

Extrajudicial killings in the Philippines:

Open letter from civil society calling on UN drug control agencies to take urgent action

TO:

Mr. Yury Fedotov, Executive Director, United Nations Office on Drugs and Crime (UNODC)

Mr. Werner Sipp, President, International Narcotics Control Board (INCB)

2 August 2016,

Dear Mr. Fedotov and Mr. Sipp,

We are writing to request that the International Narcotics Control Board (INCB) and United Nations Office on Drugs and Crime (UNODC), as global authorities with responsibility for international drug control, urgently take action to condemn the extrajudicial killing of people suspected of using or dealing drugs in the Philippines, and to call for an immediate halt to these killings.

621 people have been killed between the 10th of May 2016 to the 27th of July 2016, as reported by a media outlet monitoring the number of drug-related deaths, *ABS CBN News*.¹ These killings have reportedly taken place in several parts of the country, including Manila, Bulacan, Cebu, Rizal, Abra, Bataan, Pangasinan and Cavite, and carried out by police or “unidentified hitmen”.² The rapidly rising number of deaths occurring on a daily basis is the direct result of President Duterte’s campaign to eliminate drug-related problems in the country.

Mr. Rodrigo Duterte won the presidential election held in the Philippines on 9th May 2016, and was inaugurated as president on 30th June 2016. Since his election campaign, Mr. Duterte has repeatedly urged law enforcement agencies, the public at large and even the Communist-led New People’s Army (NPA) to kill people suspected of dealing or trafficking drugs as well as people who use drugs, as part of his pledge to end criminal activity within three to six months in the Philippines. Although Mr. Duterte said in his inauguration speech that “[m]y adherence to due process and the rule of law is uncompromising” and “the Republic of the Philippines will honour treaties and international obligations,” he has made public statements which incite extrajudicial killings³ and contradict his stated intentions to comply with the Philippines’ human rights obligations.⁴

Instead of ensuring the protection and rights of people who use drugs, including the right to health and provision of voluntary, evidence-based drug treatment and harm reduction services, President Duterte has called for them to be killed. Instead of ensuring the rights of people suspected of committing drug-related crimes to due process and to a fair trial, the President has called for them to be executed on the spot. Despite reports of killings that involve no violent resistance, the President, Solicitor-General and Chief of Police have assured law enforcement officers that they will be protected against conviction of criminal offenses in the discharge of their anti-drug related duties, thereby implying impunity for extrajudicial killings.⁵

The outcome document of the UNGASS on the world drug problem⁶ that took place in April 2016, states the following:

4. (b) bis. Promote effective supervision of drug treatment and rehabilitation facilities by competent domestic authorities to ensure adequate quality of drug treatment and rehabilitation services and to prevent any possible acts of cruel, inhuman or degrading treatment or punishment, in accordance with domestic legislation and applicable international law;

4. (o) Promote and implement effective criminal justice responses to drug-related crimes to bring perpetrators to justice that ensure legal guarantees and due process safeguards pertaining to criminal justice proceedings, including practical measures to uphold the prohibition of arbitrary arrest and detention and of torture and other cruel, inhuman or degrading treatment or punishment and to eliminate impunity, in accordance with relevant and applicable international law and taking into account United Nations standards and norms on crime prevention and criminal justice, and ensure timely access to legal aid and the right to a fair trial;

UNODC and the INCB are committed to a human rights-based approach to drug control. The 2016 World Drug Report explicitly states that “Guaranteeing the rule of law needs to be viewed as a concept wider than mere coercion; it also encompasses inclusive access to justice delivered fairly, in full respect of human rights, through a robust system that places authority in the hands of relevant institutions, with appropriate safeguards.” The report adds that, “State authorities [should] act in compliance with the rule of law and international norms and standards concerning, inter alia, the use of force, the protection of victims and the treatment of offenders.”⁷ Similarly, Mr. Sipp’s foreword to the 2016 INCB Annual Report states that the drug control system should be based on the “principles of proportionality, collective responsibility and compliance with international human rights standards”.⁸

The approach taken by President Duterte clearly deviates from these important global norms for the implementation of drug control policies.

With many more lives at stake, it is of critical importance for the UNODC and INCB as global authorities on international drug control to demand an end to the atrocities currently taking place in the Philippines, and to state unequivocally that such actions do not constitute acceptable drug control measures. We call on the UNODC and INCB to communicate strongly with the Philippines Government the following messages:

- a. President Duterte’s actions to incite these extrajudicial killings cannot be justified as being in line with global drug control. All measures taken to control drugs in the Philippines must be grounded in international law
- b. Request that President Duterte put an immediate end to incitements to kill people suspected of committing drug-related offences
- c. Encourage President Duterte to uphold the rule of law and ensure that the right to due process and a fair trial is guaranteed to all people suspected of committing drug-related crimes, in line with the conclusions of the 2016 UNODC World Drug Report⁹
- d. Promote an evidence-based and health-focused approach to people who use drugs, including voluntary treatment and harm reduction services, instead of compulsory detention, in line with UNODC’s guidance¹⁰
- e. In line with the international human rights obligations of the Philippines – and with the official position of both the UNODC and the INCB – call on the Philippines not to re-impose the death penalty for drug offences.

We look forward to your urgent response and action.

Yours sincerely,

International Drug Policy Consortium

[INSERT ORGANISATIONAL SIGNATORIES]

¹ 13 July 2016 (first published) "Maps, chart: the death toll of the war on drugs" *ABS-CBN news*, <http://news.abs-cbn.com/focus/v2/07/13/16/map-charts-the-death-toll-of-the-war-on-drugs>

² 18 July 2016 "The Kill List" *The Inquirer*, <http://newsinfo.inquirer.net/794598/kill-list-drugs-duterte>

³ Mr. Duterte stated, for instance:

- "If you resist, show violent resistance, my order to police (will be) to shoot to kill. Shoot to kill for organised crime." See: 17 May 2016, "Duterte vows to bring back hanging and kill criminals in Philippines" *The Guardian*, <https://www.theguardian.com/world/2016/may/16/duterte-vows-to-kill-criminals-and-reintroduce-hanging-in-philippines>
- In reference to a person suspected of dealing drugs and who resists arrest, refuses to be brought to a police station and threatens others with a gun or knife: "you can kill him" and "Shoot him and I'll give you a medal." See: 5 June 2016 "Kill drug dealers and I'll give you a medal, says Philippines president" *The Guardian*, <https://www.theguardian.com/world/2016/jun/05/kill-drug-dealers-medal-philippines-president-rodriago-duterte>
- "If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful." See: 1 July 2016 "Philippines president Rodrigo Duterte urges people to kill drug addicts" *The Guardian*, <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodriago-duterte-urges-people-to-kill-drug-addicts>
- "if you're into drugs, I'm very sorry. I'll have to apologize to your family because you'll surely get killed." See: 26 June 2016 "Duterte in Cebu: Drug users, pushers will 'surely be killed'" *Rappler*, <http://www.rappler.com/nation/137654-duterte-cebu-drug-users-pushers-killed>
- In a speech at the national police headquarters on 1 July 2016: "Do your duty and if in the process you kill 1,000 persons because you were doing duty and I will protect you." See: 1 July 2016 "President Rodrigo Roa Duterte Speech during the Philippine National Police (PNP) Assumption of Command" Presidential Communications Operations Office, <http://pcoo.gov.ph/july-01-2016-president-rodriago-roa-duterte-speech-during-the-philippine-national-police-pnp-assumption-of-command/>

See: 17 May 2016, "Duterte vows to bring back hanging and kill criminals in Philippines" *The Guardian*,

<https://www.theguardian.com/world/2016/may/16/duterte-vows-to-kill-criminals-and-reintroduce-hanging-in-philippines>;

5 June 2016 "Kill drug dealers and I'll give you a medal, says Philippines president" *The Guardian*,

<https://www.theguardian.com/world/2016/jun/05/kill-drug-dealers-medal-philippines-president-rodriago-duterte>; 1 July

2016 "Philippines president Rodrigo Duterte urges people to kill drug addicts" *The Guardian*,

<https://www.theguardian.com/world/2016/jul/01/philippines-president-rodriago-duterte-urges-people-to-kill-drug-addicts>.

⁴ The Philippines has ratified the *International Covenant on Civil and Political Rights*, *International Covenant on Economic, Social and Cultural Rights*, and *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, which protect rights to life, health and due process including presumption of innocence, among other human rights treaties.

⁵ 19 July 2016, "Duterte to pardon cops in drug killings", Philstar,

<http://www.philstar.com/headlines/2016/07/19/1604381/duterte-pardon-cops-drug-killings>; 12 July 2016 "Philippines'

top lawyer urges police to embrace Rodrigo Duterte's calls and kill more criminals" *ABC News*,

<http://www.abc.net.au/news/2016-07-12/philippines-top-lawyer-urges-more-killings/7588234>; 14 July, "Drug Syndicates

killing each other", *Rappler*, <http://www.rappler.com/nation/139683-dela-rosa-summary-killings-vigilante-pnp>; 11 July

"PNP legally harassed by Senator de Lima", *Rappler*, <http://www.rappler.com/nation/139327-dela-rosa-pnp-harassed-by-de-lima>

⁶ United Nations General Assembly (2016), *Our joint commitment to effectively addressing and countering the world drug problem*, A/S-30/L.1, <http://www.un.org/Docs/journal/asp/ws.asp?m=A/S-30/L.1>

⁷ UNODC (2016), *2016 World Drug Report*, <http://www.unodc.org/wdr2016/>

⁸ INCB (2016), *2015 Annual Report*, <http://www.incb.org/incb/en/publications/annual-reports/annual-report.html>

⁹ UNODC (2016), *2016 World Drug Report*, <http://www.unodc.org/wdr2016/>

¹⁰ See, for instance: UNODC (2009), *From coercion to cohesion: Treating drug dependence through health care, not punishment*, https://www.unodc.org/docs/treatment/Coercion_Ebook.pdf & World Health Organization, United Nations Office on Drugs and Crime & Joint United Nations Programme on HIV/AIDS (2012), *WHO, UNODC, UNAIDS Technical Guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users – 2012 Revision*, <http://www.who.int/hiv/topics/idu/en/index.html>