



PHILIPPINES

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

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AMNESTY
INTERNATIONAL



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1. INTRODUCTION

Amnesty International submits the following information to the UN Human Rights Committee ahead of the 5th report of Philippines at the Committee's 136th session in October 2022.

The submission sets out Amnesty International's concerns and recommendations regarding the implementation of the International Covenant on Civil and Political Rights (the Covenant) by the government of the Philippines. It highlights concerns with regard to violations committed in the context of punitive drug policies and the ongoing "war on drugs" including to the right to life; use of force by law enforcement officials; torture and other cruel, inhuman and degrading treatment; arbitrary arrest and detention; right to liberty and fair trial guarantees; and freedom of expression. This submission is not an exhaustive account of Amnesty International's concerns related to the implementation of the Covenant.

2. PUNITIVE DRUG POLICIES AND THE ONGOING "WAR ON DRUGS" (ARTICLES 2, 6, 7, 9 AND 14)

2.1 RIGHT TO LIFE AND USE OF FORCE BY LAW ENFORCEMENT OFFICIALS

Since 2016, the Philippine government has embarked on a deadly policy known as the "war on drugs" as a way to stop the use and sale of illicit drugs. Under this punitive policy based on the prohibition and criminalization of drugs, thousands of people mostly from poor communities have been unlawfully killed by police and unidentified armed persons, many of whom are believed to have been linked to the police.¹ Anti-drug operations have heavily relied on the use of force by law enforcement officials and other state agents – instead of on an approach that is based on health and human rights – based on the premise that national security or public safety is at stake. Throughout his administration, former President Duterte repeatedly encouraged police and others to "shoot to kill" while enforcing drug laws, in violation of the right to life.²

¹ Amnesty International, ["If you are poor you are killed: Extrajudicial Executions in the Philippines' 'War on Drugs,'"](#) January 2017

² See for example, Al Jazeera News, ["Rodrigo Duterte: Shoot a drug dealer, get a medal"](#), 5 June 2016; The Guardian, [Philippines president Rodrigo Duterte urges people to kill drug addicts](#), 1 July 2016; Rappler, ["Duterte: 'I will kill more to get rid of drugs'"](#), 2

The “war on drugs” continues and has resulted in the normalisation of extrajudicial executions, police abuses and a climate of impunity.³ From 2017 to 2021, Amnesty International documented serious crimes under international law and other human rights violations resulting from anti-drug operations, including extrajudicial executions, arbitrary detentions, and torture and other ill-treatment.⁴ Amnesty International has concluded that the crimes committed in the context of the “war on drugs” reach the threshold of crimes against humanity.⁵ Victims of drug-related killings documented by Amnesty International have overwhelmingly been from poor and marginalised communities, who have been disproportionately impacted by criminal drug laws and discriminated against as a result.⁶

In many instances, police officers have planted drugs as “evidence” and falsified incident reports to cover up extrajudicial executions and other human rights violations.⁷ Apart from police anti-drug operations, police have also killed people suspected of selling drugs after detaining them.⁸ Amnesty International also documented other abuses committed by the police during anti-drug operations, including under the table payments to both police and unidentified armed persons with links to the police, rackets between the police and funeral homes for each body brought in, and theft by police officers from families of victims.⁹ Police officers responsible for committing or overseeing unlawful killings have been rewarded and promoted to senior positions in other regions in the country, resulting in a surge in killings in those areas.¹⁰

As a way to enforce the criminalization of drugs and serving as a precursor to deadly anti-drug operations, police and government authorities – including former President Duterte himself – have drawn up and employed non-judicial “drug watch lists” of people suspected of using or selling drugs. These lists did not emerge from any judicial process. People on these lists have been subjected to unlawful arrest, torture and other ill-treatment, and extrajudicial executions by the police and armed persons believed to be linked to the police.¹¹

Additionally, the “war on drugs” has undermined many people’s right to enjoy the highest attainable standard of health. During the early stages of the “war on drugs”, government authorities encouraged people to “surrender” and undergo treatment that they claimed to be voluntary. People who used drugs faced being killed if they did not report themselves to the authorities and turn themselves in. Once they “surrendered”, they found themselves in community-based programmes that were poorly funded and lacked an evidence base for the type of treatment they offered. Participants in such programmes who subsequently restarted drug use often became the target of police operations with deadly consequences.¹²

The violent campaign against drugs has had a devastating impact on families and children, who have been killed and otherwise harmed by the “war on drugs”. On a much wider scale, many families have experienced severe trauma as a result of losing a parent or sibling and often even witnessing the killing of their relative. Many families also faced deeper poverty after a breadwinner’s death.¹³

Since the Marcos administration took office in June 2022, the government has not made any clear declaration that it will end the violent approach of the “war on drugs.” Instead, officials have indicated it will continue. On 4 July 2022, newly appointed Secretary Benhur Abalos of the Department of the Interior and Local Government

February 2022; Philippine Daily Inquirer, [“On final Sona, Duterte repeats campaign promise to ‘kill people who destroy PH’”](#), 26 July 2021

³ Amnesty International, [Philippines: New administration must confront human rights crisis, ensure accountability](#), 29 June 2022

⁴ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017; Amnesty International [“They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines’ ‘war on drugs’”](#), July 2019; Amnesty International [“My Job is to Kill: Ongoing human rights violations and impunity in the Philippines.”](#) July 2020; Amnesty International, [Philippines: New administration must confront human rights crisis, ensure accountability](#), 29 June 2022

⁵ Amnesty International, [“Philippines: New administration must confront human rights crisis, ensure accountability”](#), 29 June 2022;

Amnesty International, [Philippines: ICC launches probe into deadly “war on drugs”, seeks to end impunity](#), 16 September 2021; Amnesty International, [“My Job is to Kill: Ongoing human rights violations and impunity in the Philippines.”](#) July 2020, p.14; [“They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines’ ‘war on drugs’”](#), July 2019, p. 25

⁶ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017, p.40

⁷ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017, pp.30-31

⁸ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017, p.27

⁹ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017, pp.41-44

¹⁰ Amnesty International [“They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines’ ‘war on drugs’”](#), July 2019, p. 23-24

¹¹ Amnesty International, [“They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines’ ‘war on drugs’”](#), July 2019 pp. 27-30

¹² Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017 p.58; Amnesty International, [“They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines’ ‘war on drugs’”](#), July 2019 pp. 26-30

¹³ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017 p.44-

45

said that “the war against drugs will be as intensive as before.”¹⁴ On 4 August 2022, following his appointment as chief of the Philippine National Police (PNP), Gen. Rodolfo Azurin said that the “war on drugs shall be relentlessly continued regardless of who gets hurt and who gets caught.”¹⁵ Days later, Azurin said the police would “try to preserve human life” in the continuation of the “war on drugs,”¹⁶ but there has been no acknowledgement to date of the overwhelming evidence pointing to police involvement in extrajudicial executions during anti-drug operations. On 8 August, in a speech to mark the anniversary of the PNP, President Marcos called on the police to be “reasonable” and “justifiable” in their use of force but failed to commit to respect international standards on the use of force.¹⁷

Alarming, data from Dahas – a multisectoral research project looking into violence in the Philippines – has shown a marked increase in drug-related killings since the new administration took office. According to this data, in total, there were at least 200 killings from January - August 2022. Over 70 of these killings occurred in drug-related incidents during the first two months of the new administration (1 July - 31 August 2022), with at least 32 people reportedly killed in August 2022 alone.¹⁸ This increase in killings points to the worrying continuation not just of the brazen lack of accountability but also of the murderous approach to drug policy that has already killed thousands of people in the country.

While drugs can certainly pose risks to individuals and societies, it is precisely because of these risks that governments need to shift away from policies based on prohibition and criminalization in favour of evidence-based alternatives that protect public health and the human rights of people who use drugs and other affected communities. The “war on drugs” has failed to decrease the use and availability of drugs over the years, and has instead undermined the rights of millions, exacerbated the risks and harms of using drugs, and intensified the violence associated with illicit markets. The Philippine government should instead adopt new models of drug control that put the protection of people’s health and other human rights at the centre, including the decriminalization of the use, possession and cultivation of drugs for personal use and an expansion of health and other social services to address the risks related to the use of drugs.

2.2 ACCOUNTABILITY

Despite the Philippine government’s insistence that there are ongoing investigations into killings committed in the context of the “war on drugs”, there remains no genuine accountability for these human rights violations nor justice for families of victims. Research conducted by Amnesty International in 2016, 2019, and 2021 into drug-related killings has found that the authorities have consistently failed to investigate extrajudicial executions and have failed to prosecute those suspected of responsibility, including police.¹⁹ There is one lone exception – the prosecution in 2018 of a case that had been broadly reported in the media and had raised international condemnation – the killing of 17 year old Kian delos Santos.²⁰ While some administrative cases also appear to have been brought against police officers, the outcomes of these are unclear. It is inadequate to impose solely administrative penalties on people responsible for committing or ordering such grave human rights violations, including of the right to life.

Authorities have repeatedly placed the onus on families of victims to file cases before the courts, failing in their obligation to initiate prompt investigations into allegations of arbitrary deprivation of life. Interviews conducted by Amnesty International with witnesses of drug-related killings and family members of those who were killed have shown that there has been no genuine police investigation into the killings.²¹ Families have further spoken of the difficulties in securing witness testimonies because of a pervasive climate of fear. Families have also reported how they are unable to obtain police or autopsy reports from the authorities to pursue cases. Many

¹⁴ Philippine Daily Inquirer, [Abalos: Drug war to be ‘as intensive as before’](#), 6 July 2022

¹⁵ The Philippine Star, [New PNP chief vows to sustain war on drugs](#), 4 August 2022

¹⁶ GMA News, [PNP to uphold protection of human life in campaign vs illegal drugs –Azurin](#), 7 August 2022

¹⁷ ABS CBN News, [Marcos tells PNP to be ‘reasonable, justifiable’ in use of force](#), 8 August 2022

¹⁸ Dahas, [August 2022 Drug-Related Killings](#), 31 August 2022

¹⁹ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017; Amnesty International, [“They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines’ ‘war on drugs’”](#), July 2019; Amnesty International, [“My Job is to Kill: Ongoing human rights violations and impunity in the Philippines.”](#) July 2020. Amnesty International, [Philippines: New administration must confront human rights crisis, ensure accountability](#), 29 June 2022

²⁰ In November 2018, three police officers were found guilty of the murder of 17 year old teenager Kian de los Santos in 2017, in a police operation that was partially captured on CCTV, contradicting the police account and whose killing sparked widespread public outcry. See for example, BBC News, [Philippines drug war: Police guilty of murdering Kian Delos Santos](#), 29 November 2018

²¹ Amnesty International, [“If you are poor you are killed: Extrajudicial Executions in the Philippines’ ‘War on Drugs.’”](#) January 2017 p.48-54; Amnesty International, [“They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines’ ‘war on drugs’”](#), July 2019 p.31-36

families seeking justice for their relatives have been harassed, intimidated, threatened and put under unlawful surveillance by the police following the killings of their loved ones.²²

In October 2021, the Department of Justice released a matrix containing limited information from a review of a mere 52 cases among thousands of deaths during police anti-drug operations. Amnesty International expressed concern over the review from the onset, as its timing and circumstances clearly suggested it was designed to shield the government from international scrutiny.²³ The methodology of the investigation was deeply concerning and included the very agencies involved in the killings and other human rights violations. Moreover, the details of the full review remain unavailable to the public, with the report itself classified as a confidential memo to the President. The Department of Justice also said it was consulting with the Philippine National Police – whose members are widely believed to be behind the killings and other human rights violations – on whether families of victims could be given copies of the report. The Philippines' Commission on Human Rights was not involved in the review process, contrary to the government's earlier commitment.

In February 2018, the International Criminal Court (ICC) launched a preliminary examination into possible crimes under international law committed in the country.²⁴ A month later, former President Duterte announced that the Philippines would withdraw from the Rome Statute, which took effect in March 2019 but did not remove the ICC's power to investigate crimes committed in the country before the withdrawal took effect.²⁵ On 14 June 2021, the ICC Prosecutor announced that she would seek authorisation for a full investigation into crimes against humanity, torture and other inhumane acts committed in connection with the country's "war on drugs" between 1 November 2011 and 16 March 2019.²⁶

On 1 August 2022, President "Bongbong" Marcos Jr announced that the Philippine government "had no intention of rejoining" the ICC because there were sufficient domestic-level investigations.²⁷ However, in June 2022, the ICC Prosecutor decided that a government's deferral request should be rejected, concluding that there is no evidence that the Philippines is willing to genuinely investigate and prosecute those suspected of human rights violations. The Prosecutor subsequently requested the Pre-Trial Chamber to authorize the resumption of the investigation.²⁸ On 8 September 2022, the Philippine government asked the Court to deny this request.²⁹

Since the launch of the ICC's probe, the government has consistently refused to cooperate with the Court. The government has similarly refused access to UN investigators and experts since 2016. In March 2018, former President Duterte issued a verbal order to the Philippine National Police not to cooperate with UN Special Procedures or any other international investigators probing human rights violations in the Philippines.³⁰ After the High Commissioner for Human Rights criticised this statement,³¹ Duterte doubled down on his order saying that UN human rights investigators should be "fed to the crocodiles."³²

Former President Duterte personally threatened or attacked those seeking to investigate the "war on drugs". The former President and other government officials repeatedly sought to disparage the former Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, after she raised concerns about extrajudicial executions in the Philippines and even threatened her with violence.³³ Former ICC Prosecutor Fatou Bensouda was also singled out and subjected to personal attacks.³⁴

²² Amnesty International, "They Just Kill: Ongoing extrajudicial executions and other violations in the Philippines' 'war on drugs'" p31-36, July 2019; Amnesty International "My Job is to Kill: Ongoing human rights violations and impunity in the Philippines," July 2020 p.10-13

²³ Amnesty International, Philippines: Government review a woefully insufficient response to victims of "war on drugs", 22 October 2021

²⁴ BBC News, Philippines drugs war: ICC announces initial inquiry into killings, 8 February 2018

²⁵ Amnesty International, Philippines: Duterte cannot halt ICC investigation into murderous "war on drugs", 23 July 2021

²⁶ Amnesty International, Philippines: Landmark ICC investigation into Duterte's murderous "war on drugs", 14 June 2021

²⁷ Reuters, Marcos rules out Philippines rejoining ICC ahead of plan to resume probe, 1 August 2022

²⁸ International Criminal Court, Statement of the Prosecutor of the International Criminal Court, Karim A. A. Khan QC, following the application for an order under article 18(2) seeking authorisation to resume investigations in the Situation in the Philippines, 24 June 2022

²⁹ Rappel, PH gov't asks ICC pre-trial chamber to deny request to resume probe into drug war, 8 September 2022

³⁰ Rappel, Duterte tells police to ignore UN rapporteurs' probe, 1 March 2018

³¹ UNOHCHR, High Commissioner's global update of human rights concerns, 7 March 2018

³² Philippine Star, Duterte: Feed United Nations rights experts to crocodiles, 12 March 2018

³³ Rappel, Duterte threatens to slap UN rapporteur if she probes drug war, 9 November 2017

³⁴ Al Jazeera, Duterte attacks rights officials Callamard and Bensouda, 9 March 2018

2.3 ARBITRARY ARREST AND DETENTION

As part of the government's punitive approach to drugs, others who have exposed human rights violations or criticised the government's approach have experienced reprisals. Amnesty International declared former Senator Leila de Lima as a prisoner of conscience after she was arbitrarily detained at the headquarters of the Philippine National Police (PNP) on 24 February 2017.³⁵ De Lima was the first politician to be targeted by former President Duterte for her staunch criticism of the human rights violations under his administration, both as President and previously as the mayor of Davao City.

In 2009, when de Lima was Chairperson of the Commission on Human Rights, she launched an investigation into extrajudicial executions by the so-called "Davao death squad" in Davao City, triggering the ire of the former President who was the city mayor for over two decades spread over several periods, the last of which was until 2016 before he was elected president. As Chairperson of the Senate Committee on Justice and Human Rights, de Lima started in August 2016 an investigation into the killings that began immediately after former President Duterte took office. He and his allies in the executive and legislative branches responded with a year-long smear campaign against de Lima. Legislators then blocked the Committee's investigation and instead started an inquiry into her alleged romantic affairs – even threatening to make public a purported sex video of her – and her alleged links with people convicted and imprisoned for drug-related offences.³⁶

In February 2017, de Lima was arrested for her alleged links to people detained for drug-related offences.³⁷ The accusations against her were mainly based on the testimonies of these convicted individuals that enabled prosecutors to claim that de Lima had connections to drug syndicates and that she allowed the proliferation of drugs in the New Bilibid Prison. De Lima has consistently denied the accusations. She initially faced three charges under the Comprehensive Dangerous Drugs Act of 2002 for the non-bailable offense of illegal drug trading, but the charges were later changed to conspiracy to commit illegal drug trading, also a non-bailable offense. One charge was dropped in 2021. If found guilty, she faces a maximum of life imprisonment.

On 9 August 2022, the Philippines' Office of the Ombudsman dismissed bribery complaints against de Lima – filed in 2018 by a special team of investigators from the Ombudsman's office – citing inconsistencies in witnesses' testimonies. This dismissal added to growing proof of concerted efforts to prosecute and fabricate evidence against her. Before this, several witnesses retracted their allegations against de Lima in relation to the drug-related charges, saying they were coerced and threatened by the police and high-level government officials to falsely implicate the former Senator in the illegal drug trade.³⁸

2.4 RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF THE PHILIPPINES TO:

Amnesty International calls on the government of the Philippines to:

- Immediately end the so-called "war on drugs" led by the police, and initiate independent, impartial, and effective investigations into police officers suspected of involvement in human rights violations committed in the context of the "war on drugs", including extrajudicial executions as well as their links to unidentified armed persons also committing such executions.
- Ensure prosecution in all cases where investigations uncover sufficient, admissible evidence of criminal responsibility for offences involving crimes under international law and other serious human rights violations and abuses, including extrajudicial executions.
- Undertake a comprehensive review of all drug laws and policies to bring them in line with international human rights law and standards to ensure the protection of public health and human rights.

³⁵ Amnesty International, Philippines: [Presidential candidates must commit to freeing senator unjustly detained for 5 years](#), 21 February 2022

³⁶ Amnesty International, ["Philippines: Free senator and end attacks on human rights defenders"](#), 20 February 2020

³⁷ BBC News, Leila de Lima: [Top Duterte critic arrested on drug charge](#), 24 February 2017

³⁸ Amnesty International, [Philippines: Further information: Ombudsman dismisses bribery charges vs Leila de Lima](#), 18 August 2022

- Ensure that law enforcement agencies that engage in anti-drug operations comply with international law and standards on the use of force, in particular as set out in the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and issue clear orders for them to refrain from all conduct which violates international human rights law, including unlawful killings, arbitrary arrests, acts of torture and other ill-treatment and other abuses.
- Urgently end the policy of compiling “watch lists” of people suspected of using or selling drugs.
- Ensure that any drug treatment is voluntary, medically indicated, based on scientific evidence and carried out in a non-discriminatory, transparent and inclusive way.
- Promote a clear, evidence-based understanding of the complexity of drug dependence and reform all drug policies to ensure the protection of health and human rights.
- Guarantee a safe and enabling environment for human rights defenders that expose human rights violations in the context of the “war on drugs” or that advocate reforming drug laws and policies, and ensure they are able to conduct their activities without fear of punishment, reprisal or intimidation.
- Release immediately and unconditionally prisoner of conscience and former Senator Leila de Lima and put an end to the harassment and intimidation of all those who express critical views of the government.
- Allow immediate and unhindered access to the country 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.

3. TORTURE AND OTHER ILL-TREATMENT (ARTICLES 6, 7, 9 AND 14)

3.1 RIGHT TO LIFE, TORTURE AND OTHER ILL-TREATMENT

Amnesty International carried out a detailed investigation in 2014 into torture and other ill-treatment committed by the police.³⁹ Amnesty’s research found that, despite domestic legislation criminalizing torture, a pervasive culture of impunity within the police force existed. Moreover, the overwhelming majority of reports of torture and other ill-treatment involved police officers. Those most at risk of being tortured or otherwise ill-treated after arrest included children in conflict with the law, repeat offenders and criminal suspects whose alleged crimes have personally affected police officers. Also at risk were informal police auxiliaries (so-called police “assets”) who have fallen out of favour with local police officers.⁴⁰

Torture and other ill-treatment usually take place following irregular arrests by police, which deviate from standard operational procedures, heightening the risks when suspects are held incommunicado and kept in unofficial and secret detention facilities. Police officers facing a lack of resources and the necessary forensic and investigative capacity often resort to torture and other ill-treatment to extract “confessions” or information

³⁹ Amnesty International, “[Above the Law, Police Torture in the Philippines](#)”, 4 December 2014.

⁴⁰ Police “assets” are informal police auxiliaries handpicked by police officers to assist them in a wide range of tasks, including providing information, support in covert operations and in some cases, performance of extra-legal activities in exchange for a fee

from criminal suspects. These may be a “shortcut” to solve a case or sometimes just to appear to have solved a case regardless of the veracity of the “confession” obtained. In many cases, torture or other ill-treatment is also inflicted to punish suspects or to extort money from them.

While on paper it is possible for survivors of torture and other ill-treatment to access justice and reparations, Amnesty International’s research revealed a lack of adequate information provided to torture victims and their families regarding their rights under the law and the options available to them to lodge a complaint. Most of the accountability mechanisms were either unknown to victims and their families or not easily accessible.

Despite the enactment of the Anti-Torture Act (ATA) in 2009, there is just one known conviction for torture or other ill-treatment under the law.⁴² Under the ATA, various bodies are mandated to receive and investigate complaints of torture within 60 days, including the Commission on Human Rights (CHR); the Department of Justice (DOJ), specifically under its National Bureau of Investigation (NBI); the Philippine National Police (PNP); and the Armed Forces of the Philippines (AFP). In addition, the Public Attorney’s Office (PAO) was tasked to assist the complainants with legal documentation. Under the Philippine judicial system, two agencies have authority to prosecute: the DOJ through its National Prosecution Service (NPS) and the Office of the Ombudsman for government officials. Amnesty International’s research found that when cases of torture were investigated, most did not make it past the preliminary investigation – the stage which determines if criminal charges should be brought to court. A number of cases were dismissed due to insufficient evidence, while others are still pending resolution or were dismissed and remain under appeal years after the incident.

The Philippines ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012 but has yet to establish a National Preventive Mechanism as required under the Protocol.

3.2 RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF THE PHILIPPINES TO:

- Acknowledge publicly the seriousness and the persistence of torture and other ill-treatment and condemn all such acts unreservedly.
- Ensure justice and reparations for victims of torture and other ill-treatment through concrete steps that will guarantee prompt, impartial, independent and effective investigations into all reports of torture and other ill-treatment by law enforcement officials. Those found responsible should be brought to justice through prosecution in a court of law, in proceedings which meet international standards of fairness, and the victims should be granted adequate reparations.
- Expedite the establishment of a National Preventive Mechanism against torture in line with the Optional Protocol to the Convention Against Torture (OPCAT). The Mechanism should be given the full powers, resources and mandate as stipulated in the OPCAT, in particular for unrestricted access to all places of detention and people deprived of liberty.

⁴² Amnesty International, “Philippines: Historic ruling on police torture following Amnesty International campaign,” 1 April 2016

4. ATTACKS ON ACTIVISTS AND HUMAN RIGHTS DEFENDERS

4.1 RIGHT TO LIFE, USE OF FORCE BY LAW ENFORCEMENT OFFICIALS, ARBITRARY ARREST AND DETENTION, RIGHT TO LIBERTY AND A FAIR TRIAL

The Philippines has long seen attacks against human rights defenders and political activists perceived to be affiliated with the left. Following a breakdown in peace talks between the Duterte administration and the Communist Party of the Philippines – New People’s Army (CPP-NPA) in 2017, attacks once again increased. The government’s counter-insurgency strategy against the CPP-NPA has increasingly focused on discrediting and dismantling civil society organizations purported to be “CPP front groups”, with political and environmental activists, human rights defenders, trade union leaders, journalists, lawyers, and church leaders, repeatedly “red-tagged” or accused of having links to “terrorists” and communist groups.⁴²

The National Taskforce to End Local Communist Armed Conflict, set up by the government in 2018, has led to an increase in red-tagging and security operations against groups accused of being linked to the leftist movement. This phenomenon of “red-tagging” has posed a grave threat to civil society organizations and human rights defenders, resulting in death threats, “hate speech”, and killings as well as arbitrary arrest and detention of activists and human rights defenders.

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 who were arbitrarily detained.⁴³ The police arrested over 50 people, including children, accusing them of participating in explosives and firearms training, and detained them on 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. This is a pattern that repeats itself in other counter-insurgency operations across the country.

Amnesty International is also concerned by the alarming pattern of killings and disappearances of activists who have been red-tagged. These include human rights defender Zara Alvarez, who was shot dead by unidentified assailants in Bacolod City, Negros Occidental on 17 August 2020. She was a paralegal for the human rights group Karapatan and the research and advocacy officer of Negros Island Health Integrated Program. Her murder followed the killing of fellow activist and peace advocate Randall “Randy” Echanis in his home in Quezon City on 10 August 2020. The names of both individuals were among the hundreds of individuals that the Department of Justice asked a court to declare as ‘terrorists’ in 2018.⁴⁴

Steve Abua, a land rights activist and community organizer of farmers and Indigenous Peoples, has been missing since he was abducted by unidentified persons on 6 November 2021 in Central Luzon. His family said his alleged abductors called and asked them to convince him to admit that he is a member of an armed group, a

⁴² Amnesty International, *“My Job is to Kill: Ongoing human rights violations and impunity in the Philippines,”* July 2020 pp15-19

⁴³ Amnesty International, *“My Job is to Kill: Ongoing human rights violations and impunity in the Philippines,”* July 2020 p.17

⁴⁴ Amnesty International Philippines, *Cold-blooded murder of another activist and peace advocate must be investigated*, 10 August 2020

tactic often used by Philippine authorities to silence human rights defenders and dissidents.⁴⁵ To date, his fate and whereabouts remain unknown and the authorities have denied his family any information about him.⁴⁶

In July 2020, then President Duterte signed into law the Anti-Terrorism Act of 2020, which replaced the Human Security Act of 2007.⁴⁷ Despite the government's attempts to allay fears about the law, the Act contains dangerous provisions that may be enforced arbitrarily and discriminatorily against human rights defenders, political activists, religious or ethnic communities and other groups critical of the authorities. Among other concerns, it grants the police and military agencies the power to detain suspects without a warrant or a charge for up to 24 days for investigation (an initial period of 14 days and a 10-day extension), in contravention of international standards that require officials to promptly inform those detained of criminal charges. Prolonged detention without charge, together with warrantless arrests, increases the risk of torture and other ill-treatment, and also violates the right to liberty under international law.⁴⁸

In January 2022, the House of Representatives passed the Human Rights Defenders Protection Bill. The bill aims to strengthen existing laws and provide additional institutional measures to protect human rights defenders (HRDs) from extrajudicial killings, and extreme threat and harassment. A counterpart bill at the Senate, co-authored by former Senator Leila de Lima, remains pending.⁴⁹

Under the Marcos administration, red-tagging has continued. In June 2022, former National Security Adviser Hermogenes Esperon Jr asked the National Telecommunications Commission to block access to several websites of groups he accused of links with "terrorists and terrorist organizations",⁵⁰ an act which groups affected by the order described as arbitrary and a violation of the right to freedom of expression. One of the groups whose websites were blocked – alternative news site Bulatlat – managed to have the order against them lifted after securing an injunction from the court and paying a bond.⁵¹

On 15 August 2022, the Philippines' Department of Justice indicted at least 16 people linked with the Rural Missionaries of the Philippines (RMP) – a church-based group of nuns, priests and lay persons working with agricultural workers and Indigenous Peoples – over alleged terror financing.⁵² RMP has been consistently vilified and threatened by the Philippine government, including by repeated red-tagging. The group has denied the allegations against them, saying that their activities are well-documented and accounted for, including through reports to donors. The RMP has not been designated as a terrorist group by any court in the country, nor by the Anti-Terrorism Council under the Anti-Terrorism Act 2020.

4.2 RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF THE PHILIPPINES TO:

- End the vicious and at times deadly practice of red-tagging groups or individuals.
- Ensure effective and independent investigations into allegations of human rights violations against human rights defenders and hold perpetrators accountable, including by swiftly enacting the Human Rights Defenders Protection Act to strengthen existing laws and provide additional institutional measures to protect human rights defenders from threats and attacks.
- Avoid the use of counter-insurgency and counterterrorism to justify human rights violations by reviewing the government's counter-insurgency policies and agencies, including the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), and ending policies which infringe on human rights and do not comply with international human rights law and standards.
- Publicly instruct officials – including from the NTF-ELCAC – to end the harassment and intimidation of human rights defenders and political activists and ensure that these groups can carry out their human rights work in a safe and enabling environment.

⁴⁵ Amnesty International, "Philippines: Fears of torture for abducted activist: Steve Abua", 16 November 2021

⁴⁶ Karapatan, Karapatan urges CA anew: issue writ of habeas corpus and surface Steve Abua now as wife files MR, 21 April 2022

⁴⁷ Amnesty International, "Philippines: Dangerous anti-terror law yet another setback for human rights", 3 July 2020

⁴⁸ Amnesty International, "Philippines: Reject dangerous anti-terror law", 4 June 2020

⁴⁹ Amnesty Philippines, Senate should act swiftly, pass HRDP bill to protect human rights, 18 January 2022

⁵⁰ GMA News, NTC blocks over 20 'CPP-linked' websites on Esperon's request, 22 June 2022

⁵¹ CNN Philippines, Court halts NTC from blocking access to Bulatlat website, 11 August 2022

⁵² Rappler, "Religious group: Terror financing charge 'part of worsening state repression' vs rights defenders", 18 August 2022

- Repeal or amend the Anti-Terrorism Act 2020 and bring it in line with international law and standards on counter-terrorism.
- Ensure effective implementation of the Administrative Order (AO) No. 35 Guidelines – which created a task force to monitor, investigate and prosecute cases of “extra-legal killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons”. Effective implementation should include periodic monitoring of performance with a view to increasing the capacity of the task force to handle cases, identify and prosecute perpetrators.

5. FREEDOM OF EXPRESSION (ARTICLE 19)

5.1 JOURNALISTS AND OTHER MEDIA WORKERS

Government critics, including the media, continue to face politically motivated charges simply for exercising their right to freedom of expression.

ABS-CBN, the country’s largest broadcast media network, has been off air since May 2020 when the Philippine Congress – whose members were mostly allies of former President Duterte – voted to deny ABS-CBN’s franchise renewal application. ABS-CBN produced numerous investigations highlighting extrajudicial executions and other human rights violations committed as part of the government’s “war on drugs”, as well as other reports critical of the past administration.⁵³

For more than three decades, journalist and Nobel Peace Prize laureate Maria Ressa has worked tirelessly as a journalist in the Philippines, carrying out vital investigative reporting on corruption, abuses of power, and human rights violations in the context of the “war on drugs”. Ressa, together with former journalist Reynaldo Santos and directors of the news website Rappler, have collectively faced threats and multiple lawsuits and investigations, including for alleged tax violations and violations of the prohibition against foreign control over mass media. Rappler continues to be at risk of being closed down after the country’s Securities and Exchange Commission affirmed in June 2022 its earlier decision to revoke the news website’s certificates of incorporation.

In June 2020, Ressa and former journalist Reynaldo Santos Junior were found guilty of “cyber libel” after being convicted under the controversial Philippines Anti-Cybercrime law. In July 2022, the Philippines’ Court of Appeals upheld the conviction. In denying their appeal, the court also lengthened the maximum prison time to beyond six years, with minimum imprisonment of six months.⁵⁴ They are mounting an appeal against the decision at the Supreme Court.⁵⁵ Maria Ressa is facing a total of up to 60 years in prison for this conviction and a myriad of other charges.⁵⁶

On 8 August 2022, activist and former vice-presidential candidate Walden Bello was arrested over two charges of “cyber libel” filed against him by Jeffry Tupas, the former information officer of recently elected Vice President Sara Duterte.⁵⁷ The charges stemmed from a Facebook post commenting about Tupas’ presence in a beach party that was later raided by police for illegal drugs. Bello spent the night in jail and was released a day later, after posting bail. During its passage in 2012, Amnesty International warned that the “cyber libel” law was

⁵³ Amnesty International, *Philippines: Major TV network threatened by authorities must be allowed to air*, 5 May 2020

⁵⁴ Amnesty International, *Philippines: Quash conviction of Rappler journalists Maria Ressa and Rey Santos*, 15 June 2020

⁵⁵ Doughty Street Chambers, Amal Clooney and Caoilfhionn Gallagher QC condemn court decision affirming Maria Ressa’s conviction and sentence for ‘cyber libel’, 11 July 2022

⁵⁶ Rappler, *LIST: Cases vs Maria Ressa, Rappler directors, staff since 2018*, 28 June 2022

⁵⁷ Philippine Star, *“Activist, former VP bet Walden Bello arrested for cyberlibel”*, 8 August 2022

a threat to the right to freedom of expression and has called for the law to be repealed or substantially amended.⁵⁸

The Philippines remains a deadly place for journalists. In 2019, several individuals were sentenced to life imprisonment or maximum of 40 years in prison without parole for their role in the 2009 Maguindanao Massacre, in which 58 people, including 32 journalists and other media workers, were killed when an election convoy came under attack by more than 100 armed men, allegedly including members of the police and the military. Several others were found guilty of accessory charges and sentenced to 6 to 10 years in prison. Around half, mostly police officers, were acquitted. Ten years on, 80 other suspects were still at large. Witnesses to the massacre and their families have faced attacks and some have been killed.⁵⁹

5.2 RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF THE PHILIPPINES TO:

- Commit to respecting, promoting, protecting and fulfilling the right to freedom of expression and the media in policy and practice and cease all attempts to curtail media freedom.
- Ensure immediate resumption of the operations of media network ABS-CBN.
- Drop all charges against Maria Ressa, her current and former colleagues at Rappler, and Rappler itself; end the harassment, intimidation and attacks against Ressa, Rappler and other independent media in the Philippines.
- Repeal or substantially amend all laws unduly restricting the right to freedom of expression, including the Cybercrime Prevention Act of 2012 as well as the law criminalizing libel, and bring them in line with human rights law and standards,
- Thoroughly, impartially, independently, and effectively investigate deaths, threats and harassment of journalists, and bring to justice those responsible in fair trials.
- Take steps to find and arrest all those responsible for the Maguindanao Massacre and bring them to justice in fair trials. Ensure access to justice and adequate reparations for families of victims.

⁵⁸ Amnesty International [Philippines: 'Cybercrime' law threatens free speech and must be reviewed](#), 4 October 2012

⁵⁹ Amnesty International, [Philippines: Convictions for Ampatuan massacre a delayed but critical step for justice](#), 19 December 2019

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PHILIPPINES

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE 136TH SESSION, 10 OCTOBER – 4 NOVEMBER 2022

Amnesty International submits the following information to the UN Human Rights Committee ahead of the 5th report of Philippines at the Committee's 136th session in October 2022.

The submission sets out Amnesty International's concerns and recommendations regarding the implementation of the International Covenant on Civil and Political Rights (the Covenant) by the government of the Philippines. It highlights concerns with regard to violations committed in the context of punitive drug policies and the ongoing "war on drugs" including to the right to life; use of force by law enforcement officials; torture and other cruel, inhuman and degrading treatment; arbitrary arrest and detention; right to liberty and fair trial guarantees; and freedom of expression. This submission is not an exhaustive account of Amnesty International's concerns related to the implementation of the Covenant.