

# Initial Report of the **Independent International Commission of Investigation Into Human Rights Violations in the Philippines**

March 15, 2021



INVESTIGATE**PH**

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Independent International Commission of Investigation  
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## Foreword

The Independent International Commission of Investigation Into Human Rights Violations in the Philippines (INVESTIGATE PH)<sup>1</sup> was established in response to the October 7, 2020, decision of the UN Human Rights Council 45<sup>th</sup> Session (Resolution No. 45/33),<sup>2</sup> which was very disappointing to civil society.

The International Coalition for Human Rights in the Philippines (ICHRP)<sup>3</sup> initiated this independent investigation into the human rights situation in the Philippines using the pertinent UNHRC resolutions, the June 2020 Report on the Philippines by the UN Office of the High Commissioner for Human Rights,<sup>4</sup> and UN Special Procedure mandate holders' communications. It aims to update and deepen the OHCHR June 2020 Report on the human rights situation in the Philippines.

We sought and gained the commitment of seventeen eminent individuals with impeccable credentials for their independence and their commitment to human rights to be the Commissioners and Sub-Commissioners of INVESTIGATE PH.

The Commissioners announced the project to the Philippine media on December 17, 2020, and launched it to the international community on January 26-27, 2021. They are:

### High Level Commissioners

Dr. Agnes Abuom, Moderator of the Central Committee, World Council of Churches

Atty. Suzanne Adely, President, National Lawyers Guild, USA

Rev. Michael Blair, General Secretary, United Church of Canada

Atty. Jan De Lien, Justis Lawyers Group, Belgium

Dr. David Edwards, General Secretary, Education International

Rev. Dr Chris Ferguson, General Secretary, World Communion of Reformed Churches

Rev. Dr Susan Henry-Crowe, General Secretary, General Board of Church and Society, The United Methodist Church

Atty. Jeanne Mirer, President, International Association of Democratic Lawyers

<sup>1</sup> <https://www.investigate.ph/>

<sup>2</sup> <https://undocs.org/en/A/HRC/RES/45/33>

<sup>3</sup> <https://ichrp.net/>

<sup>4</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

Lee Rhiannon, former Senator, Greens Party, Australia

Senator Janet Rice, Australian Greens

The Most Reverend Archbishop Joris Vercammen, Archbishop (Ret.) of the Old Catholic Church of the Netherlands

### **Sub-Commissioners**

Rev. Dr Peter Cruchley, Secretary for Mission Development, Council for World Mission

Derek Duncan, East Asia Area Executive, Global Ministries of the Christian Church (Disciples of Christ) and the United Church of Christ, USA

Atty. Raf Jespers, Justis Lawyers Group, Belgium

Rev. Marie-Claude Manga, KAIROS: Canadian Ecumenical Justice Initiatives

Rev. Kim Minji, Human Rights Center, National Council of Churches in Korea

Claire Moore, former Labor Senator, Australia

Dr. Mark Zirnsak, Senior Social Justice Advocate, Synod of Victoria and Tasmania, Uniting Church in Australia

This Initial Report to the 46<sup>th</sup> Session of the UN Human Rights Council focuses on whether or not the domestic remedies available to the Philippine government are used to respect, protect and fulfill human rights and fundamental freedoms; and whether or not the Philippine government fulfills its obligations under human rights treaties and agreements to which it is a party, as well as its pledges under the Universal Periodic Review.

It presents the results of investigations into selected emblematic violations, primarily those occurring after the OHCHR June 2020 Report.

INVESTIGATE PH will next report to the 47<sup>th</sup> Session (June 21 – July 9, 2021) and the 48<sup>th</sup> Session (September 13 – October 1, 2021).

The Second Report will elaborate on this Initial Report, by hearing from expert witnesses at the systemic level, as well as inquiring into further emblematic cases of violations of human rights not included in the Initial Report.

The Final Report will consolidate the Initial and Second Reports, present results of investigations into further violations occurring after the Second Report, present a

comprehensive human rights situation, submit inputs and analyses of resource persons and experts, and submit recommendations for action.

We urge the international community – both civil society and governments – to read these reports when they are published and to draw their own conclusions about the credibility of the claims by the Philippine government that existing mechanisms uphold the human rights of the Filipino people. We urge the international community to engage with the dire situation we have found and to take appropriate action to support the Filipino people in these heavy times.

Peter Murphy

Chairperson

INVESTIGATE PH Core Working Group

## I. Introduction

This report of INVESTIGATE PH provides an update on the human rights situation in the Philippines since the June 4, 2020 report (A/HRC/44/22) of the UN Office of the High Commissioner for Human Rights (OHCHR).<sup>5</sup> It focuses on violations of civil and political rights perpetrated by state forces.

The report highlights three areas of concern:

- Political repression by state forces has intensified and become more brazen since June 2020;
- The newly passed Anti-Terrorism Act (ATA),<sup>6</sup> enacted July 2020, as well as the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) established by executive order in December 2018,<sup>7</sup> have provided institutional mechanisms that facilitate these human rights violations; and
- Domestic remedies and mechanisms to address violations continue to be lacking.

The report draws upon testimonies and documents collected by INVESTIGATE PH teams which have launched a global people's initiative to document the above violations. It is based on a preliminary survey and examination of 49 illustrative cases that occurred largely during 2020 and 2021.<sup>8</sup> Interviews were conducted directly with victims and witnesses by phone and online video, allowing INVESTIGATE PH's legal team of collators to amass and validate a repository of currently available evidence. The legal team also reviewed court records and other relevant documents. Two sessions of plenary hearings with Commission members, where victims and witnesses presented clarifying testimony on representative cases, were held.

The report follows and builds upon the aforementioned June 2020 report (A/HRC/44/22) on human rights violations, prepared by OHCHR.<sup>9</sup> In October 2020, the UN Human Rights Council passed a resolution<sup>10</sup> providing for technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines, but without creating a mechanism for an independent international investigation. This report is the first in a series of three by INVESTIGATE PH, to be followed by a second report in July and final report in September 2021.

<sup>5</sup> INVESTIGATE PH is the Independent International Commission of Investigation Into Human Rights Violations in the Philippines. For the June 4, 2020 report of OHCHR, see <https://undocs.org/en/A/HRC/44/22>.

<sup>6</sup> <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>

<sup>7</sup> <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>

<sup>8</sup> However, five violations occurred in 2019, one in 2018, and one in 2016 but its case is still pending.

<sup>9</sup> <https://undocs.org/en/A/HRC/44/22>

<sup>10</sup> <https://undocs.org/en/A/HRC/RES/45/33>

## II. Context

In President Rodrigo Duterte's fifth year, the human rights crisis in the Philippines has continued to intensify.<sup>11</sup> Attacks against human rights workers, activists, and dissenters have grown more brazen.<sup>12</sup> Killings of journalists are at an alarming high: in 2020, the Philippines ranked third in the world for the most retaliatory murders of journalists.<sup>13</sup> The Duterte administration has used the COVID-19 pandemic as a pretext to increase militarized repression.<sup>14</sup> Extrajudicial killings of alleged drug offenders spiked with the COVID-19 lockdown and persist, amid Duterte's continued calls for this "War on Drugs" and incitements to violence.<sup>15</sup>

Duterte's rise to power in 2016 unleashed a bloody onslaught of killings of tens of thousands of mostly urban poor people in anti-drug operations.<sup>16</sup> In May 2017, Duterte imposed martial law in Mindanao, which Congress extended three times until December 2019; and his administration has continued aerial bombings of civilian indigenous communities.<sup>17</sup> Duterte has significantly increased military spending, doubling police officers' and soldiers' pay in 2018; while the national budget for opaque surveillance activities has grown five-fold in five years.<sup>18</sup>

In the context of the armed conflict between the Philippine government and the New People's Army (NPA) of the Communist Party of the Philippines (CPP), and because of Duterte's intolerance of dissent, the Duterte administration has escalated attacks against social movements, critics, human rights workers, and progressive organizations.

Already between 2015 and 2019, the UN Human Rights Office documented at least 248 extrajudicial killings of human rights defenders, legal professionals, journalists, and trade unionists, in relation to their work.<sup>19</sup> Indigenous peoples asserting their right to

<sup>11</sup> <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>;

<sup>12</sup> <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

<sup>13</sup> Such murders are in retaliation for their journalism activity; <https://cpj.org/reports/2020/12/murders-journalists-more-than-doubled-killed/>

<sup>14</sup> <https://www.cnnphilippines.com/news/2020/4/29/Philippines-COVID-19-quarantine-police-military.html>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 2-4.

<sup>15</sup> <https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>

<sup>16</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 5;

<https://www.rappler.com/nation/chr-number-drug-war-victims>

<sup>17</sup> <https://www.aljazeera.com/news/2017/5/24/duterte-declares-martial-law-after-mindanao-attack>;

<https://www.rappler.com/nation/martial-law-mindanao-ends-december-31-2019>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>; <https://www.rappler.com/moveph/lumad-schools-continue-to-suffer-closures-attacks-coronavirus-pandemic>

<sup>18</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 10;

<https://www.philstar.com/opinion/2018/10/21/1861787/afp-budget-biggest-ever>; <https://news.abs-cbn.com/news/01/09/18/cops-soldiers-other-uniformed-personnel-to-begin-receiving-doubled-pay>

<sup>19</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924>. A report from a human rights group in the Philippines puts the number at 328 under the Duterte Administration (July 2016 - August 2020) and



self-determination and protection of their ancestral domains, as well as peasants asserting their land rights under an imperfect national land reform law, are also a primary target of killings.<sup>20</sup> The Philippines had the most killings of environmental defenders in the world in 2018.<sup>21</sup>

The Philippine military and police have long-standing counter-insurgency programs, which they carry out in partnership. Duterte inherited the counter-insurgency program Oplan Bayanihan (Cooperative Endeavour) from his predecessor, which he re-badged as Oplan Kapayapaan (Operation Peace) in 2016, and Oplan Kapatagan (Operation Stability) in 2019.<sup>22</sup> These have implemented military and paramilitary operations against civilians suspected of being sympathizers of rebel groups.<sup>23</sup>

“Red-tagging” – the vilification of individuals or groups as communists or terrorists – is used to justify repression. A broad range of advocacy for economic and social rights is being labelled anti-government and hence insurgent.<sup>24</sup> Under the guise of combating armed insurgency, the Philippine military, police, and other government agencies have systematically targeted critics and civil society organizations, through surveillance and harassment which have escalated to false charges, unlawful detention, and summary executions.<sup>25</sup>

In December 2018, Duterte issued Executive Order 70,<sup>26</sup> creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) which enlists a broad range of government agencies, from the departments of education and social welfare, to the National Commission on Indigenous Peoples, to the police and military, to coordinate counter-insurgency activities.<sup>27</sup> On July 3, 2020, Duterte signed into law the controversial Anti-Terrorism Act (ATA),<sup>28</sup> significant elements of which contravene international standards.<sup>29</sup> The ATA has broad and vague provisions giving the

includes the killing of human rights defenders and lawyers, as well as peace consultants and political activists;  
<https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 3.

<sup>20</sup> <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-philippines/>, p. 3; see also “Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)” in Annex

<sup>21</sup> <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-philippines/>, p. 3

<sup>22</sup> <https://www.rappler.com/nation/oplan-bayanihan-ends>; <https://www.sunstar.com.ph/article/122068>;  
<https://manilatoday.net/dutertes-coin>

<sup>23</sup> <https://www.ici.org/the-philippines-must-get-rid-of-its-militias-now/>;  
[https://congress.gov.ph/legisdocs/basic\\_18/HB00703.pdf](https://congress.gov.ph/legisdocs/basic_18/HB00703.pdf)

<sup>24</sup> E.g., <https://www.bbc.com/news/world-asia-54144623>;  
<https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>

<sup>25</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 10-11

<sup>26</sup> <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>

<sup>27</sup> <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>;

<https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>

<sup>28</sup> <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>; regarding the controversy surround the ATA, see <https://thediomat.com/2021/02/battle-over-anti-terror-law-opens-at-the-philippines-top-court/>

<sup>29</sup> <https://www.jurist.org/commentary/2020/08/kanak-mishra-philippines-anti-terrorism-law/>



government comprehensive legal mechanisms to target critics, including through expanded surveillance, freezing of assets, and arbitrary arrest.<sup>30</sup>

The Philippines has ratified core international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social, and Cultural Rights (ICESCR); the Convention Against Torture (CAT); and the 1949 Geneva Conventions, including those on protecting civilians in times of war.<sup>31</sup> It has passed domestic laws on indigenous people's rights, women's rights, and children in situations of armed conflict.

However, implementation is not only lacking, but government actions have undermined these legal protections. The Philippine government has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>32</sup> Duterte has sought to obstruct past UN investigations, and threatened an International Criminal Court prosecutor probing the "War on Drugs" with arrest.<sup>33</sup> In 2018, his administration's Department of Justice sought to place a UN special rapporteur on the rights of indigenous peoples on a "terrorist" watch list.<sup>34</sup>

### **III. Ongoing Violations of Civil and Political Rights**

Focusing on violations of civil and political rights, the following sections discuss: ongoing abuses in anti-drug operations; extrajudicial killings and the enforced disappearance of human rights defenders; torture, unjust detention, and arrests on trumped-up charges; political repression through threats and red-tagging; forced evacuation; violations of freedom of press and assembly; additional violations of international humanitarian law; and abuses in COVID-19 pandemic response. Through cases highlighted, this report examines how violations are increasingly severe, and discusses continued lack of redress. Police and military appear more emboldened to directly perpetrate acts of political repression.

<sup>30</sup> <https://cnnphilippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>

<sup>31</sup> It also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC); and the Convention on the Elimination of Racial Discrimination (CERD). It is bound by the UN Standard Minimum Treatment of Prisoners (Nelson Mandela Rules). The Philippines has undergone three universal periodic review cycles in 2008, 2012, and 2017. See <http://hrlibrary.umn.edu/research/ratification-philippines.html>; <https://www.officialgazette.gov.ph/2016/05/23/revised-irr-of-republic-act-no-10575/>

<sup>32</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN)

<sup>33</sup> <https://www.reuters.com/article/us-philippines-duterte-icc/i-will-arrest-you-duterte-warns-icc-lawyer-to-steer-clear-of-philippines-idUSKBN1HK0DS>; <https://www.aljazeera.com/news/2018/3/9/duterte-attacks-rights-officials-callamard-and-bensouda>;

<sup>34</sup> <https://www.rappler.com/nation/un-experts-tell-philippine-government-stop-red-tagging-victoria-tauli-corpuz-rights-groups>

## A. Violations in the “War on Drugs”

The OHCHR has offered a conservative estimate that at least 8,663 people were summarily executed in relation to Duterte’s “War on Drugs” between June 2016 and early 2020.<sup>35</sup> Domestic human rights groups, including the Commission on Human Rights, believe the death count could be triple this number.<sup>36</sup> During the COVID-19 pandemic, drug-related killings at the hands of police have not only continued, but spiked. Human Rights Watch found that based on government data, police killed 50 percent more people per month on average between April and July 2020 than in the previous four-month period.<sup>37</sup> Worse, in August 2020, reported killings climbed to 76 percent over the four-month average before April 2020.<sup>38</sup>

The vast majority of anti-drug operations are conducted without warrants,<sup>39</sup> and studies document police graft, theft, and corruption.<sup>40</sup> While police typically claim those slain were killed for fighting back, reports document systemic evidence and witness testimony to the contrary.<sup>41</sup> Police have repeatedly recovered guns with the same serial numbers from different victims, suggesting they planted these to falsely incriminate those slain.<sup>42</sup> Multiple investigations have also linked “vigilante” killings to police: apparent vigilantes were hired by or coordinating with police.<sup>43</sup>

<sup>35</sup> While official government figures acknowledge only 5,903 drug-related killings by police and drug enforcement agents as of September 30, 2020, the death toll is likely far higher; <https://www.hrw.org/world-report/2021/country-chapters/philippines>. Discrepancies in government reports on the number killings have led a Human Rights Watch spokesperson to suspect manipulation of data; <https://www.aljazeera.com/news/2019/7/18/philippine-authorities-contradict-own-death-toll-in-drugs-war>.

<sup>36</sup> From July 1, 2016 to December 31, 2017, in three cities in the National Capital Region – Manila, Quezon, and Caloocan – data from the police stated that 965 people were killed by gunmen or police officers. The Stabile Center for Investigative Journalism cross-referenced 23 different sources and visited four communities to verify the information. The group collected information and tallied 2,320 drug-linked homicides in the same period for the same areas, nearly three folds the official data. <https://data.world/stabile-center/ph-drug-war/>

<sup>37</sup> <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>

<sup>38</sup> <https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>

<sup>39</sup> <https://undocs.org/en/A/HRC/44/22>

<sup>40</sup> E.g., see

[https://www.researchgate.net/publication/330161081\\_Police\\_Violence\\_and\\_Corruption\\_in\\_the\\_Philippines\\_Violent\\_Exchange\\_and\\_the\\_War\\_on\\_Drugs](https://www.researchgate.net/publication/330161081_Police_Violence_and_Corruption_in_the_Philippines_Violent_Exchange_and_the_War_on_Drugs), p. 46; <https://www.hrw.org/news/2017/04/27/philippine-drug-war-spawns-unlawful-secret-jail>; [https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9\\_73DdFTpveG\\_iJgeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJgeK0U13KUVFHKSL_X); Sheila S. Coronel, “Murder As Enterprise: Police Profiteering in Duterte’s War on Drugs,” in *A Duterte Reader: Critical Essays on Rodrigo Duterte’s Early Presidency*, edited by Nicole Curato (Ithaca: Cornell University Press), 2017

<sup>41</sup> E.g., see <https://www.amnesty.org.ph/campaigns/war-on-drugs/>;

[https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf);

<https://www.cambridge.org/core/journals/asian-journal-of-law-and-society/article/governing-through-killing-the-war-on-drugs-in-the-philippines/878BFFB53E2705BEFD2373CDAC3E84F4>

<sup>42</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

<sup>43</sup> <https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>; [https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9\\_73DdFTpveG\\_iJgeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJgeK0U13KUVFHKSL_X);

[https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf); Sheila S. Coronel, “Murder As Enterprise: Police Profiteering in Duterte’s War on Drugs,” in *A Duterte Reader: Critical Essays on Rodrigo Duterte’s Early Presidency*, edited by Nicole Curato (Ithaca: Cornell University Press), 2017.

A command memo issued by then PNP Chief Ronald dela Rosa on Duterte's first day in office immediately kicked off "War on Drugs" operations.<sup>44</sup> The memo provided directives for Project Double Barrel and its component, Project Tokhang, ordering police to conduct "house-to-house visitations" of "suspected drug personalities."<sup>45</sup> Warrants are not required, and individuals lack legal recourse to challenge their inclusion on target lists, undermining due process.<sup>46</sup> The "visitations" quickly became pretexts for summary executions. Dela Rosa's command memo encouraged officers to "neutralize" drug suspects, a term echoed in police reports to indicate a target has been killed.<sup>47</sup> Reports have even revealed a quota system, rewarding police who executed suspects with cash payments.<sup>48</sup>

Although Duterte has briefly decreased anti-drug operations at moments of heightened controversy and public outcry, they continue without meaningful reforms to prevent extrajudicial killings and without accountability for perpetrators.<sup>49</sup> The Philippine National Police (PNP) has refused to implement transparency and accountability measures, such as complying with requests to disclose documents related to the killings to the Supreme Court and Commission on Human Rights.<sup>50</sup>

The PNP reportedly launched 4,583 investigations internally from July 2016 to May 2019.<sup>51</sup> To date, however, police officers have been convicted of murder in only one case, that of 17-year-old Kian delos Santos -- whose abduction was captured on closed-circuit television, and whose death provoked national protests.<sup>52</sup>

Most other cases have stalled or been dismissed. That of the 17-year-old Joshua P. Laxamana is only one illustrative example.<sup>53</sup> In 2018, Laxamana left to attend an online

<sup>44</sup> <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>

<sup>45</sup> <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>

<sup>46</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 4

<sup>47</sup> <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>; Rise Up for Life and for Rights, "Communication and Complaint by Rise Up for Life and for Rights: Situation in the Philippines," August 27, 2018.

<sup>48</sup> <https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>; Sheila S. Coronel, "Murder As Enterprise: Police Profiteering in Duterte's War on Drugs," in *A Duterte Reader: Critical Essays on Rodrigo Duterte's Early Presidency*, edited by Nicole Curato (Ithaca: Cornell University Press), 2017.

<sup>49</sup> <https://www.npr.org/sections/parallels/2017/03/01/517918163/a-foreign-businessmans-murder-pauses-philippine-drug-war-but-for-how-long>; <https://www.hrw.org/news/2017/10/12/philippines-duterte-backpedals-abusive-drug-war>

<sup>50</sup> <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>

<sup>51</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

<sup>52</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

<sup>53</sup> Virtual testimony of Laxamana's mother Christine Pascual during the February 19, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No.45 in Annex.

gamer tournament with two younger teenage companions, but never returned home.<sup>54</sup> He was reportedly killed in a shootout with police in Pangasinan. Police claimed he rode a motorcycle, was armed, and fought back, alleging they recovered a pistol and drugs from his possession. His body had multiple gunshot wounds and an injury of self-defense. Laxamana's mother filed charges of murder, obstructing justice, and planting evidence against police involved.<sup>55</sup> However, the Office of the Ombudsman, which handles corruption complaints, dismissed all charges in 2019, citing insufficient evidence to overcome a "presumption of regularity" granted police in the line of duty. The Supreme Court has upheld the dismissal.<sup>56</sup>

The pattern of court dismissal traces back to the first "tokhang" case filed before the Ombudsman. Luis Bonifacio and Gabriel Lois Bonifacio, father and son, were both killed by the police on September 15, 2016, in Caloocan City, Metro Manila. According to Mary Ann Domingo, Luis' spouse and Gabriel's mother, police surrounded their home, and forced her and three young children outside. As she left, she saw her husband on his knees with guns pointed to his head, while her son refused to leave and pleaded for his father's life. Outside, Domingo heard gunshots. She sought the help of local *barangay* officials who responded they could not intervene in what they allegedly called a "legitimate police operation." The police later claimed the raid was a "buy-bust," and that the men resisted arrest and fought back. Family and neighbors assert there was no buy-bust and the victims were unarmed.<sup>57</sup>

In March 2017, Domingo filed murder charges against the police, becoming the first family member to do so.<sup>58</sup> However, the Ombudsman downgraded the crime from murder to homicide, and dismissed all charges against the high-ranking officials involved. Reports document that other cases never reach the stage of complaint because witnesses and victims' families fear reprisal.<sup>59</sup>

In February 2021, the Department of Justice revealed that out of 5,655 deaths in anti-drug operations which it has acknowledged to UNHCR, it was aware of only 916 cases submitted to prosecutors as of December 11, 2020.<sup>60</sup> Their statuses are undisclosed.

<sup>54</sup> One of Laxamana's companions, then 15-year-old Julius Sebastian, remains missing to this day.

<sup>55</sup> <https://news.abs-cbn.com/news/02/07/19/pangasinan-cops-face-murder-obstruction-of-justice-raps-for-dota-players-death>

<sup>56</sup> See Fact Sheet for Case No.45 in Annex.

<sup>57</sup> See also: <https://www.rappler.com/nation/tokhang-murder-raps-vs-superintendent-duterte>; Fact Sheet for Case No. 47 in Annex.

<sup>58</sup> This was the first time a family member filed charges with the Ombudsman in the current war on drugs:

<https://www.rappler.com/nation/superintendent-duterte-caloocan-ombudsman-fajardo>

<sup>59</sup> <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>;

[https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf); [https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9\\_73DdFTpveG\\_iJqeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJqeK0U13KUVFHKSL_X); police have also withheld reports necessary for complainants to file cases.

<sup>60</sup> <https://www.rappler.com/nation/hrw-says-doj-damning-review-pnp-lapses-drug-war-bluff>

Regulations on police operations require that all killings by police undergo inquest or judicial inquiry, but only 328 of these deaths were made available to the Department of Justice for review.<sup>61</sup>

In July 2020, the Philippine Justice Secretary announced the creation of a government inter-agency panel to review killings during police operations. Agencies implicated in drug killings, such as the PNP and Philippine Drug Enforcement Agency, are parties to the panel, leading human rights groups to express concern regarding its lack of independence and efficacy.<sup>62</sup> This February, Justice Secretary Menardo Guevarra acknowledged the panel has found that police failed to follow standard protocols when investigating drug-related killings, such as verifying weapons used and using paraffin tests to confirm if the person killed had actually fired a weapon as police reports alleged.<sup>63</sup> Nevertheless, accountability measures and the panels' next endeavors remain unclear, as killings continue. Meanwhile, by December 31, 2019, police had made over 223,780 drug arrests, exacerbating dangerous congestion in prisons on the eve of the COVID-19 pandemic.<sup>64</sup>

## **B. Extrajudicial Killings and Enforced Disappearance of Human Rights Defenders**

Recent extrajudicial killings demonstrate both the failure of government mechanisms to bring justice to murdered human rights defenders, and the state's role in these killings.<sup>65</sup> Military, police, and paramilitaries, which the government supports as part of counter-insurgency operations, are responsible for extrajudicial killings.<sup>66</sup> Human rights group Karapatan recorded at least 83 more extrajudicial killings in 2020 of known human rights defenders, government critics, and others targeted in relation to their purported political views -- amounting to over 376 such killings under Duterte.<sup>67</sup> These include journalists, church people, indigenous people, human rights workers, lawyers, and environmental advocates among others.<sup>68</sup>

<sup>61</sup> <https://www.rappler.com/nation/hrw-says-doi-damning-review-pnp-lapses-drug-war-bluff>

<sup>62</sup> <https://www.hrw.org/world-report/2021/country-chapters/philippines>;

<https://www.amnesty.org/en/latest/news/2020/09/philippines-un-pressure-end-killings/>

<sup>63</sup> <https://www.rappler.com/nation/doi-drug-war-review-pnp-did-not-follow-rules-nanlaban-cases>

<sup>64</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 7;

<https://theaseanpost.com/article/packed-prisons-philippines>

<sup>65</sup> See Fact Sheet for Case No. 1, 2, 5, 6 and 7, as well as Summary Cue Card for Case No 3 and 4 in Annex.

<sup>66</sup> See Fact Sheet for Case No. 5 and 7 in Annex. Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

<sup>67</sup> See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex; <https://www.karapatan.org/2019-karapatan-year-end-report>

<sup>68</sup> <https://www.karapatan.org/karapatan-monitor-may-aug-2020>



Indigenous leaders working to defend the environment, their human rights, and rights to their ancestral lands against development aggression have been targeted by red-tagging, increased militarization, and brutal extrajudicial killings.<sup>69</sup> In Duterte's first three years, 119 land and environmental defenders were killed, almost double the number for the three years before his election.<sup>70</sup> Most recent murders were perpetrated in rural areas of Mindanao and Negros which are being encroached upon by large-scale mining and agribusiness.<sup>71</sup> The killings – committed in public places such as school grounds and even involving horrific mutilation – send a message terrorizing communities and seeking to silence those who oppose militarization and environmental degradation.<sup>72</sup>

On December 30, 2020, in an incident known as the Tumandok Massacre, the Philippine military and police tortured and murdered nine unarmed civilian members of TUMANDUK, an alliance that unites 17 indigenous communities across the province of Iloilo.<sup>73</sup> They rounded up and imprisoned another 16 civilian members of TUMANDUK. The alliance has strongly opposed militarization, as well as the construction of the Jalaur Mega Dam, which would submerge 21,100 hectares of Tumandok land, displacing 17,000 people and destroying their agricultural lands. Tribal leaders refused to sign a consent resolution required for the dam to be built. The Tumandok have been red-tagged for this opposition. In August 2020, Duterte fast-tracked the dam project,<sup>74</sup> and in November, a community leader reported army and police harassment of local residents to the Commission on Human Rights.<sup>75</sup> Security forces threatened that those who disobeyed them would be charged under the Anti-Terrorism Act (ATA).<sup>76</sup> A month later, the above individuals were massacred by the Criminal Investigation and Detection Group Region 6, the 12th Infantry Battalion of the Philippine Army, and police, in a "Synchronized Enhanced Management of Police Operation."<sup>77</sup> Security forces went to the homes of civilians and subsequently shot them dead, some in the presence of their family members. The police claimed those killed were resisting arrest, though they only had search, not arrest, warrants.<sup>78</sup>

<sup>69</sup> See Fact Sheet for Case No. 7 and 19. See also <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 27-28; Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

<sup>70</sup> <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 28

<sup>71</sup> <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 28

<sup>72</sup> E.g., see Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

<sup>73</sup> Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No.7 in Annex. For all information until next citation.

<sup>74</sup> <https://progressive.international/wire/2021-02-16-the-struggles-and-aspirations-of-the-tumandok/en>

<sup>75</sup> Fact Sheet for Case No.7 in Annex.

<sup>76</sup> Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

<sup>77</sup> Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No.7 in Annex. For all information until end of paragraph.

<sup>78</sup> After the massacre, community members and families of those murdered continue to face harassment and intimidation by police and military, coercing them into signing documents, such as signing search warrants used to enter homes in the first place, and other documents that give community approval for further militarization. See virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

Zara Alvarez was a human rights defender, a paralegal for Karapatan, and a research and advocacy officer for the Negros Island Health Integrated Program.<sup>79</sup> Her work involved assisting with legal cases of political prisoners and documenting rights violations in impoverished communities.<sup>80</sup> Alvarez was arrested on trumped-up charges and imprisoned from October 2012 to July 2014; but eventually, the charges were dismissed for lack of evidence in March 2020.<sup>81</sup> After her release, Alvarez continued her human rights work. In 2018, she was tagged as a “terrorist” on a list of 649 names in a Department of Justice court petition to designate individuals as terrorists, as well as the Communist Party of the Philippines (CPP) and New People’s Army (NPA) as terrorist groups.<sup>82</sup> On the list were many human rights defenders, including a UN special rapporteur;<sup>83</sup> Alvarez’s name and all except two were eventually removed. But afterwards, Alvarez continued to experience threats and intimidation.<sup>84</sup>

Alvarez’s name appeared on a police hit list in 2018,<sup>85</sup> and four others on the list were later murdered.<sup>86</sup> Because of these threats, in 2019, Alvarez joined Karapatan in applying for a court protection order or “writ of *amparo*,” but was denied by the Court of Appeals.<sup>87</sup> The Philippine government has asserted that seeking such court protection serves as a recourse for human rights defenders under threat,<sup>88</sup> but in numerous cases defenders have been killed while their applications are still pending or already denied.<sup>89</sup> On August 17, 2020, Alvarez was shot and killed by an unidentified assailant who fled by motorbike. She became the fifth person on the hit list murdered, and the 13th human rights worker in Karapatan slain under Duterte.<sup>90</sup> Minutes after Alvarez’s death, the

<sup>79</sup> See Fact Sheet for Case No.2 in Annex. See also virtual testimony of Cristina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Also, Summary of Case No. 27 and Fact Sheet for Case No. 42.

<sup>80</sup> <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>;

<https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

<sup>81</sup> <https://www.fidh.org/en/issues/human-rights-defenders/philippines-killing-of-ms-zara-alvarez-karapatan-paralegal-in-negros>

<sup>82</sup> See Fact Sheet for Case No. 2 in Annex. See also <https://www.rappler.com/nation/doj-terror-tag-list-communists-january-2019>; <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11; <https://www.bbc.com/news/world-asia-54144623>.

<sup>83</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11

<sup>84</sup> See Fact Sheet for Case No. 2 in Annex; see also <https://www.aljazeera.com/news/2020/8/19/human-rights-leader-killed-in-philippine-war-against-dissent>

<sup>85</sup> <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>

<sup>86</sup> <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>

<sup>87</sup> The court dismissed the petition without giving the petitioners the opportunity to present their evidence. Alvarez was not able to testify, but her Judicial Affidavit was among those submitted to the Supreme Court in an appeal against the dismissal. See also <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

<sup>88</sup> [https://www.ohchr.org/Documents/Issues/Defenders/CFI\\_killings/submissions/states/philippines-eng-y.pdf](https://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/states/philippines-eng-y.pdf)

<sup>89</sup> <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

<sup>90</sup> <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>



regional secretary general of Karapatan, Clarizza Singson, received a text message from an unknown number, “Don’t worry, you’re next.”<sup>91</sup>

Peace consultants of the National Democratic Front of the Philippines (NDFP) have also been targeted since the November 2017 breakdown of peace talks with the Duterte administration.<sup>92</sup> Consultants are supposed to be protected under the Joint Agreement on Safety and Immunity Guarantees (JASIG), which established their rights to personal security.<sup>93</sup> Yet as of August 2020, 11 NDFP peace consultants have been imprisoned, and to date, five have been extrajudicially killed following the breakdown of talks.<sup>94</sup> Most recently, police killed peace consultants Agaton Topacio and Eugenia Magpantay on November 25, 2020, during a 3 a.m. raid on their home in Rizal.<sup>95</sup> Police claim the couple violently resisted arrest, but both were 68 years old, retired, and ailing.

Government agencies have not effectively conducted investigations into these political killings, with fatal consequences. In the case of the Tumandok Massacre, a House resolution (HR 1449) was filed urging an investigation, but available reports indicate none has yet commenced.<sup>96</sup> On February 28, 2021, Julie Catamin, a whistleblower for the massacre who had publicly exposed that individuals arrested en masse had evidence planted on them, was shot and killed.<sup>97</sup> The military also allegedly threatened Catamin that they would repeat the Tumandok Massacre in Catamin’s village.<sup>98</sup>

Days after the murder of Catamin, the lawyer for victims of the Tumandok Massacre, Atty. Angelo Karlo Guillen, was stabbed by four men on two motorcycles in Iloilo City on March 3, 2021. Guillen is an officer of the National Union of Peoples’ Lawyers (NUPL) and also represents petitioners against the ATA before the Supreme Court.<sup>99</sup>

Government investigators promised an inquiry into Zara Alvarez’s murder, yet six months later no results have been released.<sup>100</sup> Similarly, a Department of Justice task

<sup>91</sup> <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

<sup>92</sup> <https://cnnphilippines.com/news/2017/12/29/How-peace-talks-with-communist-rebels-failed.html> for details about the breakdown in Peace Negotiations; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 10 for information about Peace Consultants who have been killed.

<sup>93</sup> <https://peacemaker.un.org/philippines-safety-immunity-agreement95>; <https://peacemaker.un.org/philippines-implementing-agreement-safety98>

<sup>94</sup> For information on the number arrested: <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 14. For information on those killed: <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 10; and Fact Sheet No. 1 and Fact Sheet No. 5 in Annex.

<sup>95</sup> See Fact Sheet for Case No. 5 in Annex.

<sup>96</sup> See Fact Sheet for Case No. 7 in Annex for the information until the end of the paragraph.

<sup>97</sup> <https://newsinfo.inquirer.net/1401672/key-witness-in-tumandok-killings-in-capiz-shot-dead>; see also Summary Cue Card letter A.

<sup>98</sup> <https://www.gmanetwork.com/news/news/regions/778115/makabayan-bloc-seeks-probe-on-death-of-barangay-chair-in-iloilo/story/>

<sup>99</sup> He was stabbed in the head with a screwdriver and suffered other wounds. He survived the attack and is hospitalized; see Summary Cue Card for Case Letter A in Annex for all info in this paragraph.

<sup>100</sup> See Fact Sheet for Case No. 2 in Annex.

force, which includes the PNP, promised investigations into the August 10, 2020 murder of peasant advocate and peace consultant Randall Echanis;<sup>101</sup> while the PNP created a task force to investigate the December 15, 2020 “riding-in-tandem” murder of red-tagged medical doctor Mary Rose Sancelan and her husband Edwin Sancelan.<sup>102</sup> No findings in either case have been released.<sup>103</sup>

Police have blocked family members from receiving information about victims, and obstructed investigations. An independent autopsy was requested by Echanis’ family; however, police from Laloma Station forcibly removed his remains, claiming they were not Echanis’ though he had been positively identified by his wife.<sup>104</sup> When an autopsy was eventually conducted, the remains were confirmed as Echanis’, and those present from the Commission on Human Rights concurred he was tortured before being killed.<sup>105</sup> Likewise, the son of the murdered couple Togpacio and Magpantay notes that police made it difficult for the family to recover their bodies, and failed to provide the family any documents about their deaths.<sup>106</sup>

Enforced disappearances of human rights defenders also continue. Elena Tijamo worked 17 years for Farmers Development Center, Inc. (FARDEC) in Cebu, an NGO that provides legal aid and agricultural education to farmers.<sup>107</sup> In November 2019, Major General Reuben Basiao, the military’s deputy chief of staff for intelligence, red-tagged FARDEC during a Congressional briefing. FARDEC’s staff members have long been harassed by state forces, their offices raided in 2003 and 2009 by government agents who failed to find evidence of unlawful activity. On June 13, 2020, Tijamo was abducted from her home in front of her family, by six masked individuals. Her abduction was reported, and when police came to visit her family in response, they asked about her occupation but not the incident. They photographed the logbook, flyers, and organizational t-shirts of a farmer’s group Tijamo belonged to. Meanwhile, Tijamo’s abductors apparently demanded that posts about her abduction published by the independent media site, *Rappler*, be taken down.<sup>108</sup> Her whereabouts remain unknown.

<sup>101</sup> <https://thediomat.com/2020/08/killing-of-philippines-peace-consultant-sparks-scrutiny-of-government-investigations/>; see also Fact Sheet for Case No.1 in Annex.

<sup>102</sup> See Fact Sheet for Case No.6 in Annex.

<sup>103</sup> See Fact Sheet for Case No. 1 and 6 in Annex.

<sup>104</sup> See Fact Sheet for Case No. 1 in Annex.

<sup>105</sup> See Fact sheet for Case No. 1 in Annex.

<sup>106</sup> See Fact Sheet for Case No. 6 in Annex.

<sup>107</sup> See Fact Sheet for Case No.8 in Annex for the rest of the information in this paragraph.

<sup>108</sup> See Fact Sheet for Case No. 8; See also: <https://www.rappler.com/newsbreak/iq/things-to-know-elena-tijamo-abduction>

### C. Torture, Unjust Detention, and Arrest on Trumped-Up Charges

The human rights organization Karapatan has documented 222 incidents of torture perpetrated by Philippine state forces from July 2016 until December 2020.<sup>109</sup> The military and police have a lengthy history of resorting to torture and secret detention that persists, despite the 2009 Anti-Torture Act.<sup>110</sup> The following case bears out concerns that the newly passed 2020 Anti-Terrorism Act (ATA) is enabling the use of torture to extract false confessions from those detained under it.<sup>111</sup>

The first two individuals charged under the ATA were Japer Gurung and Junior Ramos, members of the Aeta indigenous community in Zambales of Central Luzon.<sup>112</sup> For decades, Zambales has been heavily militarized as mining companies like Dizon Copper-Silver Mines have encroached on indigenous lands, and Aeta communities have sought to oppose this.<sup>113</sup> In August 2020, the Philippine military bombed an Aeta village in San Marcelino, forcing residents to flee.<sup>114</sup> Gurung and Ramos are farmers in San Marcelino.<sup>115</sup> On August 21, 2020, they heard gunfire from the mountains, and gathered their belongings to evacuate their families from the area. Instead, the two men and Ramos' father were detained by the military and tortured for six days until August 26.<sup>116</sup> Afterwards, charges of terrorism under the ATA were filed against Gurung and Ramos, accusing them of being New People's Army (NPA) soldiers involved in a gunfight with the military on August 20.<sup>117</sup>

Ramos' father reports soldiers blindfolded his son, Junior Ramos, and would fire a gun near his son's head, threatening to kill him if he didn't admit to being an NPA member.<sup>118</sup> To extract a confession from Gurung, the soldiers tied him up and

<sup>109</sup> See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

<sup>110</sup> For information about police use of torture see: <https://www.refworld.org/pdfid/5703b24f4.pdf>, p. 5-8; For information about military use of torture see: <https://www.amnesty.org/download/Documents/ASA3574272017ENGLISH.PDF>, p. 18-20; historically military torture was widespread during martial law under the Marcos regime: <http://www.amnesty.org.ph/wp-content/uploads/2014/11/asa350251982en.pdf>

<sup>111</sup> See also <https://www.omct.org/en/resources/statements/new-anti-terrorism-law-undermines-safeguards-against-arbitrary-detention-and-torture>

<sup>112</sup> See Fact Sheet for Case No. 9 in Annex. See also virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Also, Fact Sheet for Case No. 20.

<sup>113</sup> <https://www.rappler.com/nation/supreme-court-writ-kalikasan-zambales-mining-companies>; <https://www.manilatimes.net/2016/07/28/news/regions/mining-destroying-zambales-towns/276587/>; see also Fact Sheet for Case No. 20 in Annex which specifically mentions Dizon Copper-Silver Mines.

<sup>114</sup> See Fact Sheet for Case No. 20 in Annex.

<sup>115</sup> See Fact Sheet for Case No. 9 in Annex for all information until the next footnote.

<sup>116</sup> The right of a person accused, arrested, or detained includes the right to be assisted by their counsel of choice. Thus, their legal rights were also violated as they were under the custody of the military for six days without access to counsel. See virtual testimony of Atty. Kathy Panguban during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

<sup>117</sup> See Fact Sheet for Case No. 9 in Annex.

<sup>118</sup> See virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

repeatedly mauled him; placed him inside a sack and hung him upside down; and suffocated him with a plastic bag and cigarette smoke.<sup>119</sup> Both Gurung and Ramos had a stick forced up their anus, and were forced to eat their own feces.<sup>120</sup> Meanwhile, the military allegedly planted weapons and subversive documents in the families' possession; the two men and their minor wives were charged with illegal possession of explosives. The wives are thus still held in custody by the Department of Social Welfare and Development.<sup>121</sup> Charges against Ramos' father were later dismissed by the investigating prosecutor.

Gurong and Ramos were initially represented by the National Union of Peoples' Lawyers (NUPL), and filed a petition to the Supreme Court for intervention against the ATA.<sup>122</sup> However, while in jail, they were reportedly visited by officials from the National Commission on Indigenous Peoples (NCIP), which has worked closely to back government military operations and development plans.<sup>123</sup> Government representatives offered bribes to their mothers, in the form of groceries, promising the men would be freed if they dropped the NUPL as their legal counsel.<sup>124</sup> In February 2021, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) held a press conference where Gurung and Ramos announced they would indeed drop their legal counsel.<sup>125</sup> The NTF-ELCAC then organized a video where the two apparently implied they had been coerced into filing the petition against the ATA; it used this video to promote the red-tagging of NUPL, even as an NTF-ELCAC lawyer threatened suits to disbar NUPL lawyers.<sup>126</sup> Gurung and Ramos are now represented by government attorneys from the Public Attorney's Office (PAO) in their trial for the ATA and other charges. They have not filed a counter-case regarding their torture.<sup>127</sup>

<sup>119</sup> See Fact Sheet for Case No. 9 in Annex.

<sup>120</sup> See Fact Sheet for Case No. 9 in Annex.

<sup>121</sup> See Fact Sheet for Case No. 9 in Annex for remaining information in this paragraph.

<sup>122</sup> This petition was denied on the grounds that they have an ongoing trial. <https://www.rappler.com/nation/aetas-barred-from-supreme-court-anti-terrorism-law-case-give-way-lower-court-trial>

<sup>123</sup> The NCIP is a government agency organized under the 1997 Indigenous Peoples Rights Act, mandated to protect the rights of indigenous peoples. However, it historically has often colluded to undermine land rights. E.g., see Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

<sup>124</sup> Virtual testimony of Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

<sup>125</sup> <https://www.rappler.com/nation/aetas-barred-from-supreme-court-anti-terrorism-law-case-give-way-lower-court-trial>

<sup>126</sup> See Fact Sheet for Case No. 9 in Annex. <https://www.rappler.com/nation/aetas-barred-from-supreme-court-anti-terrorism-law-case-give-way-lower-court-trial>

<sup>127</sup> Virtual testimony of Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Clemente also notes that Gurung reportedly complained of suffering discrimination and physical harassment as an indigenous Aeta in Olongapo City jail where the men are being held; they have been separated in the jail. As of her testimony, the public attorneys did not reach out to the families of Gurung and Ramos for information.

Detentions and arrests on trumped-up, politically motivated charges have risen since July 2016, a pattern documented by the OHCHR and numerous reports.<sup>128</sup> Police have engaged in a coordinated effort to crack down on human rights groups and progressive organizations, with a chilling effect on rights advocacy across the country.<sup>129</sup> The sweeping scope of this repression is evidenced in Karapatan's tally of 3,675 victims of illegal arrests under Duterte, of whom 1,040 were also detained.<sup>130</sup> These arrests have involved use of faulty warrants, entry without a judicial order (1,512 victims), illegal searches (1,037 victims), and planting of evidence -- especially weapons which result in non-bailable charges.<sup>131</sup> Trumped-up charges may later be dismissed, but not before the accused has spent months or often years in jail.<sup>132</sup> In some cases, those accused have remained in jail despite being cleared.<sup>133</sup>

Unjust arrests have had fatal consequences. Reina Mae Nasino is a community organizer with the urban poor organization KADAMAY in Manila.<sup>134</sup> On October 31, 2019 and over subsequent days, police raided the offices of numerous progressive organizations, arresting 62 activists without warrants, including Nasino.<sup>135</sup> Police planted weapons and charged arrestees, including Nasino, with illegal possession of firearms and explosives.<sup>136</sup> At the time of her arrest, Nasino was pregnant.<sup>137</sup> In detention, she was denied adequate prenatal care.<sup>138</sup> With the COVID-19 pandemic, she joined a petition to the Supreme Court for temporary release on humanitarian grounds, given her pregnancy.<sup>139</sup> The petition stalled and was eventually remanded back to lower courts after several months.<sup>140</sup>

<sup>128</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11-13; <https://www.amnesty.org/en/countries/asia-and-the-pacific/philippines/report-philippines/>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 14-15; see "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

<sup>129</sup> See Fact Sheet for Case No. 10-14 and 19; Summary Cue Cards for Case No. 15, 16 and 18 in Annex; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://www.karapatan.org/2019-karapatan-year-end-report>

<sup>130</sup> See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

<sup>131</sup> "Non-bailable" means that bail is not recommended by the prosecutor, so those charged must await a full-blown trial, unless they petition for bail in court and prove that the evidence of their guilt is not strong. Either way, being charged with a non-bailable offense makes a long detention likely. For numbers of victims, see "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

<sup>132</sup> Meanwhile, by 2018, 75 percent of Philippine prisoners were pre-trial detainees, their numbers inflated by the drug war. <https://theaseanpost.com/article/packed-prisons-philippines>

<sup>133</sup> See Fact Sheet for Case 13 in Annex

<sup>134</sup> See Fact Sheet for Case Nos. 10, 44 and 43 in Annex. See also virtual testimony of Marites Asis and Fides Lim during the February 16 and 19, 2021 Plenary hearings, respectively.

<sup>135</sup> <https://www.rappler.com/nation/jailed-activist-gives-birth-coronavirus-pandemic-july-2020>

<sup>136</sup> See Fact Sheet for Case No. 10 in Annex.

<sup>137</sup> See Fact Sheet for Case No. 10 in Annex.

<sup>138</sup> See virtual testimony during the February 16 Plenary hearing before the Sub-Commissioners.

<sup>139</sup> See Fact Sheet for Case No. 43 in Annex.

<sup>140</sup> See Fact Sheet for Case No. 43 in Annex.



While awaiting the Supreme Court's decision, Nasino gave birth to an underweight baby in July 2020.<sup>141</sup> Health experts recommended exclusive breastfeeding, but authorities removed the infant from Nasino after 30 days. Multiple court motions were filed to compel adherence to domestic and international laws on the importance of breastfeeding. All were denied. Baby River died on October 9, 2020, of respiratory disease which health experts say could have been prevented by breastfeeding. On February 14, 2021, the newborn baby of another political prisoner, Nona Espinosa, who was detained in Negros in September, died after being separated from her mother for three days.<sup>142</sup>

Windel Bolinget is an Igorot leader in the Cordillera People's Alliance who joined indigenous and Moro people from across the country in filing the 26th case against the ATA on August 6, 2020.<sup>143</sup> A month later, a warrant was issued for his arrest, and that of 10 other human rights defenders and activists, slapping the group with a fabricated murder charge.<sup>144</sup> Though many are based in the northern Philippines, they were accused of killing an indigenous leader in the southern province of Davao del Norte, in Mindanao, back in 2018. Bolinget was not properly informed of the charge until January 2021. At that time, without pursuing other legal avenues, Cordillera police suddenly announced a "shoot-to-kill" order against him.<sup>145</sup> Due to the threat to his life, Bolinget was forced to turn himself in to the National Bureau of Investigation.<sup>146</sup> Bolinget and at least one of the other accused filed motions for reinvestigation, and submitted evidence, including witness testimony, that they were not present in Davao Del Norte at the time of murder.<sup>147</sup> As his motion pended, Bolinget remained detained for over a month.<sup>148</sup>

Police are detaining activists on the grounds of possessing firearms and explosives, but there appears to be a pattern in which weapons may have been planted.<sup>149</sup> In several cases, local officials who are legally required to stand as witnesses during searches arrived late, after police had already conducted illegal, invalid searches -- even ransacking premises -- and had time to plant evidence. Such a sequence of events

<sup>141</sup> See Fact Sheet for Case No. 44 in Annex for all information until next footnote.

<sup>142</sup> Such practices contravene international law on the rights of children. <https://www.rappler.com/nation/another-baby-dies-while-separated-from-imprisoned-mother-negros-oriental>

<sup>143</sup> See Fact Sheet for Case No. 19 in Annex. See also virtual testimony of his wife Elvira Bolinget during the February 19, 2021 Plenary hearing before the Sub-Commissioners. <https://newsinfo.inquirer.net/1318408/indigenous-peoples-file-26th-case-vs-terror-law>

<sup>144</sup> See Fact sheet for Case No. 19 in Annex until next footnote; see also <https://www.philstar.com/headlines/2021/01/20/2071863/groups-hit-shoot-kill-order-cordillera-police-indigenous-leader> for information about the timing of the arrest warrant.

<sup>145</sup> <https://www.philstar.com/headlines/2021/01/20/2071863/groups-hit-shoot-kill-order-cordillera-police-indigenous-leader>

<sup>146</sup> See Fact Sheet for Case No. 19 in Annex until next footnote.

<sup>147</sup> See Fact Sheet for Case No. 19 in Annex. See also virtual testimony of Elvira Bolinget during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>148</sup> See Fact Sheet for Case No. 19 in Annex.

<sup>149</sup> See: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11.

transpired during the December 10, 2020, arrests of six trade unionists and one journalist in Metro Manila (the “Human Rights Day Seven”);<sup>150</sup> the October 31, 2019, mass arrests and raids on offices of progressive organizations in Bacolod City, Negros;<sup>151</sup> the February 7, 2020, arrests of progressive organization members in Tacloban City, Leyte;<sup>152</sup> and finally the December 2, 2020, arrest of Amanda Echanis, an organizer of peasant women in Cagayan.<sup>153</sup> In these cases, the arrestees’ alleged weapons were planted. In fact, most of the 54 human rights defenders arrested in Negros on October 31, 2019 had their charges dropped due to weak evidence.<sup>154</sup> Yet those with dismissed cases have not received any compensation for their suffering and loss of reputation, or for police misconduct.

During a December 1, 2020 Senate investigation, the NTF-ELCAC publicly red-tagged *Manila Today*, an independent publication started by Lady Ann Salem.<sup>155</sup> Nine days later, Salem’s home office was raided, and she became one of the “Human Rights Day Seven” arrested for weapons and explosives possession. These charges against Salem were later dismissed, due to irregularities in the police’s conduct surrounding the search warrant and search. Nevertheless, the prosecutor opposed the motion to release her. She and her co-accused were not released until a month later, on March 5, 2021.<sup>156</sup>

Joel Demate, a trade unionist arrested with the “Human Rights Day Seven,” sought to question his detention by petitioning the Supreme Court for *habeas corpus*. The Supreme Court ordered the trial courts to hear his petition.<sup>157</sup> However, the trial court ruled that the prosecutor’s belated filing of criminal charges against Demate cured and legalized the initial defects in his arrest.<sup>158</sup> He and four others of the “Human Rights Day Seven” remain jailed.<sup>159</sup>

<sup>150</sup> See Fact Sheet for Case No. 13 in Annex. See also virtual testimony of her sister Jasma Salem during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>151</sup> See Fact Sheet for Case No. 11 in Annex.

<sup>152</sup> See Fact Sheet for Case No. 12 in Annex.

<sup>153</sup> See Fact Sheet for Case No. 14 in Annex.

<sup>154</sup> See Fact Sheet for Case no. 13, 11, 12 and 14 in Annex.

<sup>155</sup> See Fact Sheet for Case No. 13 in Annex. See also virtual testimony of her sister Jasma Salem during the February 19, 2021 Plenary hearing before the Sub-Commissioners for all information until next footnote.

<sup>156</sup> <https://www.rappler.com/nation/mandaluyong-court-orders-release-journalist-lady-ann-salem-trade-unionist>

<sup>157</sup> <https://www.rappler.com/nation/police-discreet-appeal-spoils-christmas-bail-human-rights-7-detained-activists-december-2020>

<sup>158</sup> The trial court based its ruling on jurisprudence in the case of *Ilagan vs. Enrile* (G.R. No. 70748, Oct. 21, 1985), dating back to the Marcos dictatorship; <https://www.philstar.com/headlines/2020/12/18/2064737/two-human-rights-day-7-seek-release-order-supreme-court>

<sup>159</sup> <https://newsinfo.inquirer.net/1403837/makabayan-bloc-seeks-release-of-5-more-activists>



## D. Political Repression Through Threats and Red-Tagging

Surveillance, threats, and intimidation of human rights defenders and dissenting voices have intensified.<sup>160</sup> To discredit the targets of this repression, these tactics are often paired with red-tagging. As the above sections have shown, red-tagging is part of a concerted campaign against progressive organizations that has a chilling effect on civil society. It not only seeks to isolate and vilify targets, but precedes and accompanies harassment, imprisonment, and killings.<sup>161</sup> In this context, the red-tagging of civilians has been orchestrated into a serious threat to their lives, liberty, and security; while red-tagging organizations is intertwined with government actions to dismantle them.<sup>162</sup>

Harassment includes press conferences and statements where military leaders accuse civilians of NPA-affiliation, resulting in media articles.<sup>163</sup> Government agencies, officials, and organized trolls use social media posts to amplify the allegations.<sup>164</sup> Apparently doctored photos emerge, often sourced from the military, and are circulated to support claims.<sup>165</sup> The military typically places prominent banners and flyers with photos of “wanted terrorists” and “communists” in public locations to discredit and intimidate targets.<sup>166</sup> Human rights workers and others have reported not only being trolled on social media, but followed, photographed, and surveilled by suspected agents of the state. Such constant surveillance and threats have intimidated a broad range of civil society actors – teachers, journalists, lawyers, clergy, doctors, indigenous leaders, farmers, trade unionists, women leaders, those working with the poor and marginalized, even celebrities – from continuing their everyday activities, causing harmful health impacts and even untimely death from extreme stress.<sup>167</sup>

<sup>160</sup> <https://www.amnesty.org/download/Documents/ASA3532932020ENGLISH.PDF>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>; <https://thediomat.com/2020/12/philippines-celebrates-human-rights-day-with-crackdown-on-activists/>; <https://mb.com.ph/2020/12/01/chr-red-tagging-prevalent-under-duterte-administration/>

<sup>161</sup> <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://www.karapatan.org/2019-karapatan-year-end-report>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

<sup>162</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>

<sup>163</sup> E.g., see <https://www.karapatan.org/2019-karapatan-year-end-report>

<sup>164</sup> <https://newsinfo.inquirer.net/1387520/militarys-mpa-list-greeted-with-jeers-jitters>; <https://news.abs-cbn.com/spotlight/02/25/21/philippine-critics-in-firing-line-of-anti-communist-misinformation-war>; <https://www.rappler.com/newsbreak/fact-check/list-dead-captured-former-up-students-mpa>

<sup>165</sup> On the military’s doctored photos of alleged insurgents, see: <https://www.rappler.com/newsbreak/inside-track/philippine-army-photoshopped-communist-surrenderers>

<sup>166</sup> E.g., see <https://www.bbc.com/news/world-asia-54144623>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://philippines.icas.news/2020/11/23/red-tagged-church-rights-workers-in-mindanao-look-public-protection/>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

<sup>167</sup> E.g., see <https://www.gmanetwork.com/news/news/nation/768473/red-tagged-doctor-feared-for-her-life-before-getting-killed/story/>; <https://www.bulatlat.com/2017/10/01/ronnie-garcia-mamanwa-educator-dedicated-life-fellow-lumad/>

Political repression intertwined with red-tagging worsened after the December 2018 formation of the NTF-ELCAC, tasked with implementing a so-called “whole-of-nation” approach to counter-insurgency that reaches all sectors of society.<sup>168</sup> The NTF-ELCAC coordinates red-tagging efforts and the targeting of progressive organizations. Together with localized “whole-of-nation” committees it liaises with, it functions to suppress political opposition, curtail the work of constitutional bodies designed to offer checks and balances, and block civil society organizations from serving those in need.<sup>169</sup>

On February 9, 2021, the regional director of the PNP in Cordillera issued a memorandum to local police departments urging them to “encourage” local government units to pass resolutions against the Cordillera People’s Alliance, an indigenous organization that has opposed mining and dams for decades, as well as “allied,” “left leaning” organizations.<sup>170</sup> It provided a January 26, 2021 memo declaring these groups “persona non grata” as an example, and listed 25 organizations, including indigenous, labor, women’s and youth groups, as well as political parties, to similarly repress.

Next, on February 24, 2021, the Regional Law Enforcement Coordinating Committee (RLECC) in the Cordillera issued a resolution instructing police to “conduct tokhang” on “left-leaning personalities” – explicitly referencing the “strategy... used in the government’s war on drugs.”<sup>171</sup> RLECC is a local “whole-of-nation” committee composed of 47 police and government officials from agencies including local labor, education, health, and social welfare departments. “Tokhang” in the war on drugs is the practice of police conducting door-to-door raids to purportedly demand the “surrender” of “drug personalities,” on the basis of often inaccurate target lists; through these operations, police have extrajudicially executed thousands they claim were fighting back or resisting arrest.<sup>172</sup> Citing the NTF-ELCAC’s mandate as inspiration, the RLECC resolution proposes a “tokhang” strategy of police visits to political targets to “dissuade” them from supporting the CPP-NPA.

Local human rights groups have expressed alarm at the potential for extrajudicial killings and abuses, as well as at the broad government backing of police to silence political opposition. A retired bishop has sought a court injunction against the implementation of the “tokhang” plan.<sup>173</sup> Rather than demilitarizing counter-insurgency activities and shifting towards socioeconomic development, the NTF-ELCAC has instead mobilized government agencies to support and coordinate greater militarization.

<sup>168</sup> <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>

<sup>169</sup> <https://www.karapatan.org/2019-karapatan-year-end-report-p-11-13>; <https://www.karapatan.org/>

<sup>170</sup> See “Cordillera People’s Alliance (CPA) and Left Leaning Organizations” in Annex 7;

<https://www.facebook.com/ceGPCordi/posts/3665047530288616>

<sup>171</sup> See “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

<sup>172</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 4-5

<sup>173</sup> <https://newsinfo.inquirer.net/1404545/stop-tokhang-vs-left-church-leader-asks-court>

Alarming, recent events discussed in the Epilogue show police raids and arrests have escalated to “tokhang”-style political killings in other regions.<sup>174</sup> These killings are encouraged by Duterte himself, who in a March 5, 2021, speech told police and soldiers to “disregard human rights” and “kill” and “finish off” all “communists.”<sup>175</sup> This month, Duterte kicked off visits to award *barangays* “cleared” of “communist influence” extra funding through the NTF-ELCAC.<sup>176</sup>

The Commission on Human Rights (CHR) is constitutionally mandated to monitor and address human rights violations in the Philippines.<sup>177</sup> After criticizing the Duterte administration’s “War on Drugs,” it has been attacked, red-tagged, and threatened with funding cuts. Duterte accused the CHR and its head, Chito Gascon, of siding with the CPP. In another speech, he called Gascon “gay” and a “pedophile” after Gascon expressed concern for victims of anti-drug campaign killings. In 2017, the House of Representatives, where the administration has a supermajority, proposed to cut CHR’s budget to ₱1,000 (approximately USD \$20); House Speaker Pantaleon Alvarez asserted CHR is only concerned with the “rights of criminals,” so should seek money from criminals.<sup>178</sup>

The Rural Missionaries of the Philippines (RMP) is a national, inter-congregational, and inter-diocesan organization engaged in missionary work.<sup>179</sup> The NTF-ELCAC has continuously labeled the group as terrorist and accused it of being an above ground arm of the CPP. On December 26, 2019, the Anti-Money Laundering Council froze RMP’s bank accounts, citing “probable cause” they were related to “terrorism financing.” To date, RMP is unable to use its funds for projects to help the poor and the marginalized.

The Makabayan bloc is an opposition voice in Congress that includes the Bayan Muna, Gabriela Women’s Party, and Kabataan party-lists.<sup>180</sup> As a progressive bloc that seeks to represent marginalized sectors, its candidates have long been subject to state repression and even assassination. During the 2019 national election campaigns, Makabayan candidates were red-tagged by General Antonio Parlade Jr., spokesperson of the NTF-ELCAC, and slandered by members of the Duterte administration. The NTF-

<sup>174</sup> The March 7, 2021, case of the Southern Tagalog Killings discussed in the Epilogue, suggest that these Tokhang style strategies are in fact being implemented by police against political targets – even without a resolution as in the case of Cordillera.

<sup>175</sup> <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>

<sup>176</sup> <https://www.rappler.com/nation/duterte-begins-tour-present-ntf-elcac-aid-communist-free-barangays>

<sup>177</sup> See Fact Sheet for Case No. 30 in Annex.

<sup>178</sup> <https://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html>

<sup>179</sup> See Fact Sheet for Case No. 24 in Annex.

<sup>180</sup> See Fact Sheet for Case No. 26 in Annex. See also virtual testimony of Rep. Carlos Zarate Jr. during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No. 17.

ELCAC sought to disqualify the bloc from running in future polls, likely in anticipation of the 2022 national elections.<sup>181</sup>

The NTF-ELCAC supported mothers of youth activists in filing harassment cases before the Department of Justice against Bayan Muna representative Neri Colmenares and Kabataan representative Sarah Elago for human trafficking and kidnapping.<sup>182</sup> Though the cases were dismissed, they served to politically discredit their targets.

## **E. Forced Evacuation**

As of December 2020, there have been 457,696 victims of forced evacuation under the Duterte administration, according to Karapatan.<sup>183</sup> About 400,000 of these internal refugees were displaced as a result of the Marawi siege, a long and bloody military operation following a botched attempt to arrest the alleged Southeast Asian Emir of the Islamic State.<sup>184</sup> As of January 2021, at least 87,775 Marawi residents are still internally displaced.<sup>185</sup> The situation of their human rights will be examined further in INVESTIGATE PH's Second Report. Other forced evacuees are primarily peasants and indigenous groups, internally displaced due to military occupations and bombings, as well as the influx of foreign development and agribusinesses.<sup>186</sup>

As one recent example, on August 21, 2020, 659 families in the indigenous Aeta community in San Marcelino, Zambales were forced to evacuate their homes after the 7<sup>th</sup> Infantry Division of the Philippine Army conducted raids and bombings in the area.<sup>187</sup> Indigenous rights group Umahon claims that the repeated bombings of the Aeta community were meant to displace the Aetas to pave the way for the mining explorations of Dizon Copper-Silver Mines, Inc., which Aeta residents oppose as detrimental to the environment and their ancestral lands.<sup>188</sup> In September 2020, the

<sup>181</sup> <https://manilastandard.net/mobile/article/341110>; <https://newsinfo.inquirer.net/1371344/govt-wants-makabayan-bloc-out-of-house-to-weaken-rivals>

<sup>182</sup> <https://news.abs-cbn.com/news/05/30/20/youth-activists-oppose-writ-of-amparo-petition-parents-filed-at-sc-for-missing-child>

<sup>183</sup> See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

<sup>184</sup> <https://www.rappler.com/newsbreak/in-depth/marawi-series-rappler-timeline>

<sup>185</sup> <http://www.protectionclusterphilippines.org/wp-content/uploads/2021/02/Mindanao-Displacement-Dashboard-January-2021-1.pdf>, p. 1

<sup>186</sup> <http://cendoc.docip.org/collect/cendocdo/index/assoc/HASHf5df/0343942b.dir/EM19Carino050716.pdf>; <http://www.protectionclusterphilippines.org/wp-content/uploads/2021/02/Mindanao-Displacement-Dashboard-January-2021-1.pdf>, p. 4, 10; Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

<sup>187</sup> See Fact Sheet for Case No. 20 in Annex. See also virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Also, Fact Sheet for Case No. 9. <https://news.abs-cbn.com/news/09/01/20/soldiers-probed-for-allegedly-forcing-aetas-to-eat-human-waste-in-zambales>

<sup>188</sup> <https://www.facebook.com/UMAHONAnakpawis/photos/a.112720593697587/177234723912840>; <https://www.philstar.com/nation/2020/09/01/2039367/chr-investigate-alleged-military-maltreatment-aetas-zambales>

Commission on Human Rights said it will conduct a separate and impartial probe on the incident, but has yet to release findings.<sup>189</sup>

## **F. Violations of Freedom of Press and Assembly**

Numerous reports show the current administration has an alarming track record with respect to its treatment of the press.<sup>190</sup> State repression of press freedom has expanded.<sup>191</sup> In May 2020, the National Telecommunications Commission ordered ABS-CBN, the Philippines' largest television network, which provided free access to news for millions, to shut down; and in July 2020, Congress denied its franchise renewal.<sup>192</sup> On June 15, 2020, a Manila court convicted Maria Ressa, a prominent journalist and head of *Rappler*, of cyber libel.<sup>193</sup> In May 2020, the Office of the Mayor of Guimba brought charges against the community radio station Radyo Natin Guimba for spreading "fake news," providing COVID-19 relief that was not coordinated by the government, and instructing people to hold protest signs calling for relief.<sup>194</sup> These actions instill a climate of fear amongst journalists, suppress or discourage reporting on controversial and community issues, and restrict access to information for the general public.

The People's Alternative Media Network (Altermidya) is a network of outlets which publishes news that often receives less attention in mainstream media.<sup>195</sup> It serves as a crucial source of information on conditions among marginalized sectors and in rural areas. Government supporters and officials have attacked the network.<sup>196</sup>

Since December 2018, Altermidya member outlets *Bulatlat.com*, *Pinoy Weekly*, and *Kodao* have suffered cyber-attacks that have shut their websites down when news or statements on human rights violations were posted.<sup>197</sup> A private forensic investigation traced the attacks to a single source which used search words like "Duterte" to determine where to direct attacks, suggesting they were instigated by Duterte supporters.<sup>198</sup>

<sup>189</sup> See Fact Sheet for Case No. 20 in Annex.

<sup>190</sup> <https://rsf.org/en/philippines>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>

<sup>191</sup> See also Fact Sheet for Case No. 22; see Summary Cue Card for Case No.41; See also virtual testimony from Rhea Padilla during the February 19 hearings before the Sub-Commissioners.

<sup>192</sup> <https://thediplomat.com/2020/07/lawmakers-vote-to-close-down-philippines-largest-tv-network/>

<sup>193</sup> <https://www.hrw.org/news/2020/06/15/philippines-rappler-verdict-blow-media-freedom>

<sup>194</sup> Karapatan Monitor (May-Aug 2020), p. 5; <https://www.rappler.com/nation/nueva-ecija-town-file-complaint-against-local-radio-station>

<sup>195</sup> See Fact Sheet for Case No. 22 in Annex. See also virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>196</sup> See Fact Sheet for Case No. 22 in Annex; <https://www.philstar.com/headlines/2020/12/02/2060955/altermidya-pursue-legal-action-against-red-taggers>

<sup>197</sup> See Fact Sheet for Case No. 22 in Annex; <https://www.iawrt.org/news/it-companies-challenged-over-cyber-attacks>

<sup>198</sup> See Fact Sheet for Case No. 22 in Annex.



The NTF-ELCAC's 2019 year-end report and various government officials have red-tagged Altermidya outlets.<sup>199</sup> In an August 2019 Facebook post, the Concepcion (Romblon) Municipal Police Station claimed *Kodao* is an above ground organization of the CPP.<sup>200</sup> Major General Pio Diñoso III, a military commander in Samar, red-tagged Altermidya journalist Frenchie Mae Cumpio, claiming she is a high-ranking CPP official after she reported about human rights issues in Tacloban.<sup>201</sup> Like other red-tagged journalists, she has been forced to limit her reporting due to fears for her safety.<sup>202</sup>

Pro-military vigilantes, and now the government's security forces, have also confiscated *Pinoy Weekly's* print publications.<sup>203</sup> In September 2019, a self-identified "pro-government" group forcibly removed bundles of *Pinoy Weekly* magazines from the local chapter office of the urban poor organization, KADAMAY, in Pandi, Bulacan; they destroyed the publications by publicly setting them on fire, in the military's presence.<sup>204</sup> In July 2020, the police themselves ordered members of KADAMAY to surrender copies of the magazine, threatening them if they did not comply.<sup>205</sup> The same month, police also forced relief workers to surrender *Pinoy Weekly* copies at a police checkpoint.<sup>206</sup> The Presidential Task Force on Media Security has not taken steps to protect red-tagged journalists. In December 2020, Altermidya filed a complaint to the Office of the Ombudsman and Commission on Human Rights, calling for an investigation of the NTF-ELCAC's vilification, but as of yet there are no updates on actions taken.<sup>207</sup>

State security forces violently dispersed indigenous environmental defenders who were attempting to protest illegal mining operations. In Nueva Vizcaya, members of anti-mining group Kasibu Inter-tribal Response for Ecological Development (KIREN) were arrested in 2017, but then released soon after for lack of evidence.<sup>208</sup> The military accused them of supporting communist rebels, as local residents have campaigned against mining company Oceanagold Corporation. Oceanagold's gold mining has caused river siltation and used up water, harming families and their livelihoods. In 2019, Oceanagold's mining permit expired; the company filed suit, but trial and appellate courts upheld this expiration.<sup>209</sup> Backed by public sentiment, the provincial government

<sup>199</sup> See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; Fact Sheet for Case No. 22 in Annex.

<sup>200</sup> See Fact Sheet for Case No. 22 in Annex.

<sup>201</sup> See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners. Communication from NUPL, March 8, 2021.

<sup>202</sup> See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>203</sup> <https://www.rappler.com/nation/pnp-confiscates-progressive-magazine-after-anti-terror-law-takes-effect>

<sup>204</sup> <https://www.altermidya.net/hinggil-sa-panunog-ng-pinoy-weekly-issues-sa-pandi-bulacan/>

<sup>205</sup> <https://newsinfo.inquirer.net/1312334/pinoy-weekly-publisher-condemn-alleged-illegal-seizure-of-print-magazines-by-bulacan-police#ixzz6TLWnsY7f>

<sup>206</sup> <https://www.rappler.com/nation/pinoy-weekly-files-complaint-chn-illegal-seizure-printed-copies>

<sup>207</sup> See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>208</sup> See Fact Sheet for Case No. 21 in Annex.

<sup>209</sup> See Fact Sheet for Case No. 21 in Annex; <https://news.mongabay.com/2020/07/philippine-court-rejects-oceanagolds-bid-to-keep-mining-on-expired-permit/>

directed locals to restrain Oceanagold's operations.<sup>210</sup> However, on April 6, 2020, escorted by the police, Oceanagold's trucks forcibly entered the area.<sup>211</sup> The local community formed a human barricade, which the police violently dispersed, injuring at least three.<sup>212</sup> Chairperson of indigenous organization DESAMA Rolando Pulido was arrested and charged with "disobeying" police officers.<sup>213</sup> Despite the expiration of Oceanagold's permit to operate, the company still continues operations.

## **G. Other Violations of International Humanitarian Law**

Duterte ceased peace talks with the National Democratic Front of the Philippines (NDFP) in 2017, and permanently terminated the talks in 2019.<sup>214</sup> The 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) is a bilateral agreement between the government and the NDFP, which includes the CPP and NPA, to respect human rights and international humanitarian law amidst the ongoing armed conflict.<sup>215</sup> A product of the now-stalled peace process, the agreement prohibits desecration of those who have died in armed conflict, requiring that remains are disposed of with respect.

On November 28, 2020, 22-year-old Jevilyn Cullamat, an alleged medic of the NPA, was killed during an alleged encounter with the Philippine Army in Marihatag, Surigao del Sur.<sup>216</sup> She was the youngest daughter of a Congressional representative from the Bayan Muna party-list. The Philippine Army's 3rd Special Forces Battalion arranged her remains as if she was carrying a rifle, together with firearms, improvised explosives, as well as CPP-NPA-NDFP flags, and photographed her body with members of the military posing in the background.<sup>217</sup> The photo was uploaded by the state-run *Philippine News Agency* on its Twitter account, but after public backlash, the Tweet was taken down.<sup>218</sup> The photo's creation and distribution violate international humanitarian law on the dignified treatment of the dead.<sup>219</sup> Meanwhile, National Security Adviser Hermogenes Esperon, Jr., who is vice-chair of the NTF-ELCAC, used the publicity on Cullamat's

<sup>210</sup> <https://news.mongabay.com/2020/07/philippine-court-rejects-oceanagolds-bid-to-keep-mining-on-expired-permit/>

<sup>211</sup> See Fact Sheet for Case No. 21 in Annex. <https://news.mongabay.com/2020/04/standoff-over-philippines-didipio-mines-escalates-despite-covid-19-lockdown/>.

<sup>212</sup> <https://miningwatch.ca/news/2020/4/29/global-civil-society-organizations-condemn-violent-dispersal-indigenous-peoples>

<sup>213</sup> See Fact Sheet for Case No. 21 in Annex.

<sup>214</sup> <https://news.abs-cbn.com/news/03/21/19/duterte-announces-permanent-termination-of-peace-talks-with-reds>

<sup>215</sup>

[https://peacemaker.un.org/sites/peacemaker.un.org/files/PH\\_980316\\_Comprehensive%20Agreement%20on%20Respect%20for%20Human%20Rights.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_980316_Comprehensive%20Agreement%20on%20Respect%20for%20Human%20Rights.pdf); on international humanitarian law, see [https://www.icrc.org/en/doc/assets/files/other/what\\_is\\_ihl.pdf](https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf)

<sup>216</sup> See Fact Sheet for Case No. 23 in Annex.

<sup>217</sup> For a reproduction of the photo, see See Annex 7.

<sup>218</sup> See Fact Sheet for Case No. 23 in Annex.

<sup>219</sup> Article 16 of the 1949 Geneva Convention; Article 34 (1) of the 1977 Additional Protocol I on International Armed Conflicts; Article 4 of the 1977 Additional Protocol II on Non-International Armed Conflicts.



death to red-tag and discredit the Bayan Muna party-list.<sup>220</sup> Upcoming INVESTIGATE PH reports will further explore violations of international humanitarian law.

## H. Abuses in COVID-19 Pandemic Response

Illustrative incidents covered in this report indicate that the Duterte administration's response to the COVID-19 pandemic has emphasized a militarized lockdown that criminalizes survival activities of the poor.<sup>221</sup> State security forces have also used the COVID-19 pandemic as a pretext for political repression, such as suppressing public outcry against the Anti-Terrorism Act (ATA).<sup>222</sup> Meanwhile, the Supreme Court has largely failed to alleviate the situation of prisoners in dangerous detention conditions.<sup>223</sup>

On March 16, 2020, the Philippine government declared a state of calamity for six months.<sup>224</sup> In the next three months, police arrested 193,779 people for quarantine violations.<sup>225</sup> Lockdown in the Philippines is enforced by the military and police, as well as local *barangay* officials.<sup>226</sup> In addition to the suspension of schools, mass gatherings, and public transportation, strict stay-at-home orders have included requirements to carry quarantine passes to go outside and pass checkpoints, depending on the region and time.<sup>227</sup> While the World Health Organization has recommended containing the spread of COVID-19 through social distancing regulations,<sup>228</sup> research and evidence show lockdowns have heightened the suffering of urban poor people.<sup>229</sup> These communities rarely receive sufficient government assistance, yet lockdowns deprive them of their livelihoods, since they must work outside daily for basic subsistence.<sup>230</sup>

In the Philippines, urban poor people who disobey quarantine orders to meet their economic needs have been criminalized.<sup>231</sup> On April 1, 2020, twenty-one residents of Sitio San Roque, Quezon City were arrested for converging in a major thoroughfare.<sup>232</sup>

<sup>220</sup> See Fact Sheet for Case No. 23 in Annex.

<sup>221</sup> See Fact Sheet for Cases No. 31, 32, 33, 36, 38 and 39; see also Summary Cue Cards for Cases No. 34, 35, 37 and 40 in Annex.

<sup>222</sup> See Fact Sheet for Cases No. 33 and 36 and Summary Cue Card No. 37 in Annex.

<sup>223</sup> See Fact Sheet for Case No. 43 in Annex.

<sup>224</sup> <https://cnnphilippines.com/news/2020/3/17/ph-state-of-calamity-coronavirus.html>

<sup>225</sup> <https://www.rappler.com/nation/court-clears-activists-quarantine-case-notifiable-disease-law-improper>

<sup>226</sup> <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic>; <https://www.scmp.com/week-asia/economics/article/3080765/coronavirus-fears-grow-martial-law-lockdown-philippines>; <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>

<sup>227</sup> <https://www.scmp.com/week-asia/economics/article/3080765/coronavirus-fears-grow-martial-law-lockdown-philippines>

<sup>228</sup> <https://www.who.int/westernpacific/emergencies/covid-19/information/transmission-protective-measures>

<sup>229</sup> <https://link.springer.com/article/10.1007/s10708-020-10281-6>;

<https://openknowledge.worldbank.org/handle/10986/33477>

<sup>230</sup> <https://link.springer.com/article/10.1007/s10708-020-10281-6>;

<https://openknowledge.worldbank.org/handle/10986/33477>

<sup>231</sup> <https://www.opendemocracy.net/en/state-repression-philippines-during-covid-19-and-beyond/>

<sup>232</sup> See Fact Sheet for Case No. 32 in Annex for all remaining information provided in this paragraph

Nearly a thousand people had gathered because of a rumor relief aid would be distributed. When no relief arrived, a few peacefully expressed their grievances, leading media to misinterpret the gathering as a protest. Riot police subsequently dispersed and chased the crowd, arbitrarily arresting those seeking to comply as well as passersby. Although eventually bailed out at a cost of ₱367,500 (about USD \$7,500) through donations and public support, the arrestees still have charges pending for unlawful assembly and non-compliance with COVID-19 regulations. Residents desperate for relief were met with police response rather than assistance.

The night of April 1, 2020, Duterte called for police, military, and *barangay* officials to shoot dead those who disobey pandemic-related orders.<sup>233</sup> Meanwhile, women sex workers have been forced to exchange sex with policemen for passes to leave their homes, to feed their families.<sup>234</sup>

Police have also harassed attempts by urban poor residents to organize mutual aid, targeting certain civil society organizations in a pattern of political intimidation.<sup>235</sup> On April 6, 2020, the Quezon City police stormed community kitchens in Sitio San Roque organized by the residents. The police took down placards demanding food, mass testing, and services.<sup>236</sup> Police chief Lieutenant Colonel Rodrigo Soriano claimed the kitchens were banned under the Luzon-wide lockdown, but national guidelines do not provide so.<sup>237</sup>

Others expressing grievances regarding elected officials' handling of the pandemic have been subject to repression. Maria Victoria Beltran is an artist who was arrested without a warrant on April 19, 2020, after she satirically posted on Facebook that Cebu City was the “epicenter” of COVID-19, and drew threats from City Mayor Edgardo Labella that she would be jailed for these comments.<sup>238</sup> All the charges against Beltran -- for cybercrime, violating law on reporting of diseases, and fake news -- were eventually dropped, but she was held in police custody for three days.<sup>239</sup>

During the pandemic, at a time when the public's ability to voice opposition has been limited, Duterte fast-tracked the ATA's passage into law by certifying the bill as

<sup>233</sup> <https://pcoo.gov.ph/presidential-speech/nation-address-of-president-roa-duterte-on-coronavirus-disease-2019-covid-19-pandemic/>

<sup>234</sup> <https://www.rappler.com/newsbreak/in-depth/prostitutes-abused-by-cops-first-cross-coronavirus-border>

<sup>235</sup> See Summary Cue Card No. 35 in Annex.

<sup>236</sup> See Fact Sheet for Case No. 32 in Annex; <https://www.rappler.com/nation/police-storm-community-kitchens-tear-down-protest-posters-quezon-city-april-6-2020>

<sup>237</sup> <https://www.rappler.com/nation/police-storm-community-kitchens-tear-down-protest-posters-quezon-city-april-6-2020>

<sup>238</sup> See Fact Sheet for Case No. 38 in Annex.

<sup>239</sup> <https://www.dw.com/en/maria-victoria-beltran-filipino-artist-confronts-duterte-on-covid-19-response/a-53524106#:~:text=Beltran%20was%20forced%20to%20pay,was%20released%20on%20April%2021>

urgent.<sup>240</sup> Simultaneously, police repeatedly used COVID-19 as a cover to arrest those opposing the bill.<sup>241</sup> On June 5, 2020, police arrested seven university students who were protesting the Anti-Terrorism Bill at the University of the Philippines in Cebu, later announcing the students had violated the general community quarantine and COVID-19 prohibitions on public assembly.<sup>242</sup> The students were not initially informed of their rights or basis for arrest. Moreover, they wore face masks and observed social distancing protocols, while police violated these public health protocols at the time of arrest.<sup>243</sup>

On June 26, 2020, police arrested 20 people at a Pride Protest in Manila, where members of the LGBTQ+ community were calling for an anti-discrimination bill while opposing the Anti-Terrorism Bill.<sup>244</sup> Arrestees were charged with violating the law on reporting communicable diseases and the Public Assembly Act, neither of which prohibits protests.<sup>245</sup> After reviewing video footage of the march, the prosecutor verified health protocols had been observed by protesters, while a police officer at the scene had violated COVID-19 protocols.<sup>246</sup>

While public health is used as a pretext for repression, arrests contribute to a worsening public health crisis in prisons and detention centers. Philippine prisons have the highest rate of jail occupancy in the world, with overcrowding that makes social distancing impossible.<sup>247</sup> There is also little to no testing of inmates, detainees, or guards.<sup>248</sup> Arresting those who allegedly violate public health protocols can contribute to, rather than hinder, the pandemic's spread.<sup>249</sup> Dangerous conditions in prisons have led international human rights organizations to recommend the release of low-risk and vulnerable detainees.<sup>250</sup>

On April 8, 2020, twenty-two political prisoners filed a case with the Supreme Court requesting this type of compassionate release for themselves, and the creation of a prisoner release committee to recommend release for other vulnerable detainees.<sup>251</sup>

<sup>240</sup> <https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>

<sup>241</sup> See Fact Sheet for Cases No. 33 and 36 and Summary Cue Card No. 37.

<sup>242</sup> See Fact Sheet for Case No. 36 in Annex; <https://cebudailynews.inquirer.net/315800/police-ready-charges-against-7-arrested-protesters>

<sup>243</sup> See Fact Sheet for Case No. 36 in Annex.

<sup>244</sup> See Fact Sheet for Case No. 33 in Annex.

<sup>245</sup> See Fact Sheet for Case No. 33 in Annex.

<sup>246</sup> See Fact Sheet for Case No. 33 in Annex.

<sup>247</sup> <https://www.icrc.org/en/document/philippines-amidst-covid-19-outbreak-icrc-focuses-one-most-vulnerable-places-prisons>

<sup>248</sup> <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>

<sup>249</sup> <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>

<sup>250</sup> <https://www.hrw.org/news/2020/04/06/philippines-reduce-crowded-jails-stop-covid-19>

<sup>251</sup> See Fact Sheet for Case No. 43 in Annex. See also virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

The petitioners, who include elderly, sick, and pregnant prisoners, are human rights defenders and activists arrested on non-bailable charges.<sup>252</sup>

In response, the Office of the Solicitor General stated that congestion is not a valid reason to release inmates, and Interior Secretary Eduardo Año, whose agency oversees the Bureau of Jail Management and Penology, claimed prisons and detention centers are “COVID-free.”<sup>253</sup> The Supreme Court ultimately remanded the petition to the lower courts, so that the detainees have no recourse but to seek tedious bail processes.<sup>254</sup> The consequences of this disregard are illustrated in the aforementioned case of petitioner Reina Mae Nasino, whose baby died as a result of separation from its imprisoned mother.<sup>255</sup>

Beyond a disregard for health, there are also legal violations as a result of COVID-19 in the prisons. Due to social distancing rules, lawyers must meet with their clients via video meetings, so the principle of privileged communication is undermined.<sup>256</sup>

#### **IV. Domestic Remedies: Lack of Redress for Ongoing Violations**

This report not only confirms but expands upon the June 2020 OHCHR report’s findings on the deepening human rights crisis in the Philippines. With the drug war, the creation of the NTF-ELCAC, the July 2020 passage of the Anti-Terrorism Act (ATA), and the Philippine government’s militarized response to COVID-19, the perpetration of human rights violations by state forces has become more institutionalized, streamlined, and entrenched.<sup>257</sup>

The cases this report has explored offer detailed evidence that domestic remedies for such violations are insufficient. Domestic remedies have been ineffective at providing redress – and at halting continued abuses. The power imbalance between victims of state violence, and perpetrators who have the backing of government apparatuses, is grave. Structures to redress this imbalance are lacking.

<sup>252</sup> See Fact Sheet for Case No. 43 in Annex. See also virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>253</sup> <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>

<sup>254</sup> See Fact Sheet for Case No. 43 in Annex. See also virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>255</sup> See Fact Sheet for Case No. 44 in Annex.

<sup>256</sup> See virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners. This problem also emerged in the case of Reina Mae Nasino.

<sup>257</sup> <https://www.hrw.org/world-report/2021/country-chapters/philippines>;  
<https://www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 3-10;  
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>

This Initial Report submits the following reasons for the failure of domestic remedies:

- **The police and military are perpetrating violations -- and obstructing investigations.**

From the “War on Drugs” to the targeting of human rights defenders, the police and military are responsible for perpetrating extrajudicial killings,<sup>258</sup> massacres,<sup>259</sup> enforced disappearances,<sup>260</sup> torture,<sup>261</sup> unjust detentions and arrest,<sup>262</sup> as well as other acts of repression.<sup>263</sup> State-sponsored paramilitaries, and “vigilantes” who are in fact hired by or working with government security forces, are also perpetrators.<sup>264</sup> Transparency and accountability measures for the police and military are grossly lacking.<sup>265</sup> The police have obstructed investigations and planted evidence, refusing to comply with Supreme Court orders to release documents.<sup>266</sup>

- **Investigations of violations are not impartial.**

Investigations into police and military abuses are mostly conducted internally, if at all, by the police and military themselves.<sup>267</sup> They lack independence and impartiality. Special inter-agency task forces and panels to probe extrajudicial killings have also included the police, military, Philippine Drug Enforcement

<sup>258</sup> See Fact Sheet for Case No. 5, 45, 46, 47 and 48 in Annex; see also:

<https://www.karapatan.org/FINAL+REPORT+OF+THE+NATIONAL+FACT-FINDING+AND+SOLIDARITY+MISSION+IN+NEGROS+ORIENTAL%2C+PHILIPPINES+April+4-8%2C+2019>

<sup>259</sup> See Fact Sheet for Case No. 7 in Annex; see also:

<https://www.karapatan.org/ano+red+tags+victim+of+baras+massacre+to+cover+up+the+military+war+crimes>

<sup>260</sup> <https://www.bulatlat.com/2017/08/30/4-people-disappeared-duterte/>;

<https://www.karapatan.org/desaparecidos+warns+of+rise+in+cases+of+enforced+disappearance+under+terror+law+launuches+protest+quilt+for+justice>

<sup>261</sup> See Fact Sheet for Case No. 9 in Annex; see also: for further information about police use of torture see:

<https://www.karapatan.org/Peasant+organizer+arrested%2C+tortured+-+Karapatan>; For information about military use of torture see: <https://www.amnesty.org/download/Documents/ASA3574272017ENGLISH.PDF> p. 18-20.

<sup>262</sup> See Fact Sheet for Case No. 10, 11, 12, 13, 14 and 19. See also <https://www.bulatlat.com/2020/06/05/cops-break-into-up-cebu-grounds-arrest-7-protesters/>

<sup>263</sup> See for example Fact Sheet for Case No. 23; 33; 36.

<sup>264</sup> Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017; <https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>; [https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?973DdFTpveG\\_iJgeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?973DdFTpveG_iJgeK0U13KUVFHKSL_X).

<sup>265</sup> <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p. 32-35; <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>; <https://www.rappler.com/nation/hrw-says-doj-damning-review-pnp-lapses-drug-war-bluff>;

<sup>266</sup> E.g., see Fact Sheet for Case No. 1, 10, 11, 12, 13, and 14 in Annex; see also:

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p. 34-5;

<https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>

<sup>267</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6;

<https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>

Agency, or bodies implicated in abuses.<sup>268</sup> Police investigations have not bothered to probe the sources of prior threats leading up to the extrajudicial killings of human rights defenders.<sup>269</sup>

- **Available mechanisms for civilians to hold police and military accountable are failing.**

The Office of the Ombudsman is a key legal channel for people to file complaints against police, military, and government agents for corruption and abuse.<sup>270</sup> Yet the Ombudsman has mostly ruled in favor of police and military.<sup>271</sup> Procedures at the Ombudsman are slow, tedious, and inconsistent.<sup>272</sup> The Ombudsman has let off superior officers in the few cases to reach it.<sup>273</sup> Only one drug campaign-related killing of thousands has resulted in police being convicted of murder.<sup>274</sup> The majority of extrajudicial killings, torture, disappearances, and unjust detentions do not result in prosecution, much less conviction.<sup>275</sup>

- **Court protections are inaccessible, slow, and discriminatory.**

Human rights defenders facing threats to their lives have applied for court protection orders (“writ of *amparo*”), only to be denied because courts required higher proof of threats’ seriousness and specific sources.<sup>276</sup> In numerous cases, applicants were killed after being denied protection, or while their applications

<sup>268</sup> <https://www.hrw.org/world-report/2021/country-chapters/philippines>;  
<https://www.amnesty.org/en/latest/news/2020/09/philippines-un-pressure-end-killings/>;  
<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

<sup>269</sup> See Fact Sheets for Cases No. 1, 2, 6 and Summary Cue Cards for Case No. 3 and 4 in Annex.

<sup>270</sup> <https://www.ombudsman.gov.ph/about-us/mandate/>

<sup>271</sup> See Fact Sheets for Cases No. 45, 46, 47, 48 in Annex;

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6. For the numbers regarding the Ombudsman’s ruling on torture: <https://www.amnesty.org/en/latest/news/2014/12/above-law-police-torture-philippines/>. Of the 10,859 complaints received by the Ombudsman in 2018, only a handful (less than 6%) were decided in court, and most of those were for graft and corruption; of 698 new cases filed with the courts in 2018, only 10 related to the Philippine National Police.

<https://www.ombudsman.gov.ph/docs/08%20Resources/2018%20Ombudsman%20Annual%20Report.pdf>.

<sup>272</sup> E.g., see Fact Sheet for Case No. 22 and Summary Cue Card for Case No. 41 in Annex.

<sup>273</sup> E.g., see Fact Sheet for Cases No. 45, 46, 47 and 48 in Annex;

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>; <https://www.rappler.com/nation/calooacan-court-verdict-cops-lied-kian-delos-santos-helplessly-killed>; and note 258 above.

<sup>274</sup> <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6.

<sup>275</sup> E.g., see Fact Sheet for Cases No. 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 14 and 19 in Annex;

<https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>;

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6;

<https://www.amnesty.org/en/latest/news/2014/12/above-law-police-torture-philippines/>

<sup>276</sup> See virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners; See Also Fact Sheet for Case No. 42 in Annex.



were still pending.<sup>277</sup> Mistrust of the judicial system is high.<sup>278</sup> Court backlogs and slow procedures ensure that justice is delayed.<sup>279</sup> The majority of prisoners in Philippine jails – 75 percent in 2018 – are pre-trial detainees.<sup>280</sup> Many cannot afford bail.<sup>281</sup> Human rights defenders continue to be systematically and falsely charged with illegal explosives possession, a non-bailable offense.<sup>282</sup> Victims of political repression who seek to challenge their unjust detention through *habeas corpus* have had lower courts simply uphold their imprisonment based on a subsequent filing of charges, regardless of unjust procedures.<sup>283</sup> They have remained in jail as pre-trial and post-trial detainees, often for years.<sup>284</sup>

- **The government’s National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) is orchestrating political repression and militarizing governance.**

The NTF-ELCAC is an inter-agency body that involves a broad range of government agencies, including those for health and human services, in backing the police and military’s counter-insurgency operations.<sup>285</sup> The task force has led the “red-tagging” of human rights defenders, government critics, and political opposition, organizing their vilification as “communists” or “terrorists” in public forums and media.<sup>286</sup> It provides cover, justification, and support to police and military operations to target and dismantle civil society organizations through

<sup>277</sup> See Fact Sheet for Case No. 42, 2, and Summary Cue Card for Case No. 27 in Annex; and virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also:

<https://www.rappler.com/nation/zara-alvarez-petition-writ-amparo-habeas-data-court/>;

<https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>.

<sup>278</sup> <https://www.lowyinstitute.org/the-interpreter/philippines-verdict-impunity>;

<https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20181010122553>

<sup>279</sup> E.g., see virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>280</sup> <https://theaseanpost.com/article/packed-prisons-philippines>

<sup>281</sup> E.g. see <https://www.gmanetwork.com/news/news/specialreports/314386/too-poor-to-post-bail-thousands-spend-years-in-jail-without-conviction/story/>. With COVID-19, the Supreme Court ruled to reduce bail for some indigent prisoners, but others may fall through the cracks; <https://businessmirror.com.ph/2020/05/01/sc-slashes-bail-for-poor-pdls-to-ease-prison-congestion-control-virus-spread/>

<sup>282</sup> E.g. see Fact Sheet for Case No. 7, 10, 11, 13, 43, 44 in Annex.

<sup>283</sup> See Fact Sheet for Cases No. 49 in Annex; see also:

<https://www.philstar.com/headlines/2020/12/18/2064737/two-human-rights-day-7-see-release-order-supreme-court>

<sup>284</sup> E.g., see virtual testimony of Fides Lim during the February 19 hearing in which she mentioned cases where prisoners have been in prison for over 10 years awaiting a trial). In Case number 13, Esparago and Salem have had the charges against them dismissed, but they were still held in prison. See also:

<https://www.rappler.com/voices/thought-leaders/analysis-lengthy-pretrial-detention-philippines-little-dark-secret>

<sup>285</sup> <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>;

<https://www.karapatan.org/2019-karapatan-year-end-report>, p. 11-13, 58-66.

<sup>286</sup> See Fact sheet for Case No. 9, 17, 22, 23, 24, 26, 42 and see Summary Cue Card for Case No. 25, 27, 28 and 29 in Annex.



intimidation, threats and harassing surveillance;<sup>287</sup> raids and unjust arrests;<sup>288</sup> enforced disappearances;<sup>289</sup> and extrajudicial killings.<sup>290</sup> The NTF-ELCAC is effectively militarizing government, eroding checks and balances, and restricting spaces for dissent through a “whole-of-nation” approach that leaves victims isolated and with less recourse to seek redress through state agencies.<sup>291</sup>

- **Counter-insurgency activities are targeting lawyers, denying victims access to independent counsel.**

Lawyers have been targets of extrajudicial killings, threats, and harassment – including those of the National Union of Peoples’ Lawyers (NUPL), which provides free counsel and representation to victims of state violence and on public interest issues.<sup>292</sup> Public defenders have also been killed for taking on controversial cases.<sup>293</sup> The NTF-ELCAC launched a public campaign to attack and discredit the NUPL, and torture victims were influenced by government agencies to reject independent legal representation by the NUPL.<sup>294</sup> Pro bono representation is already severely lacking, and repression has a chilling effect on lawyers’ willingness to help victims of state violence.<sup>295</sup>

- **Efforts to challenge unjust laws through legal channels are being dismissed in court or repressed.**

Counter-insurgency activities have targeted petitioners who sought to challenge the ATA, pressuring them to drop their cases or slapping trumped-up charges against them.<sup>296</sup> With the COVID-19 pandemic, police have arrested participants in public demonstrations and filed harassing charges against them for disobeying authorities in violation of health regulations, breaching the Public Assembly Act,

<sup>287</sup> See Fact Sheet for Case No. 22, 24; and Summary Cue Cards for Case No. 25; 27; 28, 29 in Annex. See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; and virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

<sup>288</sup> See Fact Sheet for Case No. 13 in Annex.

<sup>289</sup> See Fact Sheet for Case No. 8; also:

<https://www.karapatan.org/desaparecidos+warns+of+rise+in+cases+of+enforced+disappearance+under+terror+law+launche+protest+quilt+for+justice>

<sup>290</sup> See Fact Sheet for Case No. 7; See also: See virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

<sup>291</sup> See also <https://www.karapatan.org/2019-karapatan-year-end-report>, p 11-13; “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

<sup>292</sup> See Summary Cue Card for Case No. 28; <https://freedomhouse.org/article/philippines-attacks-against-lawyers-escalating>

<sup>293</sup> <https://www.lrwc.org/killing-the-lawyers-forty-jurists-murdered-in-the-philippines-since-2016-report/>  
<https://www.rappler.com/newsbreak/iq/list-judges-prosecutors-lawyers-killed-under-duterte-government>

<sup>294</sup> Case 9. The police do not allow those whose houses are being searched or have been arrested to call a lawyer (Case 13, HRD7)

<sup>295</sup> On difficulties securing legal representation, <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2J-2019.pdf>, p. 85, indicates only 20% of people with a legal problem in the Philippines are able to access help (as of 2018); <https://www.philstar.com/headlines/2021/03/05/2082198/attack-red-tagged-rights-lawyer-have-chilling-effect-members-legal-profession>

<sup>296</sup> See Fact Sheet for Case No. 9, 19 in Annex.

and “resistance,” despite the protesters observing physical distancing and other health protocols.<sup>297</sup> Alternative, independent, and critical media has also been targeted for repression.<sup>298</sup> Erosions of due process are being legalized and institutionalized.<sup>299</sup>

- **Opposition political voices providing a check on police, military, and executive power have been eliminated from the Supreme Court and Congress.**

The Duterte administration has taken bold steps to eliminate political opposition.<sup>300</sup> It petitioned the Supreme Court to remove Chief Justice Maria Lourdes Sereno, who critiqued the “War on Drugs” and martial law in Mindanao, from the Supreme Court;<sup>301</sup> and helped target Senator Leila de Lima, also a vocal drug war critic, with false drug charges landing her in prison.<sup>302</sup> Following the 2019 elections, Duterte gained majority control over Congress.<sup>303</sup> This enabled him to rush the passage of the ATA, despite it containing arguably unconstitutional provisions.<sup>304</sup> The ATA was strongly opposed across civil society, and thirty-seven petitions regarding its constitutionality are pending before the Supreme Court.<sup>305</sup>

- **Public institutions and bodies which should provide checks and balances, or oversight on the police and military, have been eviscerated or lack clout.**

The Commission on Human Rights suffered a major threat to its budget in September 2017, and was red-tagged by NTF-ELCAC spokesperson General Antonio Parlade.<sup>306</sup> The Joint Monitoring Committee of the CARHRIHL, tasked to monitor whether human rights and international humanitarian law are respected

<sup>297</sup> See Fact Sheet for Case 33 and 36; Summary Cue Card for Case 37 in Annex. Case 35

<sup>298</sup> See Fact Sheet for Case No. 22; See also virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; see also <https://thediomat.com/2020/07/lawmakers-vote-to-close-down-philippines-largest-tv-network/> and <https://www.bbc.com/news/world-asia-53046052>

<sup>299</sup> E.g., roving search warrants issued from remote courts using generic “John Does,” filing charges in distant venues, classifying charges as non-bailable, expanding warrantless arrests, applying “presumption of regularity” for police, and more. On the weaponization of search warrants: <https://news.abs-cbn.com/spotlight/03/09/21/weaponized-search-warrants-in-bloody-sunday-killings-put-pressure-on-supreme-court-to-act-to-prevent-bloodshed>.

<sup>300</sup> <https://www.aljazeera.com/news/2019/6/25/duterte-attempting-to-silence-political-opponents-report>

<sup>301</sup> <https://www.reuters.com/article/us-philippines-judiciary-idUSKBN1IC0EM>; <https://www.theguardian.com/world/2018/may/12/fear-for-democracy-after-top-philippine-judge-and-government-critic-removed>

<sup>302</sup> <https://www.lowyinstitute.org/the-interpreter/philippine-senator-taking-president-duterte>; <https://www.theguardian.com/world/2017/feb/24/philippines-senator-leila-de-lima-president-duterte-serial-killer-faces-arrest>; <https://www.cnnphilippines.com/news/2020/2/23/de-lima-third-year-in-jail.html>

<sup>303</sup> <https://www.rappler.com/nation/elections/official-results-senators-philippines>; <https://www.rappler.com/newsbreak/iq/numbers-composition-18th-congress-philippines>

<sup>304</sup> <https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>; <https://cnnphilippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>

<sup>305</sup> <https://thediomat.com/2021/02/battle-over-anti-terror-law-opens-at-the-philippines-top-court/>

<sup>306</sup> See Fact Sheet for Case No. 30; <https://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html> <https://www.rappler.com/nation/gascon-reaction-chr-budget-2018-restoration-house>

in armed conflict, is not fully operational.<sup>307</sup> Locally, government officials who are legally required to witness police searches have instead arrived late and failed to act independently.<sup>308</sup> *Barangay*-level officials, those most accessible to citizens, have colluded to create drug target lists for police, and have refrained from interfering with police operations when residents seek their help.<sup>309</sup>

- **Even when remedies are secured, they are inadequate justice.**

Although some trumped-up charges against human rights defenders and drug suspects have been dismissed, in many cases the damage is already done: such attacks immobilize critics, further political repression, and unjustly imprison people for years, without compensation for harm or accountability for police abuses.<sup>310</sup> Moreover, occasional instances of convicting perpetrators – such as when police were found guilty of Kian de los Santos’ murder – have not resulted in changing the institutional priorities and practices that are giving rise to human rights abuses in the first place, and that continue to fuel drug war and extrajudicial killings.<sup>311</sup> Rare convictions which hold individuals accountable still do not address the institutional drivers of human rights violations.

## **V. Preliminary Recommendations**

This Initial Report offers the following preliminary recommendations.

### **To the United Nations Human Rights Council:**

- Urge Member States, relevant United Nations agencies, and other stakeholders to make use of international mechanisms, including the establishment of UNHRC commissions of inquiry, fact-finding missions, or investigations, to help improve the human rights situation in the Philippines, exert accountability, and deliver measurable as well as reliable justice to victims.
- Ensure the permanent protection of all witnesses in the INVESTIGATE PH process, and all other investigations on cases of extrajudicial killings (EJKs) and other human rights violations, as well as protection of all individuals and organizations “red-tagged,” against all acts of intimidation and reprisal; ensure

<sup>307</sup> E.g., <https://www.philstar.com/opinion/2018/03/17/1797474/implementing-carhrihl-more-relevant-ever>; see also Fact Sheet for Case No. 23 in addition to the other human rights violations outlined in this report.

<sup>308</sup> E.g., see Fact Sheet for Case No. 10, 11, 12, 13 and 14 in Annex.

<sup>309</sup> E.g., <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p.6; [https://www.hrw.org/sites/default/files/report\\_pdf/philippines0317\\_web\\_1.pdf](https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf), p. 7; see Case 47 in Annex.

<sup>310</sup> See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; Summary Cue Card for Case No. 18; Fact Sheet for Case No.17 in Annex. Regarding lengthy unjust imprisonment, see virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>311</sup> For instance, in the ruling on Kian de los Santos’ murder the judge did not comment on the validity or legality of the police operation that led to this killing in the first place: <https://www.rappler.com/nation/calocan-court-verdict-cops-lied-kian-delos-santos-helplessly-killed>

that protection plans be made with independent international institutions for their safety and security.

- Ensure the Philippine government's compliance with its obligation to provide adequate, effective and prompt reparation, including indemnification, to victims of gross human rights violations and to their families.
- Continue to exert pressure and/or use moral suasion on the Philippine authorities to provide immediate and unhindered access to international human rights monitoring and investigative mechanisms, including UN bodies, the Universal Periodic Review and the Special Procedures of the Human Rights Council, investigators of the International Criminal Court, and to this Independent International Commission of Investigation.
- Ensure that the human rights situation in the Philippines remains on the agenda of the Council, and ensure robust monitoring, documentation and reporting on the situation at regular intervals to the Council.
- Support the formal submission of this INVESTIGATE PH Initial Report to Member States, through UNHRC mechanisms, as well as the Second Report in June 2021, and the Final Report in September 2021.

**To States in General, their respective Ministries of Foreign Affairs or Parliaments:**

- Monitor the compliance of the Philippine government with international human rights treaties and obligations such as the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, as well as the other International Human Rights Covenants to which the Philippines is a signatory, and mobilize diplomatic tools to ensure that these obligations are observed and realized.
- Ensure that diplomatic guidelines on human rights and human rights defenders are observed and implemented in the Philippines.

**To the International Criminal Court:**

- Receive this Initial Report and the two succeeding Reports of INVESTIGATE PH.
- Expedite the process of bringing the preliminary examination to a conclusion and of reaching a decision on whether to seek authorization to open an investigation into the situation in the Philippines.

**To the International Labor Organization:**

- Expedite the ILO High Level Tripartite Mission to the Philippines, which was decided on in 2019.

## **To Civil Society:**

- Promote this Report, its findings and conclusions to relevant state actors, civil society, and the international community.
- Mobilize the broadest array of support for the call for accountability and justice for the victims in the Philippines, along with calls to end military assistance to Philippine state actors.
- Become an Endorser of INVESTIGATE PH.

## **VI. Conclusion**

The courage of human rights defenders, survivors, witnesses, civil society organizations, journalists, lawyers, and tireless advocates on the ground has helped to ensure the human rights violations featured in this report are brought to light.

The evidence set out in this report demonstrates that serious violations of human rights have intensified since the June 2020 report (A/HRC/44/22) of the UN Office of the High Commissioner for Human Rights (OHCHR),<sup>312</sup> and the October 2020 resolution of the UN Human Rights Council on technical and capacity-building assistance to the Philippine government regarding its human rights responsibilities.<sup>313</sup>

Police killings of civilians in the “War on Drugs” have spiked during the COVID-19 lockdown: as of August 2020, such killings rose 50 to 76 percent per month on average, compared to in months preceding lockdown.<sup>314</sup> The militarized response to the pandemic is criminalizing the survival activities of the poor. It has also enabled political repression – including violations of media freedom, expression, and freedom of assembly – coinciding with the passage of the widely opposed Anti-Terrorism Act (ATA), which was fast-tracked and enacted in July 2020.<sup>315</sup>

Extrajudicial killings of human rights defenders, lawyers and judges, and peace consultants, have continued to climb, with a recent massacre of nine Tumandok indigenous people in December 2020.<sup>316</sup> Enforced disappearances persist.<sup>317</sup> A case

<sup>312</sup> <https://undocs.org/en/A/HRC/44/22>

<sup>313</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26355&LangID=E>

<sup>314</sup> <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>;

<https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>

<sup>315</sup> <https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>;

<https://www.nytimes.com/2020/07/10/world/asia/philippines-congress-media-duterte-abs-cbn.html>

<https://newsinfo.inquirer.net/1272136/cebu-artist-arrested-for-fake-news-bags-international-award>

<https://www.rappler.com/nation/cops-arrest-individuals-pride-month-protest-manila-june-2020>; see also Fact Sheet for Case No. 33 and 36; and Summary Cue Card for Case No. 37 and 38 in Annex.

<sup>316</sup> See Fact Sheet for Case No. 7. See Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

<sup>317</sup> See Fact Sheet for Case No. 8 in Annex.

recounted in this report involving violence against Aeta indigenous people in Luzon shows that the new ATA is now enabling torture.<sup>318</sup>

Forced evacuations of whole communities in the countryside continue, because of aerial or artillery bombardment, or the placing of military detachments inside *barangays*.<sup>319</sup> And the recent trophy photo of the remains of a slain NPA medic breaches the Geneva Conventions, core international humanitarian law.<sup>320</sup>

Political repression – and the human rights violations that result from it – have become more institutionalized, streamlined, and brazen, due to the mechanisms of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and ATA. The NTF-ELCAC is systematizing both “red-tagging” – the vilification of individuals or groups as communist or terrorist – and state violence against those tagged.<sup>321</sup>

Military and police commanders, as well as President Duterte himself, have openly proscribed individuals and organizations.<sup>322</sup> While the ATA provoked a record number of petitions to the Supreme Court to declare it unconstitutional, petitioners have been coerced to drop their case and slapped with harassing counter-charges.<sup>323</sup>

A core claim of the Philippine government in the UN Human Rights Council in June and October 2020, and in February 2021 – that domestic accountability mechanisms are “functioning as they should” – cannot be sustained.<sup>324</sup>

Rather, the state forces that perpetrate violence are obstructing investigations.<sup>325</sup> Investigations that are carried out have usually been neither impartial nor independent,

<sup>318</sup> See Fact Sheet for Case No. 9 in Annex; see also virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

<sup>319</sup> See “Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)” in Annex; see also Fact Sheet for Case No. 20 in Annex.

<sup>320</sup> See Fact Sheet for Case No. 23 in Annex; [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32_GC-III-EN.pdf)

<sup>321</sup> <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>; <https://www.karapatan.org/2019-karapatan-year-end-report>

<sup>322</sup> See Fact Sheet for Case No. 22, 25, 30 and 42; Summary Cue Card for Case No. 27, 28 and 29. See also: <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>; <https://www.karapatan.org/2019-karapatan-year-end-report>

<sup>323</sup> See Fact Sheet for Case No. 9 and 19 in Annex. <https://www.cnn.ph/news/2021/3/9/supreme-court-anti-terrorism-act-attacks-petitioners-lawyers.html>

<sup>324</sup> <https://genevapm.dfa.gov.ph/national-statements/889-ph-statement-at-the-high-level-segment-of-the-46th-session-of-the-hrc>; <https://pcoo.gov.ph/OPS-content/on-the-ph-governments-comprehensive-reaction-to-the-latest-report-of-the-united-nations-office-of-the-high-commissioner-for-human-rights/>; [https://www.ohchr.org/Documents/Issues/Defenders/CFI\\_killings/submissions/states/philippines-eng-y.pdf](https://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/states/philippines-eng-y.pdf)

<sup>325</sup> See Fact Sheet for Case No. 1, 10, 11, 12, 3, and 14 in Annex; see also: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p. 34-5; <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>



but are overseen wholly or in part by the agencies responsible for abuse, such as the police, military, and drug enforcement agency.<sup>326</sup> Mistrust of the judicial system is high, and channels for victims of abuse to seek justice are failing them.<sup>327</sup> The Ombudsman, which handles complaints against officers, routinely rejects most.<sup>328</sup> Human rights defenders under threat have often been denied court protection orders, with lethal consequences.<sup>329</sup> When police have planted evidence to jail human rights defenders, *habeas corpus* is not functioning to speed their release, because courts are allowing belated charges filed by prosecutors to correct irregularities at time of arrest.<sup>330</sup> Most prisoners are pre-trial detainees, and some political prisoners have been held in detention even after trumped-up charges against them are dismissed.<sup>331</sup>

On a larger level, checks and balances in governance have been eroded.<sup>332</sup> Instead, the NTF-ELCAC is advancing the militarization of governance, drawing a broad range of government agencies, including those for health and human services, into backing police and military operations.<sup>333</sup>

As this report goes to press, the local law enforcement committee that liaises with the NTF-ELCAC in Cordillera has ordered a “tokhang” against “left leaning personalities” – house-to-house police operations styled after the “War on Drugs.”<sup>334</sup> Police raids in Southern Tagalog on March 7, 2021, resulting in their slaughter of nine trade unionists,

<sup>326</sup> <https://www.hrw.org/world-report/2021/country-chapters/philippines>;  
<https://www.amnesty.org/en/latest/news/2020/09/philippines-un-pressure-end-killings/>;  
<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

<sup>327</sup> <https://www.lowyinstitute.org/the-interpreter/philippines-verdict-impunity>;  
<https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20181010122553>

<sup>328</sup> See also Fact Sheets for Cases No. 45, 46, 47, 48 in Annex.

<sup>329</sup> See Fact Sheet for Case No. 42, 2, and Summary Cue Card for Case No. 27 in Annex; and virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also:

<https://www.rappler.com/nation/zara-alvarez-petition-writ-amparo-habeas-data-court>;  
<https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>.

<sup>330</sup> See Fact Sheet for Cases No. 49 in Annex; see also:

<https://www.philstar.com/headlines/2020/12/18/2064737/two-human-rights-day-7-see-release-order-supreme-court>

<sup>331</sup> <https://theaseanpost.com/article/packed-prisons-philippines>; see virtual testimony of Jasma Salem during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

<sup>332</sup> See Summary Cue Card for Case No. 30; <https://www.aljazeera.com/news/2019/6/25/duterte-attempting-to-silence-political-opponents-report>; <https://www.reuters.com/article/us-philippines-judiciary-idUSKBN1IC0EM>;  
<https://www.lowyinstitute.org/the-interpreter/philippine-senator-taking-president-duterte>;  
<https://www.theguardian.com/world/2017/feb/24/philippines-senator-leila-de-lima-president-duterte-serial-killer-faces-arrest>;  
<https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>;  
<https://cnnphilippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>;  
<https://www.karapatan.org/2019-karapatan-year-end-report>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

<sup>333</sup> <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>;  
<https://www.karapatan.org/2019-karapatan-year-end-report>, p. 11-13; see “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

<sup>334</sup> <https://newsinfo.inquirer.net/1400268/45-cordillera-officials-ok-tokhang>; see also “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

indigenous leaders, and urban poor organizers in their homes and offices, suggests events are on the cusp of heightened bloodshed.<sup>335</sup>

The human rights crisis in the Philippines springs from deep and long-standing economic, social and political conflicts in the society, including its international relations. Our investigation raised hopes among the victims that help – and justice – might come from the international community. This investigation itself is a product of decades of developing international solidarity relations. The United Nations, its Member States, the International Criminal Court, and international civil society all have vital roles to play in challenging the flagrant violations of human rights taking place in the Philippines – and in using all available international mechanisms to restrain these state abuses and hold the perpetrators accountable.

## Epilogue

Even over the short course of this investigation, political repression and human rights violations have further intensified.<sup>336</sup> As recently as March 7, 2021, police and military killed nine activists and human rights defenders and arrested six others in “tokhang”-style coordinated raids across the Calabarzon region.<sup>337</sup> These serial and apparently orchestrated killings took place two days after Duterte ordered military and police to “kill” all communist rebels and to “forget about human rights.”<sup>338</sup> Victims include fisherfolk leaders Chai and Ariel Evangelista who were reportedly killed in front of their ten-year-old son, as well as labor leader, Emmanuel Asuncion.<sup>339</sup>

Extrajudicial killings that may be related to the Tumandok massacre are also ongoing, as noted in the main report.<sup>340</sup> On March 3, there was an attempt to kill human rights lawyer and National Union of Peoples’ Lawyers (NUPL) assistant vice president Angelo Guillen, who is representing those Tumandok who were arrested. Guillen was stabbed in the head and neck by anonymous assailants a few blocks away from a police

<sup>335</sup> <https://news.abs-cbn.com/video/news/03/10/21/un-rights-body-slams-bloody-sunday-killings-in-calabarzon>

<sup>336</sup> While some of the following cases have been included in the report above, this epilogue is a general examination of how these very recent cases further illustrate the same issues: continuing and often institutionally facilitated human rights violations, and the ineffectiveness of domestic remedies.

<sup>337</sup> See Summary Cue Card for Case Letter B in Annex; see also: <https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021>

<sup>338</sup> <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>; see also: <https://www.rappler.com/nation/dead-arrested-calabarzon-crackdown-progressives-march-7-2021>

<sup>339</sup> <https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021>

<sup>340</sup> The murder of Julie Catamin and the attempted murder of Atty Guillen were also discussed in the main report, Section B. See Summary Cue Card for Case Letter B in Annex; see also: <https://www.karapatan.org/killing-of-barangay-chief-in-tapaz-capiz-meant-to-silence-truth-about-tumandok-massacre>; <https://newsinfo.inquirer.net/1403259/lawyer-for-red-tagged-tribal-folk-stabbed-laptop-documents-taken>; <https://newsinfo.inquirer.net/1401282/village-chief-of-indigenous-community-in-capiz-slain>

station.<sup>341</sup> This happened just three days after *barangay* chief Julie Catamin – a key witness in the case of the Tumandok massacre – was murdered.

Arrests of activists, and even educators, continue, and appear to be politically motivated. There have been a series of arrests of local activists carried out in Mindanao, including the arrest of fisherfolk leader, Rogelio de Asis.<sup>342</sup> Police officers also arrested teachers, students, and tribal leaders from a school for displaced indigenous people in Cebu. Six of those arrested are detained, as of this writing.<sup>343</sup>

Police and *barangay* officials' brutality towards mostly poor citizens during COVID-19 also persists.<sup>344</sup> In February 2021, police arrested a market porter for not wearing a face mask, and then physically beat him for not being able to pay his fine.<sup>345</sup>

The new cases demonstrate that violations continue to be enacted through the institutional mechanisms designed by the Duterte Administration: namely the Anti-Terrorism Act (ATA) and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). On December 27, 2020,<sup>346</sup> Elizabeth Estilon and Enriqueta Guelas were arrested on charges of violating the ATA and also of illegal possession of firearms and explosives. Estilon is currently nine months pregnant. This is concerning, given that the mistreatment of political prisoners Reina Mae Nasino, and more recently Nona Espinosa, led to the deaths of their newborns.<sup>347</sup>

Political repression continues to expand as journalists writing for mainstream media, universities, and churches are also targeted by the NTF-ELCAC, the police, the military, and some government officials, both at the national and local levels.

In February, the NTF-ELCAC threatened to sue Tetch Torres, a reporter for *INQUIRER.net*, after she wrote about the petition filed against the ATA by Junior Ramos and Japer Gurung.<sup>348</sup> General Parlade, spokesperson of the NTF-ELCAC wrote on Facebook that it could be possible to file charges against journalists such as Torres,

<sup>341</sup> <https://cebudailynews.inquirer.net/367409/pnp-listing-lawyers-for-red-terrorists>

<sup>342</sup> See Summary Cue Card for Case Letter E; see also:

<https://www.philstar.com/headlines/2021/02/12/2077262/fisherfolk-leader-arrested-crimes-against-humanity-murder-charges>; See also: <https://www.bulatlat.com/2021/02/15/6-arrested-in-a-week-rights-group-decries-escalating-state-terrorism/>

<sup>343</sup> See Summary Cue Card for Case Letter F.

<sup>344</sup> For reference see: <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>

<sup>345</sup> See Summary Cue Card for Case Letter N. For another case of a recent COVID-19 response from the police See Summary Cue Card for Case Letter O. See also: <https://www.manilastandard.net/news/national/346386/chr-looks-into-arrest-of-violators-in-silay.html>

<sup>346</sup> See Summary Cue Card for Case Letter G.

<sup>347</sup> <https://www.philstar.com/headlines/2021/03/09/2083127/group-asks-chr-uphold-rights-pregnant-woman-senior-charged-under-terror-law>; See Summary Cue Card for Case Letter P.

<sup>348</sup> See Summary Cue Card for Case Letter H. See also Fact Sheet for Case No. 20.

who are “aiding terrorists by spreading lies.”<sup>349</sup> In relation to these and other comments from the general, Senate committees criticized Parlade on February 22, 2021, noting that his remarks “could never be disassociated” from his institutional affiliation with the NTF-ELCAC.<sup>350</sup> That report from the committees validates the serious and dangerous nature of the reckless claims Parlade has made about not only Torres, but also about many other journalists, activists, lawyers, and progressive politicians.<sup>351</sup> At the same time, the report did not criticize other authorities like Duterte who engage in reckless threats – and has not implicated the NTF-ELCAC more broadly.<sup>352</sup>

On January 15, Defense Secretary Lorenzana abrogated an accord between the University of the Philippines (UP) and the Department of National Defense, which ensured academic freedom and freedom of speech and association on campus by regulating military and police presence there.<sup>353</sup> This accord had been in place for more than 30 years, and its abrogation came after numerous acts of red-tagging in which President Duterte branded the UP system as a “recruitment ground” for the Communist Party of the Philippines (CPP) and New People’s Army (NPA). The abrogation was also followed by public statements by General Parlade in which he red-tagged an additional 17 universities as “recruitment centers” of the CPP and NPA without evidence.<sup>354</sup> Subsequently, UP alumni and student members of the NUPL were linked to the NPA by the Armed Forces of the Philippines and the NTF-ELCAC respectively.<sup>355</sup>

In just these first few months of 2021, new laws, resolutions and processes have been initiated in the name of “counter-insurgency” and “counter-terrorism.” These new mechanisms run the risk of further institutionalizing political repression and the violation of human rights. For example, a new order announced on February 5, 2021, would require all international aid to NGOs to be cleared with the foreign ministry.<sup>356</sup> This could severely curtail the ability of the Philippine NGO sector – about 60,000 registered aid groups – to provide assistance to those in need.<sup>357</sup>

<sup>349</sup> See Summary Cue Card for Case Letter H.

<sup>350</sup> <https://newsinfo.inquirer.net/1399698/fwd-red-tagging-report-senate-panel-finds-parlades-remarks-damaging-to-ph-military>

<sup>351</sup> see Fact Sheet for Case No. 22, 26, and 30; and Summary Cue Card for Case No. 28

<sup>352</sup> <https://www.rappler.com/nation/human-rights-watch-parlade-probe-begin-larger-efforts-vs-red-tagging-under-duterte>

<sup>353</sup> See Summary Cue Card for Case letter L until next footnote.

<sup>354</sup> See Summary Cue Card for Case letter K. Note that he also listed University of the Philippines (Diliman and Manila here).

<sup>355</sup> See Summary Cue Card for Case Letter J and I in Annex. See also screenshot of the list of red-tagged UP alumni in Annex 7. Also note that beyond universities, civil society organizations such as churches have also been targeted. The United Church of Christ in the Philippines (UCCP) in Davao has been repeatedly red-tagged by the NTF-ELCAC, the details of which can be found in Cue Card for Case Letter D.

<sup>356</sup> <https://www.reuters.com/article/philippines-ngos-idINKBN2AO16A>

<sup>357</sup> <https://www.reuters.com/article/philippines-ngos-idINKBN2AO16A>; This can also be seen in the Summary Cue Card for Case letter M, where police reposted an infographic on what can be considered “acts of terrorism” under the ATA, which included donating or helping relief drives that are not government or state-recognized.

On March 5, 2021, amidst his order to police and military to “kill all communist rebels,” Duterte promised to send NTF-ELCAC funds to “communist free” *barangays*.<sup>358</sup> Such a promise financially incentivizes extrajudicial killings. As noted above, the results of Duterte’s March 5 speech have already been borne out in the March 7 “Bloody Sunday Massacre” in Calabarzon.<sup>359</sup> Finally, as has already been detailed in the main report, the February 2021 resolution by the Cordillera RLECC to conduct “tokhang” on “left-leaning personalities” is poised to replicate the atrocities of the drug war, and to further institutionalize political, extrajudicial killings.<sup>360</sup>

While new institutional mechanisms are being proposed to cover up and validate human rights violations, existing mechanisms continue to fail to provide effective remedies for victims. Security forces continue to obstruct investigations. Several days after the March 7 massacre of nine trade unionists, indigenous leaders, and urban poor organizers in Calabarzon, police and military were still barring family members from accessing the bodies of those deceased.<sup>361</sup> This mirrors other cases in which security forces attempted to hide evidence or refused to release the bodies of victims.<sup>362</sup>

As noted in the main report, the Justice Secretary’s acknowledgment of police failure in investigating drug killings has not led to any clear accountability measures.<sup>363</sup> Instead, the Justice Secretary himself has recently criticized human rights defenders and the victims’ families for “failing” to present witnesses or cooperate in the investigations. This statement deflects attention away from the fact that it is the duty of the Department of Justice to trace, secure and develop cases, and that the powers of its investigative arms and processes makes it much more equipped to carry out that work, as opposed to the victims’ families and human rights defenders.<sup>364</sup>

Furthermore, regardless of the acknowledgment that the police have failed to investigate themselves properly, the Philippine National Police (PNP) continue to be asked to investigate cases of police misconduct. Take for instance, a February 2021

<sup>358</sup> <https://www.rappler.com/nation/duterte-begins-tour-present-ntf-elcac-aid-communist-free-barangays>  
<https://newsinfo.inquirer.net/1403830/ushering-in-local-projects-rody-gives-kill-order-vs-reds>

<sup>359</sup> See Summary Cue Card for Case letter B.

<sup>360</sup> The RLECC resolution is discussed in section D of the main report.

<sup>361</sup> <https://www.rappler.com/nation/lawyer-says-families-blocked-from-claiming-bodies-bloody-sunday-victims>. Their remains have only been released to their families on March 11, but only after a long stand-off with the police and after more than 20 relatives and paralegals were locked up inside the funeral parlor overnight till the following morning. Also, representatives of the NCIP and the Public Attorney’s Office tried to misrepresent themselves as lawyers of the families of the indigenous peoples and persisted in talking to them until they were called out by the latter’s chosen counsel from the NUPL. This seems to be similar to the approach these government agencies took to the tortured Aetas in Zambales.

<sup>362</sup> See also Fact Sheet for Case No. 1 and 5.

<sup>363</sup> <https://www.rappler.com/nation/doj-drug-war-review-pnp-did-not-follow-rules-nanlaban-cases>

<sup>364</sup> <https://www.gmanetwork.com/news/video/gmadigitalspecials/549022/the-mangahas-interviews-doj-secretary-menardo-guevarra/video>

case that was documented in a recently circulated video of a police officer planting a gun on the body of a drug suspect.<sup>365</sup> The case has been turned over to the PNP for further investigation. But the police declared that the subject officer reportedly died recently in an accident.

Even in those cases where trumped up charges are dropped, the damage inflicted by these charges is without effective, adequate, and definite remedy. For instance, the arrest warrant for indigenous activist Windel Bolinget and mass activist Lutgardo Jurcales Jr, together with their co-accused activists, has been recalled<sup>366</sup> and journalist Lady Ann Salem and labor organizer Rodrigo Esparago have been finally released.<sup>367</sup> Nonetheless, as has been evidenced in numerous other cases, being charged or red-tagged to begin with puts one's life at risk.<sup>368</sup> Furthermore, the dropping of these specific charges has not led to meaningful reform in terms of safeguarding the rights of government critics, human rights defenders, indigenous people, or journalists – but rather, comes amidst flagrant, ongoing rights violations.

Finally, on March 12, 2021, the intelligence chief of a local police station in Calbayog City, Fernando Calabria, made a formal and open “request” to a local clerk of court asking for a list of lawyers who “represent CTG (Communist Terrorist Groups) personalities” in the court. Calabria claimed his request was in compliance with “higher PNP offices.”<sup>369</sup> The letter is accompanied by a matrix which includes “Mode of Neutralization” alongside the names of lawyers and their alleged clients. “Neutralization” is often understood, and has repeatedly been interpreted by security forces, as “killing.”<sup>370</sup> While recent reports indicate that Calabria has been relieved of his role, and that the order purportedly does not come from “high PNP offices,” the PNP officer in charge also noted that Calabria likely made the request as a result of the “pressure of crafting a ... comprehensive report on the communist insurgency situation in his area of responsibility.”<sup>371</sup>

<sup>365</sup> <https://www.cnn.ph/regional/2021/3/10/PNP-Bukidnon-buy-bust.html>

<sup>366</sup> See Summary Cue Card for Case Letter C. Note that the arrest warrant has also been recalled for Jurcales and the other activists facing this same fabricated charge of murder. See also Fact Sheet for Case No. 19 in Annex.

<sup>367</sup> <https://www.rappler.com/nation/mandaluyong-court-orders-release-journalist-lady-ann-salem-trade-unionist>; these cases were discussed in the main report section C.

<sup>368</sup> See Fact Sheet for Case 2 and 6 in the Annex.

<sup>369</sup> See photo of the letter from the Police Lieutenant to the local clerk in Annex 7.

<sup>370</sup> <https://news.un.org/en/story/2020/06/1065582>; <https://www.rappler.com/nation/pnp-ejk-philippines-supreme-court-war-on-drugs-neutralize-carpio>

<sup>371</sup> <https://www.philstar.com/headlines/2021/03/13/2084055/cop-relieved-asking-calbayog-court-list-lawyers-representing-communist-rebels>



