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“License to Kill”

Philippine Police Killings in Duterte’s “War on Drugs”

SUMMARY



Since the inauguration of President Rodrigo Duterte on June 30, 2016, and his call for a “war on drugs,” Philippine National Police officers and unidentified “vigilantes” have killed over 7,000 people. The anti-drug campaign dubbed “Operation Double Barrel” has targeted suspected drug dealers and users ostensibly for arrest but in practice has been a campaign of extrajudicial execution in impoverished areas of Manila and other urban areas. Duterte’s outspoken endorsement of the campaign implicates him and other senior officials in possible incitement to violence, instigation of murder, and in command responsibility for crimes against humanity.

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Police personnel at a crime scene after unidentified gunmen on motorcycles fatally shot Edgardo Santos in the head at about 4:30 p.m. in Mandaluyong, Metro Manila, November 11, 2016.

On the afternoon of October 14, 2016, four masked gunmen stormed the Manila home of Paquito Mejos, a 53-year-old father of five who worked as an electrician on construction sites. An occasional user of shabu, a methamphetamine, Mejos had turned himself in to local authorities two days earlier after learning he was on a “watch list” of drug suspects. The gunmen asked for Mejos, who was napping upstairs. “When I saw them with their handguns going upstairs,” a relative said, “I told them, ‘But he has already surrendered to the authorities!’ They told me to shut up, or I would be next.”

Two gunshots rang out. Police investigators arrived moments later and were assisted by the gunmen. In their report, the police referred to Mejos as “a suspected drug pusher” who “pointed his gun [at the police] but the police officers were able to shoot him first hitting him on the body causing his instantaneous death.” They said a shabu packet was found along with a handgun. “But Paquito never had a gun,” said his relative. “And he did not have any shabu that day.”

This report examines 24 incidents, resulting in 32 deaths, involving Philippine National Police personnel between October 2016 and January 2017. Human Rights Watch found that the official police reports of these incidents invariably asserted self-defense to justify police killings, contrary to eyewitness accounts that portray the killings as cold-blooded murders of unarmed drug suspects in custody. To bolster their claims, the police routinely planted guns, spent ammunition, and drug packets next to the victims’ bodies. No one has been meaningfully investigated, let alone prosecuted, for these killings.

Before being elected president, Rodrigo Duterte was the mayor of Davao City for more than two decades. There, the “Davao Death Squad” had killed hundreds of drug users, street children, and other petty criminals. While denying involvement in the death squads, Duterte endorsed their killings as an effective way to combat crime, relishing his “Duterte Harry” nickname and reputation.

Even prior to announcing his candidacy for the May 2016 presidential election, Duterte was already very clear about his intention to eliminate crime by eliminating criminals: “If by chance that God will place me there, watch out because the 1,000 [people allegedly executed while Duterte was mayor of Davao City] will become 100,000. You will see the fish in Manila Bay getting fat. That is where I will dump you.”



People who voluntarily surrendered during Operation Double Barrel Tokhang sign an affidavit admitting that they've used drugs and that they will cooperate with the authorities in their anti-drug campaign, July 27, 2016.



Jayson Asuncion, 37, surrendered to police after admitting his use of shabu, or methamphetamine, for several years, September 15, 2016.

Duterte’s outspoken vow to embark on a nationwide killing campaign against drug dealers and drug users was the foundation of his presidential electoral platform. During a campaign rally on March 15, 2016, for example, he stated:

“When I become president, I will order the police to find those people [dealing or using drugs] and kill them. The funeral parlors will be packed.”

Following his election, Duterte continued to state unequivocally that his anti-drug campaign would focus on killing drug dealers and users. Speaking in Davao City on June 4, he stated:

“If you are still into drugs, I am going to kill you. Don’t take this as a joke. I’m not trying to make you laugh. Sons of bitches, I’ll really kill you.”

Since taking office, Duterte has repeatedly vowed to kill drug dealers and users in the midst of skyrocketing reports of extrajudicial executions by the police and so-called vigilantes. On August 6, he warned drug dealers:

“My order is shoot to kill you. I don’t care about human rights, you better believe me.”

He praised the soaring body count of victims of police killings as proof of the “success” of his “war on drugs.”

The Philippine National Police announced a temporary suspension of police anti-drug operations on January 30 following revelations the previous week of the alleged brutal killing of a South Korean businessman by anti-drug police. The following day, Duterte ordered the Armed Forces of the Philippines (AFP) to fill the gap created by the suspended police operations by taking a frontline role in the anti-drug campaign. Duterte has publicly vowed to continue his “anti-drugs” campaign until his presidential term ends in 2022.

Human Rights Watch’s investigations into specific incidents found the police responsible for extrajudicial executions—the deliberate killing by state security forces or their agents of a person in custody. A clear modus operandi of police operations emerged. In many cases, it began with an individual receiving a visit or a phone call from an official from the local barangay (neighborhood) informing them that they were on a drug “watch list” drawn up by barangay officials and the police. Such visits often proved not so much to be warnings as a method of confirming the identity and whereabouts of a target.

A barangay official told Rogie Sebastian, 32, to surrender to the police because he was on the “watch list” as a drug user. He had given up drug use months earlier, so did not go. Two weeks later three armed masked men wearing bulletproof vests arrived at his home in Manila and handcuffed him. “I could hear Rogie begging for his life from outside the room,” a relative said. “We were crying and the other armed man threatened to kill us as well.” A neighbor said: “I heard the gunshots. There were also uniformed cops outside, they did not go inside the house. But the three killers in civilian clothes came and went on a motorcycle without any interference from the uniformed cops.”

Relatives, neighbors, and other witnesses told Human Rights Watch that armed assailants typically worked in groups of two, four, or a dozen. They would wear civilian clothes, often all black, and have their faces shielded by balaclava-style headgear or other masks, and baseball caps or helmets. They would bang on doors and barge into rooms, but the assailants would not identify themselves or provide warrants. Family members reported hearing beatings and their loved ones begging for their lives. The shooting could happen immediately—behind closed doors or on the street; or the gunmen might take the suspect away, where minutes later shots would ring out and local residents would find the body; or the body would be dumped elsewhere later, sometimes with hands tied or the head wrapped in plastic. Local residents often said they saw uniformed police on the outskirts of the incident, securing the perimeter—but even if not visible before a shooting, special crime scene investigators would arrive within minutes.



The body of a suspected drug dealer killed after an alleged shootout with police in Caloocan, Metro Manila, September 9, 2016.

A family picture with the coffin of 5-year old Danica Mae Garcia after a pre-burial mass. An unidentified gunman targeting Garcia's grandfather, Maximo Garcia, killed her while the family sat down to lunch at their home in Dagupan City, Pangasinan. The attack came just three days after Maximo Garcia had registered with local police in response to their suspicions of his involvement in the drug trade. August 31, 2016.





Detainees in Police Station 6 in Santa Ana, Manila, July 27, 2016.

Five masked armed men broke into a house in Bulacan province where Oliver Dela Cruz, 43, was playing cards. Said a relative: “[W]e could see him kneeling in a surrendering position. The men grabbed him and slammed him into a concrete wall several times, and then they threw him...outside. We saw the shooting, we were just there. Oliver’s face was bleeding from being hit, and he was begging them for mercy when he was shot.”

After the shooting of Ogie Sumangue, 19, in Manila, uniformed police showed Sumangue’s relatives his body in the house, and a .45 caliber handgun next to his body. Family members said that Sumangue could not afford and did not possess a gun and therefore could not possibly have attempted to shoot at the police. “He cannot even pay the rent,” a relative said. “His sister paid the rent for him.”



A small sachet of shabu, a form of methamphetamine, is found wrapped in a 500 peso bill found in Jayson Reuyan’s pocket after he was killed in an alleged drug buy-bust operation by the police, January 13, 2017.

Human Rights Watch examined the police reports in nearly all of the cases investigated. The accounts contrasted markedly with those provided by the relatives interviewed, yet they were similar to each other, virtually all claiming to involve “buy-bust” anti-drug operations, differing little besides the names, places, and dates. While the Philippine National Police have publicly sought to distinguish between suspects killed while resisting arrest and killings by “unknown gunmen” or “vigilantes,” Human Rights Watch found no such distinction in the cases investigated. In several cases, the police dismissed allegations of involvement and instead classified such killings as “found bodies” or “deaths under investigation” when only hours before the suspects had been in police custody. Such cases call into question government assertions that the majority of killings were carried out by vigilantes or rival drug gangs.



The body of Edwin Mendoza lies covered with cardboard boxes after he was shot dead by unidentified gunmen in front of a convenience store on Airport Road, Paranaque, Metro Manila. A sachet of shabu was allegedly found at the crime scene, October 18, 2016.

Six masked armed men burst into a Manila home where a small group, including several teenagers, were watching television. The men arrested and beat drug suspects Aljon Mesa and Jimboy Bolasa, and then took them away on motorcycles. A half hour later, after hearing from a uniformed policeman, relatives rushed to a nearby bridge to find Aljon and Bolasa’s bodies, both with gunshot wounds to the head, their hands tied with cloth. The gunmen were still at the scene, while uniformed police cordoned off the area. The police report, headed “Found Bodies,” claims that a “concerned citizen” alerted the police to the presence of two dead bodies.

A week after Aljon Mesa’s killing, 10 police officers, some in civilian clothes, arrested his brother Danilo Mesa and took him to the local barangay office. That evening masked armed men abducted him from the barangay office; shortly afterwards, his body was found under a bridge a block away. His relatives said that his entire head had been wrapped in packing tape, and his hands had been tied behind his back. He had been shot execution-style through the mouth.

Whether or not the unidentified assailants doing the actual killing were police officers or agents of the police, the similar tactics used in the cases documented by Human Rights Watch showed planning and coordination by the police and in some cases local civilian officials. These killings were not carried out by “rogue” officers or by “vigilantes” operating separately from the authorities. Our research indicates that police involvement in the killings of drug suspects extends far beyond the officially acknowledged cases of police killings in “buy-bust” operations. Furthermore, the government’s failure to arrest—let alone prosecute—a single police officer for their role in any of the “war-on-drugs” killings that Duterte has encouraged sends a message that those involved need not fear being held to account, and that future killings can be carried out with impunity.



The body of an unidentified man with face wrapped in packaging tape and hands tied found dumped in a narrow street in Pasay, Metro Manila, November 2016.

Relatives of Edward Sentorias, 34, a jobless father of three killed by the police in Manila, said they had no hope for an investigation of the police: “I saw one of the police go inside with an aluminum briefcase.... [He took] out the gun and some [shabu] sachets, and placed them there [by Sentorias’ body]. I went back to where I was, and was totally shocked. I couldn’t even complain. If we go complain, what is our chance against the authorities?”

President Duterte has frequently characterized his “war on drugs” as targeting “drug lords” and “drug pushers.” However, in all but one of the cases investigated by Human Rights Watch, the victims of drug-related killings by the police or unidentified gunmen were poor (the exception was a middle-class victim who appears to have been killed as a result of mistaken identity), and many were suspected drug users, not dealers at all. Almost all of the victims were either unemployed or worked menial jobs, including as rickshaw drivers or porters, and lived in slum neighborhoods or informal settlements.

The alleged extrajudicial killing of thousands of suspected drug dealers and users in the Philippines needs to be viewed in the context of President Duterte’s repeated death threats against those involved with illegal drugs. There are several legal grounds for which Duterte and his chief subordinates could be held criminally liable in the Philippines or by a court abroad.

No evidence thus far shows that Duterte planned or ordered specific extrajudicial killings. But Duterte’s repeated calls for killings as part of his anti-drug campaign could constitute acts instigating law enforcement to commit the crime of murder. His statements encouraging vigilantes among the general population to commit violence against suspected drug users could constitute incitement to violence.

Furthermore, the doctrine of command or superior responsibility imposes criminal liability on officials for the unlawful acts of subordinates, where the superior knew or had reason to know of the unlawful acts, and failed to prevent or punish those acts. The unlawful killings being carried out by police forces ultimately under Duterte’s command have repeatedly been brought to his attention by the media, the United Nations, foreign governments, and domestic and international nongovernmental organizations, including Human Rights Watch. His public comments in response to those allegations are evidence that he knows about them. As their continuing public statements make clear, Duterte

“I will kill you, I will kill you. I will take the law into my own hands... forget about the laws of men, forget about the laws of international law whatever.”

Rodrigo Duterte, August 17, 2016

Bodies of unclaimed drug campaign victims lie beneath graves at a Manila cemetery, January 24, 2017.



and his top subordinates have denied or downplayed the illegality of police actions, showing no inclination or intent to investigate alleged crimes.

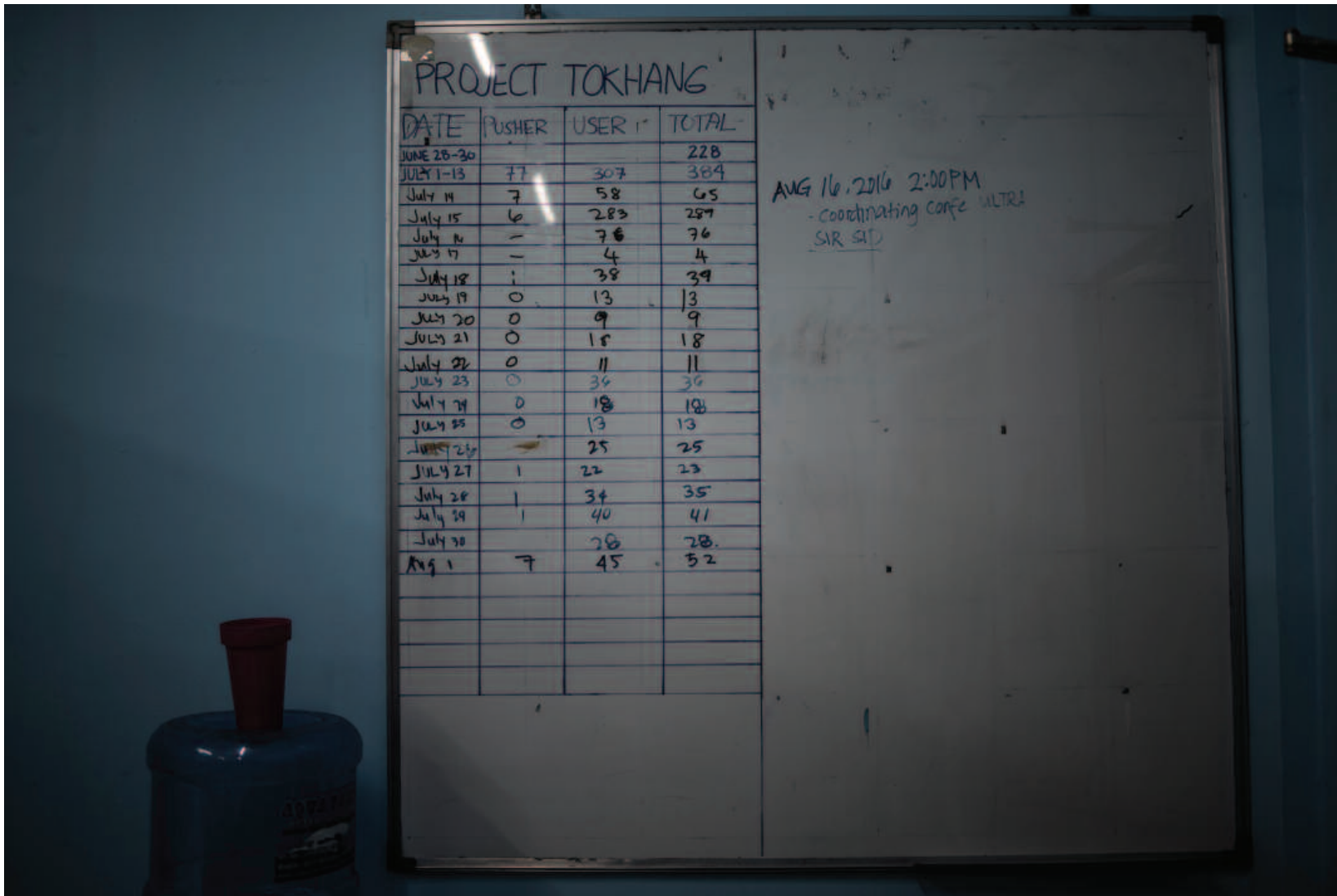
Finally, the president, senior officials, and others implicated in unlawful killings could be held liable for crimes against humanity, which are serious offenses committed as part of a widespread or systematic attack on a civilian population. The numerous and seemingly organized deadly attacks on the publicly targeted group of drug suspects could amount to crimes against humanity as defined by the International Criminal Court, to which the Philippines is a party.

Duterte’s War on Drugs not only flagrantly violates human rights, it is also likely to have significant negative public health consequences. Human Rights Watch has documented in various countries that harsh drug enforcement can lead to drug users going underground away from critical health services.¹ This can fuel the transmission of HIV and Hepatitis C among people who used drugs and may discourage people with drug dependence from seeking effective treatment services. Indeed, UN agencies such as UNAIDS and the UN Office on Drugs and Crime recommend a shift away from law enforcement-based approaches to drugs in favor of a public health approach.² Human Rights Watch believes that countries should decriminalize possession of drugs for personal use.

President Duterte has a legal responsibility to publicly direct the Philippine National Police to end their campaign of extrajudicial executions of suspected drug dealers and users. The National Bureau of Investigation and Ombudsman’s Office should impartially investigate the killings and seek prosecutions of all those responsible. Congress should hold extensive hearings on the issue and adopt measures to prevent further such killings. Donor countries to the Philippines should end all assistance to the Philippine National Police until the killings cease and meaningful investigations are undertaken and consider redirecting that assistance to community-based harm reduction programs that are appropriate and effective.

¹ See, e.g., Human Rights Watch, *Every 25 Seconds: The Human Toll of Criminalizing Drug Use in the United States*, October 2016, <https://www.hrw.org/report/2016/10/12/every-25-seconds/human-toll-criminalizing-drug-use-united-states>; *Rhetoric and Risk: Human Rights Abuses Impeding Ukraine’s Fight Against HIV/AIDS*, March 2006, <https://www.hrw.org/report/2006/03/01/rhetoric-and-risk/human-rights-abuses-impeding-ukraines-fight-against-hiv/aids>; *Fanning the Flames: How Human Rights Abuses Are Fueling the AIDS Epidemic in Kazakhstan*, June 2003, <https://www.hrw.org/report/2003/06/29/fanning-flames/how-human-rights-abuses-are-fueling-aids-epidemic-kazakhstan>; *Abusing the User: Police Misconduct, Harm Reduction, and HIV/AIDS in Vancouver, Canada*, May 2003, <https://www.hrw.org/report/2003/05/06/abusing-user/police-misconduct-harm-reduction-and-hiv/aids-vancouver-canada>.

² See World Health Organization, “Public health dimension of the world drug problem including in the context of the Special Session of the United Nations General Assembly on the World Drug Problem, to be held in 2016,” EB138/11, January 15, 2016, http://www.unodc.org/documents/ungass2016/Contributions/UN/WHO/B138_11-en.pdf; Human Rights Council, Study on the impact of the world drug problem on the enjoyment of human rights, A/HRC/30/65, September 4, 2015, http://www.unodc.org/documents/ungass2016/Contributions/UN/OHCHR/A_HRC_30_65_E.pdf; United Nations Office on Drugs and Crime, Contribution of the Executive Director of the United Nations Office on Drugs and Crime to the special session of the General Assembly on the world drug problem to be held in 2016, UNODC/ED/2016/1, February 26, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/V16/012/25/PDF/V1601225.pdf?OpenElement>.



A tally board of the number of admitted drug users and dealers who surrendered in Operation Tokhang hangs inside the police station in Pasig, Metro Manila, September 17, 2016.



“Hitler massacred three million Jews.
Now, there are three million drug
addicts. I’d be happy to slaughter them.
If Germany had Hitler, the Philippines
would have (me).”

Rodrigo Duterte, September 30, 2016

A wreath sent by the Presidential Palace for the
September 25, 2016 funeral of police officer Romeo
Mandapat Jr, who was killed during a drug bust
operation in Caloocan, Metro Manila.



*My order is shoot to kill you.
I don't care about human rights, you better believe me.*

PHILIPPINE PRESIDENT RODRIGO DUTERTE, AUGUST 6, 2016

Philippine President Rodrigo Duterte's "war on drugs" has produced a campaign of unlawful killings by Philippine National Police personnel and unidentified "vigilantes" that has resulted in the deaths of more than 7,000 suspected drug users and dealers since July 1, 2016. Duterte's public endorsement of the campaign implicates him and other senior figures in possible incitement to violence, instigation of murder and in command responsibility for crimes against humanity.

"License to Kill": Philippine Police Killings in Duterte's "War on Drugs," is based on several dozen interviews with family members of victims of police killings, witnesses, journalists and human rights activists. The report exposes the falsehood of official police reports that invariably assert self-defense to justify unlawful police killings. Instead, police routinely carry out extrajudicial killings of drug suspects and then cover-up those crimes.

In several instances Human Rights Watch investigated, suspects in police custody were later found dead and classified by police as "found bodies," casting doubt on government assertions that most killings have been committed by vigilantes or rival drug gangs. The report also documents the lack of a cohesive approach by the Philippines' allies, including the United States, Japan and the European Union, to pressure the government to stop these killings and to bring the perpetrators to justice.

The report calls for Duterte to publicly denounce extrajudicial killings and press for the investigation and prosecution of police and other officials implicated in such abuses. In addition, the United Nations should launch an independent international investigation into the killings. Finally, the report urges foreign donors to immediately suspend any assistance or weapons sales to the police until the "drug war" killings end and meaningful investigations into those killings are underway.

(above) Police crime scene investigators under Jones Bridge in Binondo, Manila after police shot dead suspected drug dealers Cyril Raymundo, Eduardo Aquino and Edgar Cumbis in a "buy-bust" operation. December 5, 2016.

(front cover) The sister of Jefferson Bunuan carrying his photo as they prepare to take his body to Manila South Cemetery. August 1, 2016.

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