized testimony in the Justice Committee from a confessed former member of the Davao Death Squad, Edgar Matobato, she was jailed based primarily on accounts from

drug traffickers she'd helped incarcerate.²³ Vice President Leni Robredo has faced the threat of impeachment since providing a video criticizing the killings for an event at the UN.²⁴ The Supreme Court Chief Justice and the Ombudsman, both critics of the killings, are facing impeachments.²⁵

After Senator Risa Hontiveros arranged protective custody for witnesses to the delos Santos killing, a legislator accused her of kidnapping because they are minors, and administration prosecutors have treated the spurious argument with credence.²⁶ Duterte has threatened to "destroy" Senator Antonio Trillanes, a critic of the killings who has accused the president as well as his son of additional crimes.²⁷

By contrast, an impeachment filing against the president was quickly dismissed by a committee of the House of Representatives, ostensibly for its reliance on news reports.²⁸ Aguirre's response to Matobato, and to similar testimony by retired officer Arturo Lascañas, was to seek their arrest.²⁹ But Aguirre took no action against the president, whom they'd also implicated.

We call on the world to take decisive actions to stop the killings and encourage better policies.

A statement of concern by 39 countries at the Human Rights Council underlines the seriousness of this situation.³⁰ So does the rejection or non-commitment by the Philippine government to many of the Council's recommendations. The world should act with the urgency this suggests.

We therefore call on the UN, international donors – including the US, EU, Canada, western European states, Japan, and Australia – and other governments or organizations with ties to the Philippines, to bring their financial and diplomatic leverage to bear on this. **At a minimum, donor states should condition most law enforcement assistance on upholding human rights norms.**³¹

We likewise call on world leaders attending the ASEAN Summit to unequivocally call for an end to the killings and for human rights to be respected. ASEAN itself should end its silence on this matter. Leaders should warn other countries against adopting similar tactics.³²

The international community should promote the right to health, by funding evidence-based alternatives to the drug war in the Philippines.

We finally urge the international community to fund Philippine human rights defenders, at a level matching the crisis. In September the House voted to defund the nation's Commission on Human Rights – later reinstating funds, but at a lower level and with conditions.³³ The future of rule of law in the Philippines may depend on the work of the CHR and its allies.

The world is at a crossroads.

The UN Charter, supreme among treaties, lists human rights among the few supreme obligations of states.³⁴ But support for this global system of responsibilities and rights has become uncertain. At this uncertain time, lawlessness and extrajudicial violence must not become a model for more countries.

When human rights are attacked, all are called on to act – by individual conscience, age-old moral principles, and the global agreements seeking peace and security for all. The time for action is now.

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ENDORSER LIST IN PROGRESS – AS OF 11/6/17:

NGOs:

A New PATH (Parents for Addiction Treatment & Healing)
Access to Rights and Knowledge (ARK) Foundation, Nagaland (India)
AFEW International
AIDES (France)
akzept e.V., Bundesverband für akzeptierende Drogenarbeit und humane Drogenpolitik (Germany)
Asia Catalyst
Asian Network of People Who Use Drugs (ANPUD)
Association for Safer Drug Policies (Norway -- Foreningen Tryggere Ruspolitikk)
Asociación Costarricense para el Estudio e Intervención en Drogas (ACEID) - Costa Rica
Belangenvereniging Druggebruikers MDHG, Amsterdam
BOOM!Health, providing Harm Reduction and other services in New York City (Bronx)
Brazilian Drug Policy Center – Psicotropicus
Broken No More
CAN-DO Foundation (US)
Canadian Drug Policy Coalition
Canadian HIV/AIDS Legal Network
Canadian Students for Sensible Drug Policy
The Cannabis Alliance (US – Washington State)
The Center for Harm Reduction Therapy (US – California)
The CHOW Project
Chicago Recovery Alliance
Citywide Drugs Crisis Campaign (Ireland)
Coalition of Drug Users in Nepal (CDUN)
Correlation Network – European Network Social Inclusion & Health
DC Cannabis Campaign, DCMJ.org (US)
Death Penalty Focus (US)
Deutscher Hanfverband (DHV) - German Cannabis Association
Diogenis, Drug Policy Dialogue (Greece)
Drug Policy Alliance (US)
Drug Policy Forum of Hawai'i
Drug Policy and Harm Reduction Platform in Malawi
Drugs & Democracy programme of the Transnational Institute
EADUMC (Ethio Africa Diaspora Union Millenium Council)
ECHO (Expertises Citoyennes Horizontales) (France)
Ecuador Cannábico
Ecumenical Advocacy Network on the Philippines
Empire State NORML (New York State Chapter of the National Organization for the Reform of Marijuana Laws)
FAAAT Foundation for Alternative Approaches to Addiction – Think & do tank (France, Spain)
Family Council on Drug Awareness (US)
Federación Andaluza Enlace (Spain)
Fedito Bxl - Drugs & Addictions Brussels
Fields of Green for ALL NPC (South Africa)
Filipino American Human Rights Alliance (FAHRA)
Forum Droghe (Italy)
Free Legal Assistance Group (FLAG) (Philippines)
Fuoriluogo.it (Italy)
GAT - Grupo de Ativistas em Tratamentos (Portugal)

GRASP: Grief Recovery After a Substance Passing
The Grassrooted Trust (Sri Lanka)
Harm Reduction Coalition (US)
Harm Reduction Michigan (US)
Health GAP (US)
Hep Free Hawaii
Housing Works (US)
Human Rights Defense Center (US)
Human Rights and the Drug War (US)
Institute for Inner Balance (Slovenia)
Institute for Policy Studies, Drug Policy Project (US)
International Center for Ethnobotanical Education Research & Service, ICEERS Foundation (Spain, Uruguay)
Intercambios Puerto Rico
International Centre for Science in Drug Policy
International Drug Policy Consortium
International Network of People Who Use Drugs
The John Mordant Trust (United Kingdom)
KIPAS (Indonesia – Bengkulu)
Kopenham (Indonesia – Mojokerto, East Java)
Kripa Foundation Nagaland (India)
KULDESAK (Indonesia – Depok, West Java)
LatinoJustice PRLDEF (US)
Lawyers Collective (India)
Legalizziamo.it (Italy)
Luca Coscioni Association for Freedom of Scientific Research (Italy)
Mainline Foundation (Netherlands)
Menteng Matraman Community (Indonesia – Jakarta)
Middle East and North Africa Network of/for People who use Drugs
Moms United to End the War on drugs international campaign
mumsDU -- moms united and mandated to saving the lives of Drug Users (Canada)
National Alliance for Medication Assisted Recovery (US)
National Organization for Women (US)
National Urban Survivors Union (US – California, North Carolina, Washington)
Nepal for Public Health (working for the rights of drug users of Nepal)
New Zealand Drug Foundation
Pedro José Arenas García, Director del Observatorio de Cultivos y Cultivadores Declarados Ilícitos (OCCDI Global)
One Million Americans, LTD
PERBAN SAKTI (Indonesia – East Kalimantan)
PESONA (Indonesia – Bengkulu, Sumatera)
PILOT (Indonesia – East Lombok, NTB)
PKN (Indonesia – Bandung, West Java)
PKN (Indonesia – Bogor, West Java)
PKN (Indonesia – Bukittinggi, West Sumatera)
PKN (Indonesia – Jambi, Jambi)
PKN (Indonesia – Kepri, Riau Islands)
PKNI (Persaudaraan Korban Napza Indonesia/Indonesian Drug User Network)
PKNL (Indonesia – Lampung)
Kevin Zeese, co-director, Popular Resistance
PRERANA, First Organization Established by & for People Living with HIV in Nepal

Project Inform (US)
Recovering Nepal, National Federation of people who use drugs and drug service organizations
One Million Americans, LTD
Rights Reporter Foundation
Safe Streets Arts Foundation (US – Washington, DC)
St. Ann's Corner of Harm Reduction, Inc. (Bronx, NY)
San Francisco Drug Users Union (US)
San Francisco Safety and Wellness Coalition (US)
SATHI SAMUHA, Community-led Organization of Positive People Who Use Drugs in Nepal
Seattle Hempfest
Sex Workers and Allies Network (SWAN)
La Società della Ragione (Italy)
Students for Sensible Drug Policy
Students for Sensible Drug Policy Australia
SUPER PM (Indonesia – North Sumatera)
Supernova Women (US – Oakland, California)
Rajesh Didiya, Director, SURUWAT (Nepal)
TASKON Padang (Indonesia – West Sumatera)
TLF SHARE Collective (Philippines)
Treatment Action Group (US)
UDK Consultancy (Malawi)
Uganda Harm Reduction Network
UNAD (Spain)
Union C (Nepal)
US Filipinos for Good Governance (US)
Vocal-NY
West Borneo Action (Indonesia – Pontianak, West Borneo)
Women's Coalition Against Cancer in Malawi
Zimbabwe Civil Liberties and Drug Network

Legal Community:

Scott Bernstein, Attorney, Vancouver, British Columbia, Canada
Jesse Stout, Of Counsel, Greenbridge Corporate Counsel
National Lawyers Guild, Drug Policy Committee
Vicente Sederberg LLC

Religious Community:

Franciscan Action Network

Business Leaders:

Kayvan S.T. Khalatbari, Founding Partner, Denver Relief Consulting

Health Professionals:

Patt Denning, PhD., Director of Clinical Services & Training, The Center for Harm Reduction Therapy (San Francisco)
Philip D. Harvey, Chairman, DKT International

Law Enforcement:

Law Enforcement Action Partnership (LEAP)

Norm Stamper, Ph.D.
Seattle Chief of Police (Ret.)

Political and Governmental Officials:

Silvana Amati
Member of Senate of Italy since 2014

Representative Roger Goodman
Chair, House Public Safety Committee
Washington State Legislature

Donald Macpherson
Drug Policy Coordinator, City of Vancouver, Canada, 2000-2009

Andrea Maestri
Member of Chamber of Deputies, Italy since 2013

Marco Perduca
Member of Senate of Italy, 2008-2013

Antonella Soldo
President, Radicali italiani

Mike Trace
Former UK Drug Czar

Loves Ones of People Deceased Due to Substance Issues

Donna May for her daughter Jac, died by overdose 08/21/12 at the age of 34

END NOTES

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- ³⁰ Human Rights Council 36th Session (September 11-29, 2017), Joint Statement, Item 10 (2017) (The 39 countries wrote: "Since the Philippines underwent its [Universal Periodic Review] this year, the human rights situation continues to be of serious concern... We remain concerned about the thousands of killings and climate of impunity... [and] We share concerns of the High Commissioner regarding intimidations against [human rights defenders]..."), https://www.hrw.org/sites/default/files/supporting_resources/statement_unhrc_philippines_201709.pdf (last visited Oct. 23, 2017).
- ³¹ An example of national legislation is the Philippines Human Rights Accountability and Counternarcotics Act of 2017, currently in the US Senate: Cardin, Rubio Introduce Philippines Security, Human Rights Assistance Legislation (United States Senate Comm. of Foreign Relations May 4, 2017), <https://www.foreign.senate.gov/press/ranking/release/cardin-rubio-introduce-philippines-security-human-rights-assistance-legislation> (last visited Oct. 23, 2017).
- ³² There is already evidence of a "Duterte effect" in nearby Indonesia: Vincent Bevins, *Indonesia Might Be Copying the Vigilante Violence of Duterte's Drug War*, Wash. Post, Aug. 4, 2017 at <https://www.washingtonpost.com/news/worldviews/wp/2017/08/04/indonesia-might-be-copying-the-vigilante-violence-of-dutertes-drug-war/> (last visited Oct. 23, 2017).
- ³³ *Philippine Congress Agrees to Restore Rights Commission Budget from \$20*, Reuters, Sept. 20, 2017 at <http://www.reuters.com/article/us-philippines-duterte-rights/philippine-congress-agrees-to-restore-rights-commission-budget-from-20-idUSKCN1BV28J> (last visited Oct. 23, 2017); APF Welcomes Decision to Restore Budget of Philippines' NHRI (Asia Pac. Forum of Nat'l Human Rights Institutions Sep. 25, 2017), <http://www.asiapacificforum.net/news/apf-welcomes-decision-restore-budget-philippines-nhri/> (last visited Oct. 24, 2017).
- ³⁴ Article 103 of the UN Charter states, "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.": Charter of the United Nations, Chapter XVI — Miscellaneous Provisions, Codification Div. Publications, United Nations, <http://legal.un.org/repertory/art103.shtml> (last visited Oct. 23, 2017); Article I of the UN Charter includes "promoting and encouraging respect for human rights and for fundamental freedoms for all" among the fundamental purposes of the UN system: United Nations, Charter of the United Nations and Statute of the International Court of Justice 3 (1945), <http://treaties.un.org/doc/publication/ctc/uncharter.pdf>.