

# **Impunity and State Terror:** Final Compendium Report of the Independent International Commission of Investigation Into Human Rights Violations in the Philippines

November 2022





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Final Compendium Report  
of the Independent  
International Commission of Investigation  
Into Human Rights Violations  
in the Philippines**

**ICHRP**

Impunity and State Terror: Final Compendium Report of the Independent  
International Commission of Investigation Into Human Rights Violations in the Philippines  
by the International Coalition for Human Rights in the Philippines (ICHRP)

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# Foreword

The International Coalition for Human Rights in the Philippines (ICHRP)<sup>[1]</sup> has taken on the task of publishing the findings of the Independent International Commission of Investigation into Human Rights violations in the Philippines (Investigate PH)<sup>[2]</sup> - following the recent election of the Marcos Jr. - Sara Duterte tandem and the ongoing attempts to rewrite and whitewash Philippine history. As recently as July 2022, the new Marcos regime has signalled that it would maintain the withdrawal status of the Philippines from the International Criminal Court (ICC), and that it would not cooperate with ICC investigations of Crimes Against Humanity alleged to have been committed by the previous regime. These attempts to shield Rodrigo Duterte from prosecution and at the same time protect the current regime from accountability for potential future violations of international law speak to the need to have a full public accounting of the Crimes of the Duterte Regime.

We started the journey of Investigate PH as a response to the initial findings of the UN High Commissioner for Human Rights, Ms. Michelle Bachelet.<sup>[3]</sup> Her strong report released on June 4, 2020 regarding the Duterte regime's 'drug war' killings emphasized the need for "independent, impartial and effective investigations into the killings." The October 7, 2020, UN Human Rights Council decision in response to the June report was a relatively weak response. The UN resolution<sup>[4]</sup> – led jointly by Iceland and the Philippines – requested the Office of the UN High Commissioner for Human Rights to support the Philippines through 'technical assistance', and 'capacity building'. This assistance was to be focused on areas including accountability; data gathering of violations by the police; civic space; counter-terrorism legislation, and a rights-based approach to drug control. The UN response was seen as "a missed opportunity to seek justice for thousands of unlawful killings" – Amnesty International.

In the immediate aftermath of the October 2020 resolution ICHR, in collaboration with Philippine and global partners led an attempt to constitute a much-needed independent inquiry

into the human rights situation in the Philippines. We initiated an "Independent International Commission of Investigation into Human Rights Violations in the Philippines: a Global People's Initiative", the purpose of which was to create a space for the international community to help ensure that justice is served to victims and their families; provide further substance to the Bachelet Report to include issues of rule of law, impunity, and crimes against humanity; and help create a favorable climate for the UN Human Rights Council to do its work.

The general framework for the inquiry was conceived with two primary objectives:

1. To determine whether or not the Philippine Government respects, protects and fulfills human rights and fundamental freedoms.
2. To determine 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

More specific objectives included:

1. To conduct an independent inquiry on the updated human rights situation in the Philippines using the pertinent UN Human Rights Council resolutions, the High Commissioner for Human Rights report, and UN Special Procedure holder mandates.
2. To verify if clear and measurable domestic remedies are available and effective in providing redress and protection against human rights violations.
3. To verify if the Philippine government has been able and willing to carry out impartial and effective investigations - to hold specific perpetrators accountable in accordance with due process and the rule of law.
4. To verify if the Philippine Government has taken all necessary measures to prevent human rights violations.
5. To inquire into the role of governmental institutions and policies in regard to the "rule of law", including issues of due process, impunity, political persecution and labelling, discrimination, crimes against humanity, attacks on press freedom, public participation, access to justice, the impact of legislative measures and executive issuances

and practices, the independence of judiciary and constitutional bodies, and their effect on citizens, the media, political opposition and critics, the church and the public in general.

6. To come out with concrete and specific recommendations to address the findings and conclusions of the Independent International Commission of Investigation into Human Rights Violations in the Philippines.

With this foundation, the Investigate PH secretariat recruited Commissioners and sub-Commissioners from the leadership of the global churches, the trade union movement, the legal community and elected political representatives. 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, with hearings starting almost immediately. The original Commission included:

- 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 Soc-iety, The United Methodist Church
- Atty. Jeanne Mirer, President, International Association of Democratic Lawyers
- 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

Over the next 9 months Commissioners presided over hearings that reviewed more than 50 selected emblematic violations, largely individual cases of human rights violations that occurred post the June 4, 2020, Bachelet Report, heard 64 accounts from eyewitnesses including taped submissions from political detainees, forensic evidence from a pathologist, graphic evidence from a photo

journalist and many testimonies from victims, and the families of victims, as well as from experts on the judicial, economic and political situation in the Philippines. From this evidentiary foundation the Commissioners produced three reports.

The first report on March 15, 2021, concluded that state terror was being orchestrated by the Duterte Regime while at the same time there was detailed evidence presented that domestic remedies for such violations were not sufficient. Domestic remedies were found to be 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.

The second report released July 6, 2021, spotlighted State terror in the Philippines by analyzing violations in the context of the three wars occurring simultaneously in Philippine society: the war on the poor in the guise of the war on drugs; the war on dissent; and the war on the Moro People. Among the key findings were:

- **The Philippine security forces perpetrated extrajudicial killings -- and obstructed justice**
- **The justice system is used to repress dissent both by weaponizing and failing to enforce the law.**
- **Police were executing dissenters with techniques similar to those used in anti-drug operation killings, while the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and courts - enable such operations.**
- **Military operations in Mindanao in the name of the “war on terror” did not distinguished between civilians and combatants.**
- **U.S. military aid, as well as that of other nations, has abetted violations of human rights and International Humanitarian Law in the Philippines.**

A third report was released in September 2021 in advance of the 45<sup>th</sup> Session of the UNHRC. This final report examines the violations of collective human rights to development, self-determination and peace in the Philippines, enforced by State violations of civil and political rights during the harsh impact of the COVID-19 pandemic.

Overall, the Commissioners concluded that

the human rights situation under Duterte had worsened dramatically. Mechanisms such as the NTF-ELCAC and the Anti-Terrorism Act have institutionalized, legitimized and increased the practice of “red-tagging” - labelling unarmed civilians and groups as members, supporters or affiliates of the Communist Party of the Philippines (CPP) and the New People’s Army (NPA) in the context of the ongoing armed conflict in the country. This practice is a continuing form of state terror to repress dissent, and often results in extrajudicial execution. It is this repressive legacy of the Duterte regime that is likely to carry forward into the new Marcos administration.

In this context ICHRP believes it is essential to hold the Duterte government to account even when it has left office. We must continue to press forward with the evidence produced by Investigate PH to hold the perpetrators accountable.

Peter Murphy

**Chairperson, Global Council**

*International Coalition for Human Rights in the Philippines*



# **Initial Report**

**March 2021**



# 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.

# 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<sup>[13]</sup> are at an alarming high: in 2020, the Philippines ranked third in the world for the most retaliatory murders of journalists. 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 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 Kapanatagan (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 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>

## 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 the 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.

### 1. 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

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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>

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 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. 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>

## 2. 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>

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>

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 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 3:00 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 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 La Loma 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 Tognacio 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.

### 3. 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 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 Gurong 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> Gurong 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>

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>

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 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>

#### 4. 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>

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 socio-economic development, the NTF-ELCAC has instead mobilized government agencies to support and coordinate greater militarization.

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-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.

### 5. 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 7th 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 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>

### 6. Violations of Freedom of the 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>

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 (KIREED) 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 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.

### 7. 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 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.

### 8. 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> 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 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> 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>

## Domestic Remedies: Lack of Redress for Ongoing Violation

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.

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

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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.

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 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 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 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 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, 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 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.

## 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 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 and 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.

## 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 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, 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, 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 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, 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>

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 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>

# **Second Report**

**July 2021**



# Introduction

This Second Report of INVESTIGATE PH examines continuing human rights violations in the Philippines, perpetrated by State agents and enabled by the Duterte administration's security policies. It highlights an ongoing, prevailing lack of effective domestic remedies for these abuses.

The Duterte administration's anti-drug operations have infamously resulted in killings of many thousands of urban poor people by police. Secondly, state repression of dissenters, including extrajudicial killings of human rights defenders, trade unionists, and indigenous leaders has intensified. The judicial system is increasingly complicit in repressing government critics and human rights defenders. Thirdly, Duterte has escalated the decades-long "War on Terror" in Mindanao, with dire consequences for Moro communities in particular. This Report focuses on these three key areas of militarized aggression and their impact on the poor, civil society, and Moro communities.

The Report is based on testimonies and verified information from resources persons who include survivors, relatives of victims, human rights advocates with personal knowledge of the impacts of state violence, and an expert witness on autopsies.<sup>[372]</sup> A legal team reviewed court records and other relevant documents. Interviews were conducted directly through phone and online video, allowing INVESTIGATE PH's Commissioners, Subcommissioners, and teams of collators and researchers to amass and analyze a repository of currently available evidence.

This is the second in a series of three reports by INVESTIGATE PH. The Initial Report,<sup>[373]</sup> released in March 2021, documented intensifying political repression since June 2020; traced how the July 2020 Anti-Terrorism Act (ATA) and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) provided institutional mechanisms facilitating human rights violations; and raised alarm at a lack of effective domestic remedies to genuinely address abuses.

This Report now deepens a focus on three internal wars in the Philippines, examining the

following three key areas of militarized state aggression: killings of the poor under the guise of the so-called "War on Drugs;" the broad-based counterinsurgency program which has heightened into a war on dissent; and ongoing abuses against the Moro people in Mindanao under the guise of the post-9/11 "War on Terror." State violence has intensified amidst the COVID-19 pandemic, with the government's military rather than public health response, and its passage of the aforementioned ATA.

This Report discusses the role of the international community, and U.S. military aid, in abetting human rights violations in the Philippines.

Hence, this Report highlights three areas of concern:

- Lack of redress persists for abuses by State agents, and the Philippine National Police (PNP) continues to obstruct justice. Police routinely cover-up the circumstances of killings in anti-drug operations, intimidate families and potential witnesses, and obstruct review of most killings by the Department of Justice.
- The armed forces are more emboldened in killing dissenters. Police and soldiers are now executing human rights defenders and political dissenters in a manner similar to extrajudicial killings in anti-drug operations. Duterte's NTF-ELCAC, the July 2020 Anti-Terrorism Act, and increasingly the justice system have not only facilitated these killings, but are institutionalizing repression that broadly harms civil society, from alleged communists to churches to long-standing democratic institutions.
- Military action in Mindanao is perpetuating violence against and entrenching the marginalization of Moro communities, with steady military aid from the U.S. Military operations in Mindanao, as part of the U.S.-backed "War on Terror," have not only failed to distinguish between civilians and combatants, but also caused mass displacement of Moro communities. Government policy neglects the needs of displaced people and undermines Moro communities' right to self-determination. U.S. military aid, as well

as military support from other countries, is abetting human rights violations.

This Report details how the three areas of militarized aggression outlined above are in fact wars against the poor, the marginalized, farmer and trade union leaders, human rights defenders, and the public more broadly. Human rights abuses perpetrated by the police and armed forces serve to protect State agents from accountability. The State itself is directly involved in planning, implementing and sanctioning widespread human rights violations.

## Duterte’s War on Poor People in the Guise of a “War on Drugs”

President Duterte’s deadly “War on Drugs” quickly became an international scandal, for its summary executions of the poor and well-documented police abuses. It has also failed to quell the trade in illegal drugs -- its purported goal -- which continue to flow, cheaper than ever.<sup>[374]</sup> By simply yet selectively treating illegal drug use as a crime rather than a larger public health challenge, the President has launched a war against the poor, that serves to demonstrate his power and to sow fear.<sup>[375]</sup> This War on Poor People demonstrates how, just as in the lesser-known wars against government critics and against the Moro People, state violence is deepening inequality and eroding institutions of justice. The War on Poor People has continued during the COVID-19 lockdowns in 2020 and 2021.

“I heard that the police had a quota of how many people they were about to kill... I heard from our neighbors that some are happy that my son is already dead. For me, as a mother, it is very difficult, it hurts me so much when I heard that.”

Llore Benedicto Pasco, mother of two sons killed in anti-drug operations on May 12, 2017.

<sup>[376]</sup>

### Government Policy Enabling, Authorizing, and Sanctioning Killings

The official government report of 6,011 deaths in anti-drug operations for the period July 1, 2016, to December 31, 2020,<sup>[377]</sup> shows an increase of 485 deaths from the official number reported for June 30, 2019, or an average of 27 per month of this 18-month period. However, these figures are most likely an undercount, as the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) found that the figure as of March 2020 was at least 8,663,<sup>[378]</sup> and other studies suggest the figure is almost three times higher than that.<sup>[379]</sup>

A June 2016 command memorandum issued by then Philippine National Police (PNP) Chief Ronald dela Rosa on President Duterte’s first day in office immediately kicked off the “War on Drugs” operations.<sup>[380]</sup> The memo provided directives for Project Double Barrel and its component, Project Tokhang, ordering police to create lists of suspects at the barangay<sup>[381]</sup> level with the cooperation of the barangay officials, to conduct “house-to-house visitations” of “suspected drug personalities” in coordination with the barangay officials and other government agencies.<sup>[382]</sup>

Warrants are not required, and individuals lack immediate and effective legal recourse to challenge their inclusion on target lists, undermining due process.<sup>[383]</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>[384]</sup> Multiple investigative reports have revealed an incentive system, rewarding police who executed suspects with cash payments.<sup>[385]</sup> These tactics demonstrate the police’s power and sowed fear in the communities as a tool of political control.<sup>[386]</sup>

“Tokhang” is a shortened phrase for “knock and persuade,” referring to the police house-to-house visits. But in reality it is “kick in the door and shoot.” The “tokhang” system apparently found its legal justification in Section 16 of Republic Act (RA) No. 7160,<sup>[387]</sup> also known as the Local Government Code (LGC) of 1991 which grants local government units anti-drug powers under

the general welfare principle.

The Department of the Interior and Local Government (DILG) Memorandum Circular (MC) No. 98-227 mandated the creation of Anti-Drug Abuse Councils (ADACs) at the provincial, municipal, and barangay levels of governance. MC No. 2004-007<sup>[388]</sup> called for barangays to form Barangay Anti-Drug Abuse Council (BADAC) Auxiliary teams of at least 25 volunteers per every 2,000 residents, with the “suggested” duties of identifying drug users and pushers to the BADAC, engaging in community anti-drug advocacy, and reporting on the progress of these efforts. Each BADAC has an Operations Committee which is responsible for compiling reports of “users, pusher, financiers, and/or protectors of the illegal drug trade”, to be sent to the Municipal and City ADACs, in addition to the PNP.

If barangay officials do not comply with the standards mandated by these regulations or fail to coordinate sufficiently with the PNP, these rules effectively place them at the mercy of the DILG.<sup>[389]</sup>

By the end of 2016, 50 percent of barangays in the Philippines did not have BADACs. However by the end of 2017 that number dropped to 30 percent.<sup>[390]</sup> The Philippine Drug Enforcement Agency (PDEA) estimates that 58.10 percent of all barangays<sup>[391]</sup> nationwide are still affected by the presence of illegal drugs per the ratings system of Dangerous Drugs Board (DDB) Regulation No. 3.<sup>[392]</sup>

This machinery of the local government units down to the barangay level, with the PNP and the PDEA, produced the lists of “drug suspects”

### President Duterte's admission

President Duterte has repeatedly called for the murder of “drug personalities,” and continued to do so through the pandemic.<sup>[393]</sup> On September 27, 2018, President Duterte gave a speech at the Presidential Palace (Malacañang) before Career Service Officers, in which he acknowledged his moral responsibility for the extrajudicial killings in anti-drug operations.

*“Ako? Sabi ko nga sa military, anong kasalanan ko? Nagnakaw ba ako diyan ni piso? Sige daw. Did I prosecute somebody na ipinakulong ko? Ang kasalanan ko lang ‘yung mga extra-judicial killing.*

[“Me? I told the military, what are my sins/crimes? Did I steal even a single Peso? Tell me. Did I prosecute somebody which I ordered imprisoned? My only crime/sin are extrajudicial killings.”] [Our translation]

*“Totoo ‘yung magpunta-punta dito mga ano mag-imbetiga-imbetiga. Ang gawain ko ma’am, mag ganun ako ng tubig. [drinks water] [laughter] P\*\*\*\*\* i\*\*. Kung magpakita lang, ako okay man, eh abogado ako. Four thousand deaths. When? Where? How? What did I use? Wala. Basta ‘yung lahat nang namatay diyan... x x x x I know that there are policemen that... Ito ‘yung mga ninja na ano. And they are the ones killing. Iyong hindi ka maka-remit sa kanila. It’s an organized crime actually. Either papatayin itong u\*\*\* na ito o ako ang papatayin nito. Hindi na talaga ‘yan because they have tasted ng dugo nga ng --- the devil.”*

[“It’s true, if they [ICC] will come here to investigate. What will I do Ma’am, I will do this with the water [drinks water] [laughter]. Your mother is a whore. If I show myself to them, that’s OK. I’m also a lawyer, four thousand deaths. When? Where? How? What did I use? Nothing. All those who died there ... I know that there are policemen that ... these are the ninjas. It’s an organized crime actually, either kill this crazy or this crazy will kill me. There’s nothing there anymore because they have tasted the blood of ... the devil.”]<sup>[394]</sup> [Our translation]

Duterte has sought to obstruct past UN investigations, and threatened to arrest an International Criminal Court Prosecutor probing anti-drug operations.<sup>[395]</sup>

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who were then mostly shot down in the house-to-house visits, abductions and riders-in-tandem operations of Project Tokhang.

### Police Cover-Ups of Executions of Unarmed Victims

While the police claim that those killed in anti-drug operations were resisting – known as the “nanlaban” (fought back) narrative – evidence indicates that unarmed victims have been executed either in their home, on the street or after being abducted, with weapons or drugs likely planted after. Those killed in anti-drug operations are overwhelmingly poor people unable to assert their rights to due process.

At the May 18, 2021, INVESTIGATE PH Hearing, Vincent Go, a so-called “night crawler” photographer for the Hong Kong-based Union of Catholic Asian News, told of his work on the graveyard shift to document drug war killings since July 2016.<sup>[396]</sup> He provided evidence that perpetrators of police anti-drug

operation killings sought to cover up their execution of unarmed victims.

The police claim that the victims resisted, but Go’s photographs show scenes which suggest victims had not fired even one shot. His photographs of dead bodies show signs of handcuffs or zip ties, suggesting victims were not resisting when shot dead. In some cases, the bodies still had zip ties, which the police did not bother to remove after death.

Another victim was still handcuffed, but had been shot eight times, including once in the head - but police claimed he had tried to seize their weapon and so they had to defend themselves. A photo of one victim, Julius Soriano, shows a bullet that penetrated the area near the wrist but did not exit -- likely because it was stopped by handcuffs or bindings on the person when shot, a defensive wound. Another photo shows a victim with powder burns on his torso, shot at point blank range.

Go met witnesses who were too afraid to formally testify. In one case, a witness saw the police

execute three men, then plant guns on them after firing the weapons in the direction the police had come from.<sup>[397]</sup>

Another series of photos showed a secret detention area inside a PDEA office in Tondo, Manila, which was uncovered by the Commission on Human Rights (CHR).<sup>[398]</sup> Detainees alleged they were tortured by police who demanded bribes of between US\$800 and US\$4,000 to secure their freedom. Go reported that survivors also said that all would be executed in one night to make a bigger impact on communities.

### Lack of Credible Autopsies

When a few cases of independent autopsies of victims’ bodies were possible, the evidence showed that proper procedures were not followed in the original police autopsy. Death Certificates lacked data and were inaccurate. The police examination did not include X-rays of victims, nor properly record evidence of defensive wounds.

At the May 18, 2021, INVESTIGATE PH hearing, Professor of Forensic Pathology at the University of the Philippines Dr. Raquel Fortun stated that she has been approached by five different families to conduct an autopsy on the body of their relatives.<sup>[399]</sup> Her clinical evidence, combined with the meager information on the Death Certificates, revealed that there was no genuine police inquiry into the cause of death.

A number of the bodies showed evidence of zip ties or handcuffs, which indicates that the victims were restrained when they were executed. She found that defensive wounds of victims were not recorded by the police. These included bullets entering the wrists of victims who were raising their arms in front of themselves as they were shot. One body had post-death incisions and sutures, seemingly indicative of an autopsy – but Dr. Fortun found that a proper autopsy had not been conducted.

Of note, Death Certificates were signed by physicians associated with the police – indicating a troubling cooperation by medical professionals with the cover-up of extrajudicial killings.<sup>[400]</sup> In a manner similar to how the law and the legal profession have been perverted under the

Duterte administration, the fact that physicians uncritically sign off on the manners of death as reported by the police appears to be a violation of medical ethics.

Vincent Go also documented anonymous graves, often marked “missing” or even “pulot” – meaning “picked up.” If a body is not found within 90 days, it is buried in a mass grave. Some victims’ bodies are dumped far from their communities and never identified.<sup>[401]</sup> The police have no procedures for dealing with forced disappearances and unidentified bodies.

### Stigmatization, Hardship, and Police Intimidation of Victims’ Families

Given President Duterte’s high profile leadership of the war on drugs, and the public sentiment that drug users are a serious menace to communities, when a person is killed in the anti-drug operations, their families are often stigmatized and suffer social isolation as well as financial hardship.

At the May 18, 2021, INVESTIGATE PH hearing, witness Amy Jane Lee, an urban poor resident of Metro Manila said that when her husband was shot by tandem motorcycle riders in March 2017, her children began to be bullied at school and even by their friends in the community. They lost interest in their studies and no longer attended school. She wanted to move away to a new locality, but she could not afford this. Life became even harder when she lost her job during the pandemic. She could not even pay the rent on their room. “This is a very sad situation, especially for the children,” she said. The ultimate impact on the families of the victims is that they are stigmatized and put into a more vulnerable situation.<sup>[402]</sup>

Poor communities have been terrorised by the anti-drug operations, first by the shock of a breadwinner or a child being suddenly killed. Second, the funeral parlor with alleged connection with the police extorting huge fees before the family could retrieve the remains of their loved one. Third, by the financial hardship which befalls the survivors of the family. Fourth, by continuous police pressure on the families to desist from filing a complaint with authorities.

Witnesses to the INVESTIGATE PH hearing on May

18, 2021, related that even years after their family members were killed, police or other government officials continued to visit them, asking if they are going to “file a case”. Instinctively the people say “no,” hoping that the police will leave them alone. They fear for the lives of their other children.

“The fear that the families of the victims are experiencing has increased. Recently I personally witnessed that the police are still visiting the houses of the victims to ask if we will be filing a case. This causes fear among us because even after four years they are asking if we are going to file a case or not. Is this a way to scare us into not filing a case against what happened to our loved ones? I am calling to all the families of victims like me that we should not stay quiet and do nothing because life is a very important right that has been taken away from us.”

- Amy Jane Lee, 38, mother of three (3) children, whose husband was killed by riders in tandem in March 2017.<sup>[403]</sup>

### Continued Lack of Redress

To date, the only case where the police who perpetrated an anti-drug operation killing were actually convicted of murder is that of 17-year-old Kian Delos Santos, whose abduction in August 2017 was captured on closed-circuit television (CCTV), and whose death provoked national protests.<sup>[404]</sup> In that case, the barangay officials had failed to switch off the CCTV. Those convicted were three low level police officers, and none of their commanders were charged. Since then, and through June 2021, there has not been a single reported prosecution of police actually commenced in court, let alone a conviction.<sup>[405]</sup>

When organisations like Rise Up for Life and for Rights (Rise Up) and the Promotion of Church People’s Response (PCPR) have assisted families to seek redress for the killing of one or more of their families, they have come up against a brick wall of bureaucratic resistance from the police, the Ombudsman and the courts.<sup>[406]</sup>

Ms. Rubylin Litao, representing Rise Up reported in the hearing that her organisation, with the assistance of pro bono human rights lawyers of the National Union of Peoples' Lawyers (NUPL), filed six cases at the Ombudsman.<sup>[407]</sup> Two were dismissed even after reconsideration, one had gone all the way to the Supreme Court. The other four are not yet resolved. These six cases were chosen from over 200 cases, because the evidence was very strong. When the Ombudsman failed to move on their cases, Rise Up also filed six cases with the ICC, and then one additional case.

“Because of experiences like these, most families have no confidence in the Philippine judicial system,” said Ms. Litao.<sup>[408]</sup>

### Obfuscation at the UN Human Rights Council

Under intense international scrutiny at the UNHRC 44<sup>th</sup> Session, Philippine Justice (DOJ) Secretary Menardo Guevarra announced on June 30, 2020, that the DOJ leads an inter-agency panel that has been quietly conducting a judicial review since February 2020 of the 5,655 anti-drug operations where deaths occurred up to that time.

The DOJ reported that the panel had ironed out logistical and other operational requirements, including the sharing of data and case files by, among others, the PDEA and the PNP. It would be carrying out a re-evaluation of all investigations and actions to further reinforce existing domestic mechanisms for transparency and full accountability of the anti-illegal drug campaign, Secretary Guevarra said.<sup>[409]</sup> On February 24, 2021, at the 46<sup>th</sup> Session of the UNHRC, Secretary Guevarra said the following:

“A contingent from our DOJ examined available records in certain key areas and cities where most of these deaths during illegal drug operations occurred. Our initial and preliminary findings confirm that in many of these cases, law enforcement agents asserted that the subject of the anti-drug operations resisted arrest or attempted to draw a weapon and fight back. Yet no full examination of the weapon recovered was conducted, no verification of its ownership undertaken, and no request

for ballistic examination or paraffin test was pursued until its completion. It was also noted, among others, that in more than half of the records reviewed, the law enforcement agents involved failed to follow standard protocols pertaining to coordination with other agencies and the processing of the crime scene.”<sup>[410]</sup>

So, the DOJ investigation found that police don't actually have proper evidence to back their assertions that victims fought back - “nanlaban”, and in more than half the cases there was no proper crime scene investigation. Yet this finding has not translated into changes in anti-drug policy and operations or placed accountability for the killings.

Further, DOJ sources revealed on February 26, 2021, that only 328 cases had been reviewed.<sup>[411]</sup> On May 24, 2021, Secretary Guevarra told reporters, “The PNP will allow the DOJ access to records of 61 cases, involving hundreds of PNP personnel nationwide, where the PNP Internal Affairs Service (IAS) had found administrative/ criminal liability on the part of law enforcement agents.” This is less than 1 percent of the 7,884 deaths<sup>[412]</sup> in official operations since 2016.<sup>[413]</sup>

On May 26, 2021, wanting to address perceptions that they were keeping most files on killings secret, PNP Chief General Guillermo Eleazar said they would open all the above records. But following a late-night speech by President Duterte on May 31, where he cited national security concerns over sharing all data of the drug war, Eleazar reversed his offer on June 1, reducing the 61 cases to 53.<sup>[414]</sup>

Secretary Guevarra is thus over-promising to the UNHRC, as part of his broad assertion that Philippine domestic remedies are adequate to the perceived human rights challenge. The Duterte government has ensured the lack of accountability for police failing to follow standard protocols in thousands of cases of anti-drug operation killings. The Ombudsman has accepted all these killings as part of “regularity” in police operations. The higher courts have also rejected claims by victims' relatives, in favour of the police. The convictions in the case of Kian Delos Santos is the exception that proves the rule.

**Drug Operation-Style Killings of Political**

## Dissenters

This systematic killing machine developed in the War on Poor People was greatly expanded by Executive Order (EO) 70<sup>[415]</sup> signed on December 4, 2018, which created the “whole-of-nation” campaign to eliminate rebellion, and institutionalized it in the NTF-ELCAC. This expanded the government departments required to cooperate with the military and the police way beyond the DILG, encompassing welfare, education and health departments. and even the Commission on Human Rights (CHR).

The “tokhang” system is now applied to the overt campaign of killing political dissenters, as revealed by the resolution of the Regional Law Enforcement Coordinating Committee - Cordillera Region, in Northern Luzon. This resolution from February 24, 2021, signed by 47 police and government officials, states in part:

*“A resolution enjoining members of law enforcement agencies together with representatives of LGUs to conduct tokhang to known left-leaning personalities in the government, media and other entities.*

*“Whereas a strategy is needed in addressing the insurgency problem of the Cordillera Region. This could be by way of the ‘Oplan Tokhang’ strategy being used in the government’s war on drugs by visiting/knocking on their residences and plea for them to stop dealing and using drugs. The same concept is envisioned to known left-leaning personalities by visiting/knocking on their respective residences and plea or dissuade them from further supporting, or being active members of the CPP-NPA-NDF or any of its known Front Organizations.”* <sup>[416]</sup>

This resolution followed up a February 9, 2021, memorandum issued by the regional director of the PNP in Cordillera to local police departments urging them to “encourage” local government units to pass resolutions against the Cordillera People’s Alliance (CPA), an organization of indigenous peoples that has opposed mining and dams for decades, as well as “allied,” “left leaning” organizations.<sup>[417]</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.

While exposure of this plan in the Cordillera has delayed its implementation, this new version of “tokhang” was used in raids in the CALABARZON provinces on Sunday March 7, 2021, when combined police and military forces killed nine community leaders and arrested a further six in the pre-dawn hours.<sup>[418]</sup>

## Duterte’s War on Dissent

Extrajudicial killings of dissenters by the Philippine armed forces and police have become more brazen throughout the country. Repression escalated in 2018, two days after Christmas, when police killed six civilians on the island of Negros, allegedly for fighting back, and arrested thirty-one others.<sup>[419]</sup>

This was followed by the massacre of fourteen farmers on March 30, 2019 in a joint operation by the military and police.<sup>[420]</sup> The killings in Negros are known as the police and military’s ‘Operation Sauron’ or the intensified counter-insurgency campaign in Negros Oriental which then PNP Director General Oscar Albayalde described as ‘maganda ang epekto’ (the results were good) and was supposedly effective to end insurgency in the island.<sup>[421]</sup>

The human rights group Karapatan: Alliance for the Advancement of Peoples Rights (Karapatan) said at least 41 people were killed by state forces and state-sponsored vigilantes in the Negros provinces from November 2018 to July 28, 2019 alone.<sup>[422]</sup> Nearly a year later on August 17, 2020, Karapatan paralegal and human rights activist Zara Alvarez, who had been active in documenting human rights violations across Negros, was herself murdered.<sup>[423]</sup>

As discussed in the Initial Report report, 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 provinces of Iloilo.<sup>[424]</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.<sup>[425]</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. This is the “tokhang” method developed in anti-drug operations.

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. The military had also allegedly threatened Catamin that they would repeat the Tumandok Massacre in her village. On March 3, 2021, days after the murder of Catamin, the lawyer for victims of the Tumandok Massacre, Atty. Angelo Karlo Guillen, was stabbed in the head by two men supported by two other men on a motorcycle in Iloilo City. Guillen is an officer of the NUPL and also represents petitioners against the ATA before the Supreme Court.<sup>[426]</sup>

These killings were perpetrated in the backdrop of Duterte’s MO 32, which intensified military and police operations in Negros, Samar and Bicol.<sup>[427]</sup>

As discussed in the Initial Report, police implemented “tokhang-style” killings and arrests of dissenters in more areas, the latest of which was in the CALABARZON region south of Manila on that ‘Bloody Sunday’ of March 7, 2021, when police and soldiers killed nine people in their homes, and arrested six others.<sup>[428]</sup> In a similar operation, police arrested seven on Human Rights Day of 2020 in the National Capital Region (NCR).<sup>[429]</sup>

In Lianga, Surigao del Sur, three Lumad people, including Angel Rivas, a 12-year-old student of the Lumad school Tribal Filipino Program, were murdered when the Philippine Army 3rd Special Forces Battalion troopers indiscriminately fired

into the field where they were harvesting abaca hemp on June 15, 2021. The other two victims, Willy Rodriquez and Lenie Rivas, were known members of the Lumad organization Malahutayong Pakigbisog Alang sa Sumusunod (MAPASU).<sup>[430]</sup> The bodies of the two female victims bore marks of sexual mutilation.<sup>[431]</sup>

During the Duterte Presidency, from July 2016 to December 2020, there have been 376 cases of recorded extrajudicial political killings and a further 488 cases of attempted killings.<sup>[432]</sup> Several executive actions by Duterte, including orders and the creation of the NTF-ELCAC, as well as the passage of the ATA, have provided the institutional machinery enabling this escalation of repression.

### **Red-Tagging: Government Institutionalization of Political Persecution**

“Red-tagging” is the act of labelling individuals and groups as members, supporters or affiliates of the Communist Party of the Philippines (CPP) and the New People’s Army (NPA) in the context of the ongoing armed conflict in the country. This practice by the Philippine government targets human rights workers, NGOs, and other individuals, which endangers the civilian population and violates International Humanitarian Law. “Red-tagging” was defined by Associate Justice Marvic Leonen in *Zarate v Alvarez*, as “the act of labelling, branding, naming and accusing individuals and/or organizations of being left-leaning, subversives, communists or terrorists (used as) a strategy...by State agents, particularly law enforcement agencies and the military, against those perceived to be ‘threats’ or ‘enemies of the State.’”<sup>[433]</sup> Red-tagging is a form of State terror, perpetrated by State agents and their proxies as part of the government’s strategy to repress dissent through surveillance, threats, harassment, intimidation, trumped up arrests, and even killings of those red-tagged.

During the May 25, 2021, INVESTIGATE PH hearing, Renato Reyes, mass leader of a national alliance of progressive organizations, reported that red-tagging is used by the Duterte administration to demonize and repress dissenters following President Duterte’s declaration to destroy the so-called “legal-fronts” of the CPP-NPA in the

government's efforts to destroy the insurgency.<sup>[434]</sup> Reyes further reported that in the two years since, there has been a rise in red-tagging incidents of legal activists, journalists, lawmakers, artists and just about anyone, without any evidence that can be submitted in court.<sup>[435]</sup>

The NTF-ELCAC officials are some of the most frequent red-taggers both through their social media channels and also in official hearings in the Philippine Senate and even the Supreme Court. An example of red-tagging took place on May 8, 2021, when the Director General of the National Intelligence Coordinating Agency (NICA), Alex Monteagudo, reposted on his Facebook page two posts accusing Cristina Palabay of Karapatan of advocating at a Canadian parliament subcommittee hearing for the rights of the NPA to kill, tax, recruit young people, etc. The original posts were most likely from a government-paid troll. Monteagudo tagged his posts to Palabay, which was clearly meant to harass and threaten her. Alex Monteagudo is also a member of the NTF-ELCAC.

The translation of one post is: "What are the rights that Karapatan Alliance Philippines and its Secretary-General Cristina Palabay fight for? To recruit the youth to join the New People's Army". The other post says: "What are the rights that Karapatan Alliance Philippines and its Secretary-General Cristina Palabay fight for? The rights of communist terrorists to kill innocent lives".<sup>[436]</sup> The NTF-ELCAC officials often engage in public "red-tagging" in order to vilify trade union entities. Even unions in the public sector like the Alliance of Concerned Teachers (ACT) and the Alliance of Health Workers (AHW) are branded as communist fronts. NTF-ELCAC Spokesperson and Communications Undersecretary Lorraine Marie Badoy said in an April 7, 2021, statement of NTF-ELCAC:

"There are two other organizations created by the CPP-NPA-NDF (National Democratic Front of the Philippines) precisely for the infiltration of government: The Alliance of Concerned Teachers (ACT) targeting the 820,000 or so public school teachers and personnel. And the Alliance of Health Workers (AHW) that have infiltrated the Philippine Orthopedic Center, University of the Philippines (UP) Philippine General Hospital

(PGH), Lung Center, Kidney Institute, regional/provincial hospitals all the way down to the barangay levels....What makes them illegal is their strict adherence to the violent overthrow of the government, the destruction of our democracy, and replacing it with a dead-as-a-doornail ideology, COMMUNISM."<sup>[437]</sup>

President Duterte himself makes public statements without evidence to red-tag legal groups including opposition lawmakers in the Makabayan bloc partylist, saying on November 30, 2020: "Itong mga legal fronts ng komunista, lahat 'yan (These legal fronts of the communists, all of them), Makabayan, Bayan, they are all legal fronts, Gabriela. We are not red-tagging you. We are identifying you as members in a grand conspiracy comprising all the legal fronts you have organized headed by NDF and the New People's Army." While also disregarding basic human rights and International Humanitarian Law in terms of the armed conflict, he said on March 5, 2021, at the height of the pandemic: "I've told the military and the police, that if they find themselves in an armed encounter with the communist rebels, kill them, make sure you really kill them, and finish them off if they are alive... Forget about human rights. That's my order. I'm willing to go to jail, that's not a problem."<sup>[438]</sup>

EO 70 provided a national structure for the kind of operations that have been taking place in Negros, Panay and more recently CALABARZON. Task Forces which combine the military, police, Justice Department and Local Government – in fact all executive agencies of government at all levels - have now been formed down to the municipality level. These combine intelligence gathering, propaganda aggression (red-tagging), judicial aggression (phony charges), illegal detention (arbitrary warrants to search and arrest), illegal arrest (planted evidence) and assassination.

These new mechanisms are part of the comprehensive counterinsurgency program, known as Oplan Kapatagan ("Stability") implemented in January 2019.<sup>[439]</sup> It is anchored in the National Vision and National Security Policy,<sup>[440]</sup> all applications of the United States' Counterinsurgency (COIN) Strategy.<sup>[441]</sup>

Witnesses testified during the INVESTIGATE PH

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hearings on the impacts and violations of red tagging in their lives and community. Specifically, Atty. Ruby Roselle Tugade<sup>[442]</sup> testified how red-tagging has resulted in the violations of Republic Act (R.A.) 9851, “Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity,”<sup>[443]</sup> and violations of International Humanitarian Law including Article 8 of the Rome Statute Rule 156 Definition of war crimes.<sup>[444]</sup>

Both R.A. 9851 and Article 8 prohibit bombardment and any other indiscriminate attacks against civilians. R.A. 9851 requires respect for principles of distinction, proportionality and necessity; prohibiting attacks against those taking no direct part in hostilities.<sup>[445]</sup>

R.A. 9851 defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”. Red-tagging is a violation of principles of distinction as it implicates civilians who are not directly participating in hostilities and who are not combatants. Violations of the principles of distinction are a war crime. The Duterte administration’s counterinsurgency policy documents are evidence of the weaponization of law, containing actions that will subsequently result in red-tagging, trumped-up cases, and extrajudicial killings.

Further evidence on the counterinsurgency program through the whole-of-nation approach was presented by Joanna Cariño during the hearings. She gave testimony of how specifically the whole-of-nation approach with an Indigenous People-centric approach was launched against her organization, the CPA. The Philippine government has used various forms of attacks and harassment using various arenas at different levels including throughout all provinces of the Cordillera Region. The NTF-ELCAC at the national level has red-tagged their members and even stretched to international platforms alleging that “CPP personalities have infiltrated the United Nations.”<sup>[446]</sup>

The above-mentioned Regional Law Enforcement Coordinating Committee (RLECCC) -Cordillera

Administrative Region (CAR) resolution that employed the “tokhang” method on “left-leaning personalities” in government, media, and other entities in the region was criticized by the NUPL as patently illegal and unconstitutional. NUPL said it is a “brazen act of red-tagging” that could put lives at risk by leading to a witch-hunt and human rights violations.<sup>[447]</sup>

Karapatan likewise warned that the said resolution is a “State-sanctioned incitement of extrajudicial killings versus activists, human rights defenders, and government critics which sets a dangerous precedent amid the government’s massive red-tagging campaign.” These attacks worsened in 2020 under the COVID-19 pandemic. The CPA and its leaders were red-tagged both on social media and in tarps and flyers in local communities, and a subsequent rise in death threats through calls and text messages were observed. In terms of social media posts, from April 2020 to November 2020, CPA counted at least 234 original facebook posts against CPA leaders including posts in accounts of two Regional Police offices, eight Provincial Police offices, 91 Municipal Police Stations, and 15 FB pages of the Armed Forces of the Philippines (AFP), which have generated widespread comments threatening the life and security of CPA leaders.<sup>[448]</sup>

Witnesses noted concerns at the impacts of the ATA and increased red-tagging against individuals and leaders in their communities.<sup>[449]</sup> Reyes outlined five alarming developments and issues they had raised to the Philippine Supreme Court in arguments in May 2020 against the ATA in relation to the government counterinsurgency drive and the impacts they are having on the communities:

- The systematic use of government resources in virtually all known platforms to red-tag and demonize activists and progressive organizations.
- The systematic profiling of different sectors based on mere association with groups deemed as “communist fronts” or “communist terrorists.”
- The use of search warrants as a weapon to harass, arrest and kill activists.

- The filing of criminal cases against activists in far-off places without prior notice of the required preliminary investigation.
- Massive militarization of communities that often leads to the staging of the arrest of individuals as “surrendered” of former rebels.<sup>[450]</sup>

### Attacks Against the Philippine Media

There has been no let up on the attacks against the Philippine media, described in the Initial Report.<sup>[451]</sup> On June 22, 2021, the alternative news website Bulatlat.com reported that State forces, particularly the Department of Science and Technology and the Philippine Army, were apparently behind the cyberattacks against its site and those of Altermidya.org and Karapatan.<sup>[452]</sup>

The National Union of Journalists of the Philippines (NUJP) has recorded 19 victims of extrajudicial killings of media workers under the Duterte administration.<sup>[453]</sup> The NUJP and its officers and members have also been red-tagged by the NTF-ELCAC.<sup>[454]</sup>

The physical and cyber-linked attacks on media workers are but part of the Duterte administration’s war against media organizations which it perceives to be the enemies of the state. It attacks both alternative news sites and mainstream media as demonstrated by the shutdown of ABS CBN, the persecution of Rappler’s Maria Ressa, and the recent threat to sue Philippine Daily Inquirer Tetch Torres-Tupas over a report on the Aetas who were the first charged under the ATA.<sup>[455]</sup>

The media as a whole is also a target of the ATA. This law and its many contentious provisions have been widely criticised for curtailing press freedom and the freedom of expression. It grants authorities the power to detain activists and journalists, and to allege that they are committing terrorism as the term is so vaguely defined in the law.<sup>[456]</sup>

Journalists are on the receiving end of hate speech, particularly on various social media platforms, as they are tagged as paid “presstitutes”, communists, and worse, vilified as terrorists.<sup>[457]</sup>

### Weaponization of the Law for Repression

The employment of legal processes as a weapon against the rights of the people undermines the credibility and stability of proper judicial functions. Government resources are being systematically used to vilify and violate activists and progressive organizations and communities by using search and arrest warrants as legal covers. Formal legalization of illegal processes leading to violations, circumvention of legal procedure, use of repressive laws and jurisprudence, and reinvention and high-jacking of the law and legal principles are just some of the indicators of the weaponization of the law.

The filing of trumped-up charges against activists is a policy and practice by the administration in an attempt to stifle dissent. Many human rights workers have been arrested not knowing that they were facing such charges in courts, nor were they even duly notified. Arrest warrants are usually issued by the courts in remote cities where the cases against human rights workers were eventually filed, arbitrarily branding them as “criminals on the loose.”<sup>[458]</sup>

In Quezon City, Regional Trial Court Executive Judge Cecilyn Burgos-Villavert, one of the nominees for the position of Associate Justice in the Court of Appeals, has been branded by Kilusang Mayo Uno (May First Movement) Labor Center as “search warrant factory queen” for arbitrarily issuing search warrants which led to the arrests of nearly 76 individuals since 2018, including the warrants she issued against journalists and labor organizers on International Human Rights Day last December 10, 2020.<sup>[459]</sup>

Aside from weaponizing the law against dissenters, basic constitutional rights are neglected when arresting dissenters. The reading of Miranda rights which requires arresting officers to inform the arrested of their right to remain silent and the right to an attorney are totally disregarded. Human rights defenders are also subject to interrogations without the presence of a lawyer, violating their right to counsel.

On March 17, 2021, ACT Region XIII Union Secretary and Assistant Vice Principal of San Vicente National High School Rosanilla Consad

was arrested on a fabricated charge of attempted homicide. Upon her detention, she was subjected to interrogation without her legal counsel and was presented before a press conference as a “high-ranking CPP-NPA official.”<sup>[460]</sup>

Karapatan National Council member Philip Abingun, journalist Frenchie Mae Cumpio, and development worker Mariel Domequil from the Rural Missionaries of the Philippines (RMP) are currently facing fabricated charges of illegal possession of firearms. The police served them search warrants and allegedly recovered two guns, a machine gun, and materials for an improvised explosive device. These search warrants were employed as a cover to the tokhang-style tactic of planting evidence to implicate and arbitrarily arrest activists.<sup>[461]</sup> In many cases, the search warrants result in summary killings on the dubious narrative that the suspects allegedly resisted arrest.

Human rights lawyers are also under attack. 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.<sup>[462]</sup> The letter is accompanied by a matrix which includes “Mode of Neutralization” alongside a space for the names of lawyers and their alleged clients. “Neutralization” is often understood, and has repeatedly been interpreted by security forces, as “killing.”<sup>[463]</sup> Such government actions have had a chilling effect on lawyers, who are increasingly afraid to represent victims of government repression.<sup>[464]</sup>

### Judicial Failure

Dissenters are silenced, not only through the specific tactic of weaponized laws, but also through the failure of the Philippine judicial system as a whole. In a testimony given on May 25, 2021<sup>[465]</sup> at the INVESTIGATE PH hearing, Atty. Edre Olalia, President of NUPL, highlighted such judicial failures as reasons why domestic legal remedies are insufficient or ineffective to bring justice to those who are unfairly criminalized, accused, imprisoned and even killed for their activism, their critiques of government policy or their political stance.

He pointed out that the poor, slow, cumbersome, protracted and complicated legal procedure that is usually inaccessible to or biased against them, making justice elusive or very much delayed, if ever attained. If there is a complaint of official abuse, what follows is an inadequate or skewed investigation and prosecution, or no action at all. Olalia noted that in human rights cases, the police investigation is either unprofessional or is used to cover-up and to shift the blame to the victims. Evidence in court is testimony-dependent and not based on forensic science.

There is high-level encouragement and public inciting of human rights violations and their perpetrators, where top-ranking military and police officials who are facing serious and credible charges of human rights violations have been routinely promoted or merely reassigned despite protests from victims, families and human rights defenders.

From their experience as human rights lawyers, Olalia explained that courts use legal presumptions or fictions to favor State actors. For example, judges dismiss on a technicality applications for habeas corpus or amparo cases. They opt against pre-detention and pre-trial remedies, and they routinely apply blanket gag orders on cases.

Courts delay or circumvent orders for habeas corpus, amparo, habeas data, the rights of arrested and detained persons and the protection provided in the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), an agreement between the Philippine Government and the NDFP. State security forces openly mock these rights in court.<sup>[466]</sup> Elegantly-worded constitutional rights and social justice provisions, and pro-human rights provisions in some laws are routinely violated. International human rights and humanitarian law instruments to which the Philippines is a party or signatory are not implemented.

He noted as well that a key problem is presidential immunity from legal charges, which forecloses any immediate accountability from the president.<sup>[467]</sup> Repressive laws and jurisprudence - some from the Marcos dictatorship - remain in force. Legislative, administrative, executive and judicial

acts continue, even though they either openly violate human rights, disguise these violations, or give lip service to human rights, while actually contributing to such violations. Finally, Olalia concluded that there is a double standard of justice for the poor and rich, the influential and the marginal. Pressure, promotion, partisanship, endemic corruption, influence, and feudal relationships - all forms of personal, professional, political, cultural or social ties also lead to unfair legal processes and outcomes.

### **Systematic Attacks on Opposition Government Officials**

President Duterte's EO 70 which institutionalized the whole-of-nation approach mandates that all government agencies are involved in efforts to end the armed conflict. Testimonies from the witnesses during the hearings, however, proved that when people from the government are critical of the Duterte administration and its policies, they are perceived as enemies and are viciously and maliciously attacked. In some cases, the attacks have resulted in incarceration, or worse, extrajudicial killing.

Senator Leila de Lima, who has been in jail for four years since 2017, had been very critical of Duterte's drug war campaign in Davao City while she was Justice Secretary under the previous administration of President Benigno Aquino III. She continued to criticize the nationwide drug war campaign that Duterte launched. The Justice Department, then led by Justice Secretary Vitaliano Aguirre II, brought accusations that the Senator used drug money for her election campaign in 2016.<sup>[468]</sup>

Following de Lima's public statements against the drug war as chair of a Senate panel, she was removed from her Senate leadership positions. The Philippine House of Representatives then launched an investigation chaired by Secretary Aguirre II, where convicted drug personalities gave testimony about paying off the Senator, leading to her arrest on February 24, 2017, on charges of violation of the Comprehensive Dangerous Drugs Act of 2002.<sup>[469]</sup> De Lima remains in jail facing two more cases after one court junked her drug case on February 17, 2021.<sup>[470]</sup> In a testimony given during Investigate PH hearings, Atty. Philip Sawali

on behalf of Senator Leila de Lima shared that her arrest made some in the opposition think twice before speaking out against President Duterte. Her ongoing detention and the increase in red-tagging incidents have instilled a climate of fear and intimidation.<sup>[471]</sup>

As discussed in the Initial Report, apart from de Lima, six Congress Representatives from the Makabayan bloc have likewise been attacked and maliciously red-tagged by Duterte himself. The Association of Southeast Asian Nations (ASEAN) Parliamentarians for Human Rights reported that all six lawmakers from the Makabayan bloc have been red-tagged, with some saying they experience it "almost everyday".<sup>[472]</sup> Red-tagging has also spread to the judiciary and the Senate employees. On April 9, 2021, the employees' trade unions in the Senate and the judiciary strongly rejected accusations by two government officials that they were communist front organizations spying for the rebel movement, saying such allegations had put the lives of their leaders and members in danger.<sup>[473]</sup> The government employees' unions were red-tagged by NICA Director General Alex Paul Monteagudo and Communications Undersecretary Lorraine Badoy due to their affiliation with COURAGE - the Confederation for Unity, Recognition and Advancement of Government Employees - the largest alliance of labor unions in the government sector, which has also been tagged by the NTF-ELCAC as a communist front.

The act of red-tagging is also prevalent in the countryside where local government officials perceived to be sympathetic to the underground armed movement have been targeted. From the period of January 2020 to March 2021 alone, the human rights group Karapatan has recorded 14 victims of extrajudicial killings from the Southern Luzon, Bicol, Central and Eastern Visayas regions, with more than half of the victims coming from the Bicol region, one of the priority areas under MO 32.

On September 21, 2020, Luzviminda Dayandante and Albert Orlina, Barangay Captain and Barangay Treasurer of Barangay Batbat in Guinobatan town, were found dead in Sitio Gumian, Barangay Sinungtan, in the municipality of Guinobatan in Albay, Bicol

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Region.<sup>[474]</sup> A fact-finding mission report by Karapatan said the two came from a meeting with Guinobatan Mayor Ann Gemma Onjoco before they were killed.

The same report said the two village officials were against the presence in their area of military who were reported to be implementing the Anti-Terrorism Act in five villages in Guinobatan, including Batbat. After the killings, it was also reported that three barangay officials of Batbat filed their resignation for fear that they would be targeted next.<sup>[475]</sup> These attacks against the opposition and dissenters evidently restrict civil space. There is a chilling effect that ripples and reverberates all over.

### Attacks on the Academe

Another major player in the implementation of EO 70 is the Department of Education (DepEd). The DepEd has allowed itself to be an instrument to attack educators all around the country. In a leaked PNP memorandum dated December 10, 2018, entitled “Inventory of All Public and Private School Teachers Who are Members of or Aligned with ACT,” police officers were “directed to conduct an inventory of all public and private school teachers who are members of or aligned with the ACT... .”<sup>[476]</sup>

This memo has proven to be perilous to the education sector as it has caused three educators to go to jail while ACT members from all over the country have suffered from anxiety over profiling and continuous harassment. Since April 17, 2021, the ACT national office has received reports from regional ACT leaders that local DepEd officials are gathering information about ACT members in their area. A total of ten regions have reported profiling incidents initiated by DepEd. In his testimony before the hearing of Investigate PH on May 25, 2021, ACT Secretary General Raymond Basilio said their members are also being told to publicly disassociate themselves from their union.<sup>[477]</sup>

The chilling effect of the implementation of profiling and illegal gathering of personal information of ACT members is evident. In some chapters of ACT, more than a few members have already expressed their fears of being publicly

known as ACT members and as such expressing their critical views of the current regime.<sup>[478]</sup> Meanwhile, professors at the University of the Philippines have expressed fears on what the increased profiling and the Anti-Terrorism Law means to academic freedoms and the conduct of teaching in higher institutions of learning especially in teaching critical thinking of current policies.<sup>[479]</sup> The Department of National Defense (DND) announced on January 19, 2021, that it unilaterally scrapped the 1989 agreement with the University of the Philippines (UP), which gives prior notice before police and military could enter UP campuses. Defense Secretary Delfin Lorenzana told the UP President that the agency had to abrogate the deal because the CPP-NPA had been recruiting members from the faculty and students at the university.<sup>[480]</sup>

The university has been a safe haven for people's collective actions, being the venue of most of the protest actions during the pandemic while mass gatherings were prohibited. It has also become the adoptive community of the Lumad children who took refuge inside the UP campus in Quezon City after their exodus from their militarized ancestral land in 2017 and the closure of their schools.<sup>[481]</sup> The Lumads had to endure their own struggles as well when they experienced heavy militarization in their communities in Surigao del Sur. The military has identified their alternative learning centers as CPP-NPA-influenced just because they were taught to read and write and their rights.

Meanwhile, on February 15, 2021, the Lumad students who sought refuge at the University of San Carlos in Cebu since October 2019 were arrested by the police during a raid just a month before they were supposed to return to their ancestral homes in Mindanao.<sup>[482]</sup>

### Attacks on Churches

Churches have not been spared from red-tagging and legal attack for carrying out their work for the poor and oppressed. Both their right to freedom of religion and freedom of speech have been assaulted.<sup>[483]</sup>

This has been most serious when churches have supported indigenous peoples asserting their rights under the United Nations Declaration on

the Rights of Indigenous Peoples (UNDRIP) to free prior and informed consent to mining, logging and plantation projects on their ancestral lands.

The Duterte government has even attacked the National Council of Churches in the Philippines (NCCP), an ecumenical fellowship of 10 non-Roman Catholic denominations in the Philippines. The NCCP was labelled as a Communist Terrorist Group front by a Philippines intelligence chief at a public hearing in the Congress of the Philippines in November 2019.<sup>[484]</sup>

The NTF-ELCAC branded the NCCP, along with two of its member churches – the Iglesia Filipina Independiente (IFI) and the United Church of Christ in the Philippines (UCCP) – as an “open sectoral organization” of the communist rebel group in the country, in a document posted on its social media account.<sup>[485]</sup> The UCCP created the Haran Centre in Davao City in 1990, making it, along with all its churches and premises, a Sanctuary and a Zone of Peace, open to all who needed help, and where no weapons could be stored, and no armed struggle could be planned or launched from.<sup>[486]</sup>

In 1994, over 600 Ata-Manobos from Talaingod, Davao del Norte, were forced to evacuate from their communities due to massive military operations supporting the Alcantara & Sons implementation of the Industrial Forest Management Agreement (IFMA) in their ancestral domain. After consultations, the UCCP Mindanao Jurisdiction took up the challenge of hosting these evacuees and they stayed for over six months. Through concerted lobbying to the Philippine government, they were able to return to their ancestral lands.

The Ata-Manobos, who are being forced to accept more logging and plantation projects, have had to seek refuge again at UCCP Haran compound since 2015 because of threats from the paramilitary group Alamara, which is organised by the AFP. Initially President Duterte promised in 2016 that they could return to their homes, but he did not keep this promise. Instead, local government authorities blatantly denied them due process, and blamed them for allegedly supporting the NPA and later branded them as members of the NPA.

In February 2015 the UCCP Haran compound was invaded by the PNP, and in January 2020, it was invaded by the Alamara paramilitary. In both cases the security forces withdrew after the mediation of the Davao City Vice-Mayor.

Then on March 28, 2021, the Anti-Money Laundering Council (AMLAC) ordered the freezing of the UCCP Haran bank account, alleging that it was used to finance terrorism. In a testimony to the INVESTIGATE PH Hearing on May 28, 2021, UCCP Bishop Hamuel Tequis said “AMLAC or any state agencies for that matter, has no right whatsoever to deprive the church of its mission, much more to accuse it for faithfully doing its Christian mission of providing a refuge for the poor and oppressed, Lumads who have had to abandon their ancestral communities because of threats against their lives”. There was only P72,250 (US\$1,517) in the UCCP Haran bank account. Following the AMLAC order, Bishop Hamuel and five other leaders of the Haran Lumad Sanctuary were charged with offences against the sanitation code, for allegedly failing to report cases of communicable diseases to the public health authorities,<sup>[487]</sup> and for criminal charges of child abuse.<sup>[488]</sup>

The UCCP Haran Centre is not the only religious organization targeted by the Anti-Money Laundering Council. In December 2019, the RMP accounts were frozen, specifically two accounts for their national office and nine of their accounts for projects in Northern Mindanao, under accusations of financing terrorism.<sup>[489]</sup> RMP is a church-based national organisation, comprising priests, sisters and lay persons. The group empowers farmers, fisher-folk and indigenous peoples, and educates them on their rights.<sup>[490]</sup> It is one of the Mission Partners of the Association of Major Religious Superiors in the Philippines.

Rejecting the accusations, RMP said in a public statement that the freezing of accounts “greatly encumbers our mission to collectively witness and act as Christ’s disciples with the rural poor.” They have yet to be able to defend themselves in court and regain access to their money. Further, several senior RMP members have also been charged with various crimes including perjury, arson, kidnapping, robbery and frustrated murder.<sup>[491]</sup>

On top of this, 16 church members, ministers and priests were murdered between 2017 and 2020 while 29 other UCCP bishops, a Catholic bishop and archbishop, priests, and a Methodist minister have received death threats and harassment for speaking out against the Duterte regime on a range of issues.<sup>[492]</sup>

As recently as June 6, 2021, UCCP Pastor Benjie Gomez, was arrested after mass and charged with a fabricated case of murder. Gomez has been a long-standing defender of the rights of the Subanen people in Zamboanga del Norte.<sup>[493]</sup> On June 25, 2021, at 3:00 am, UCCP Pastor Nathaniel Vallente was arrested by three truckloads of combined elements of PNP and AFP by virtue of an alleged warrant. Arresting officers reportedly planted four pistols and a grenade. Pastor Vallente is a leader of PCPR and an active counselor of Nagkahiusang Mag-uuma sa San Jose (NAMASAJO), a duly registered farmers' organization.<sup>[494]</sup>

### Violations of International Humanitarian Law

The Duterte government unilaterally terminated peace talks multiple times through Presidential Proclamation 360<sup>[495]</sup> and Proclamation 374,<sup>[496]</sup> which declared the CPP and NPA as terrorist organizations and they are now designated as such under the ATA. The Duterte regime's counterinsurgency program holds a fundamentally reductionist lens to the Philippines' decades-long armed conflict. Rather than addressing its historical socio-economic roots, the government has defined the issues of armed conflict through a shallow lens focused on alleged recruitment within left-leaning organizations for the CPP-NPA.<sup>[497]</sup> The result of the government defining the armed conflict through militarized processes and terrorist labelling of the CPP-NPA is that the legitimate issues of the people become invalidated. Thus, demands aligning with progressive movements such as land reform, national industrialization, social justice, human rights, and national sovereignty are directly associated with the objectives of the CPP and NPA, and ultimately become baseless according to the State.

Meanwhile, Duterte's police and military forces have continued to violate the 1995 Joint

Agreement on Safety and Immunity Guarantees (JASIG)<sup>[498]</sup> and the 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL),<sup>[499]</sup> bilateral agreements between the government and the NDFP.

In the May 27, 2021, INVESTIGATE PH hearing, witnesses gave testimonies of violations of the Geneva Conventions of 1949 and its Additional Protocols of 1977 in various incidents throughout the country especially Common Article 3 of the Geneva Conventions.

Kyle Salgado, the spokesperson from Karapatan Southern Tagalog, gave testimony about the different violations of the International Humanitarian Law committed by state forces to the families of the victims in the region. He reported how in various incidents the State agents take the bodies of those killed and refuse to give the remains to the families. The holding hostage of the remains seems to be a standard procedure of the Duterte administration and its military.<sup>[500]</sup> Another witness, Ruth Fe Salditos, testified about the case of her husband, Felix Salditos, and six other non-combatants who were killed by joint forces of the PNP and AFP.<sup>[501]</sup> Collectively known as Antique 7, the incident happened at midnight on August 15, 2018. As non-combatants they were protected under International Humanitarian Law (IHL) from being the object of attack. Instead they should have been arrested to face the alleged charges. Salditos presented the affidavit of Dr. Joseph Andrew D. Jimenez, M.D., Chief of the Commission on Human Rights Forensic Center and the head of the forensic team that conducted the second autopsies on six of the victims. For the three bodies he was able to personally examine, Dr. Jimenez states that none had bullet wounds, instead all bore signs of blunt force trauma incurred when they were still alive.<sup>[502]</sup> Violence to life and person, cruel treatment, and torture are prohibited acts most especially to persons taking no active part in hostilities according to Common Article 3 of the Geneva Conventions of 1949. The families of the victims had filed cases with the Ombudsman in August 2019.

The Ombudsman formally accepted the case in September 2020, ordering the accused parties to submit their response in ten days with

notification of the acceptance received by Salditos in December 2020.<sup>[503]</sup> To Salditos' knowledge, no response from the accused parties has been received by the Ombudsman.

On March 13, 2020, in Baguio City, NDFP peace consultant Julius Soriano Giron, 67 years old, was ill and was being treated by a doctor when the PNP serving a search warrant showed up to arrest him. In typical "tokhang" style, police reported that he fought back and Giron, the doctor who was caring for him and a civilian person were killed.<sup>[504]</sup> In November 25, 2020, in Rizal, elderly peace consultants Agaton Topacio and Eugenia Magpantay, both 68 years old, were murdered in a similar fashion when the police showed up to serve search and arrest warrants at pre-dawn. The police claimed the elderly couple fought back.<sup>[505]</sup>

The funeral home where the bodies of the couple were taken refused to release the bodies to the family for a few days.<sup>[506]</sup>

The pattern of NDF peace consultants being killed for allegedly fighting back when arrest warrants were served, continued on May 28, 2021, when consultant Reynaldo Bocala, 74 years old, and his aide were killed in Iloilo. Another peace consultant, Rustico Tan, 80 years old, was killed while sleeping on a hammock on the same day in Cebu.<sup>[507]</sup> All the peace consultants should have been protected and given the right to defend themselves in the proper courts against the accusations alleged in the warrants. Seven peace consultants have been murdered since 2017, eleven arrested and two abducted and missing to this day. Attacking peace consultants who are non-combatants is a violation of International Humanitarian Law.<sup>[508]</sup>

Further violations of International Humanitarian Law and basic rights not just limited to those engaged in the peace process, can be seen in the attacks on civilians through red-tagging thus violating their right to life, right to liberty and right to security. There are accounts of those who have been red-tagged later being killed or arrested. The government does not distinguish between armed and unarmed among those they label as members of the CPP-NPA, as long as they are deemed to be associated with anything related to the

insurgency.

These attacks are not something the Duterte government even tries to hide, instead it openly admits to using these tactics through the counter insurgency program, including attacking human rights defenders, lawyers and paralegals actively defending those arrested, in clear violation of the Geneva Conventions.<sup>[509]</sup>

## Duterte's War on the Moro People

The Duterte administration's response to the conflicts in Mindanao has been characterized by both over-reliance on use of force as well as co-optation. It has at times taken a softer road, including when it brokered a peace deal with the Moro Islamic Liberation Front (MILF) and with the passage of the Bangsamoro Organic Law in July 2018. But with Marawi City in 2017 it resorted to excessive, destructive and unnecessary warfare in the name of the "War on Terror" where civilians were killed and displaced. Overall, it has disproportionately harmed and devalued the lives of the Moro people, perpetuating discrimination against them.

The United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism has emphasised that it is a priority to prevent the misuse and abuse of counter-terrorism measures and exceptional powers, such as martial law and provisions of anti-terrorism laws. "The Special Rapporteur encourages Member States to place human rights and rule of law at the forefront of these efforts, premised on the fundamental idea that security without rights is meaningless, and that rights inherently protect and advance security. ...The mandate has continued to emphasize that values-based approaches to counter-terrorism, rooted in the respect for human rights and international law, are the approaches that yield long-term results for peaceful, secure and equal societies."<sup>[510]</sup>

The historical context of the conflicts in Mindanao is deeply-rooted and involves the encroachment of settlers from the Christian majority -- backed

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by the Philippine nation-state -- into Moro ancestral domains through co-optation and force. Adding an imperative to this state of affairs, the Duterte administration's unjust and unnecessary war is being enabled, expanded and encouraged by the support of other nations, particularly the United States.<sup>[511]</sup>

This war has not abated in the midst of the COVID-19 pandemic, but rather the attacks have continued during this time. The end of Ramadan, during the Eid-al Fitr celebration on May 24, 2020, became a tragedy with the killings of two young children, Aslamiya Tambak, 10 years old, and Sadima Tambak, seven (7) years old.<sup>[512]</sup> They were killed when their house was hit by mortar shells while they were watching television. Fourteen other people were also wounded. Reports from the ground disclose that the 57th Infantry Battalion of the Philippine Army based in Datu Saudi Ampatuan town fired the shots.

### War and Displacement: Mindanao's History

The displacement of hundreds of thousands of Maranaos after the Marawi siege of 2017 and the emergence of new refugees in the continuing war on terror in other provinces in Mindanao are not new occurrences. The staggering numbers merely represent the newest victims of State violence and historical injustice that the Moros experienced first under American colonial rule and later under the Philippine nation-state in the period of formal independence.

While the Moro offered resistance at every attempt of subjugation, it was eventually the resettlement campaign that finally quelled resistance.<sup>[513]</sup> This meant the historical and continued appropriation of Moro ancestral land in favor of American-owned large-scale agricultural plantations such as Dole in South Cotabato, and del Monte in Bukidnon first, and later on, Christian settlers armed with land titles protected and legitimized by the Philippine nation-state.

In the late 1960s, the Moros would come together and wage their armed resistance against the Philippine government which they considered to be as an external occupying force - first as the Mindanao Independence Movement and later as the Moro National Liberation Front (MNLF) and the

MILF.<sup>[514]</sup> The government response to all these was the same across history. Adapting the template of the former colonial powers, all-out-war resulting in displacement of Moro communities has been the tactic as exemplified in the Marawi siege and the continuing "War on Terror" in Muslim Mindanao.

Against this backdrop of war is poverty and landlessness. Six of the ten poorest provinces of the Philippines are from Mindanao while 19.2 percent of families in Mindanao are food poor.<sup>[515]</sup> Since the American colonial period, large tracts of arable land has been in the ownership and control of multinational agribusiness companies or their local landlord counterparts who are either Christian settlers or members of the Moro elite and these are planted with high value cash crops such as cavendish bananas, pineapple, oil palm and rubber.<sup>[516]</sup> Discriminated against and excluded from employment because businesses prefer to hire Christian settlers, the Moro population remains among the most poor and uneducated. It is against this historical backdrop that the social conflict in Mindanao occurs.

### The "Global War on Terror" in Mindanao

The excessive Philippine government military response during the Marawi siege is also an extension of the US "Global War on Terrorism" declared after September 11, 2001, because U.S. military aid enabled and supported the total destruction of Marawi City. In 2017 the U.S. Department of Defense established Operation Pacific Eagle - Philippines, and has since committed over USD \$300 million to this program through FY 2020 to "support the Philippine government and military in their efforts to isolate, degrade and defeat ISIS affiliates and other terrorist organizations in the Philippines."<sup>[517]</sup>

The United States - alongside China and Australia - donated counterterrorism weapons and equipment, with the U.S. specifically donating 300 M4 carbines, 200 Glock 21 pistols, four M134D Gatling-style machine guns and 100 M203 grenade launchers.<sup>[518]</sup> The U.S. has donated USD \$765 million worth of planes, ships, armored vehicles, small arms, and other military equipment to the Philippine government since 2015, most of which are used in Mindanao and domestic operations.

[519]

Additionally, the U.S. provided support for the siege on Marawi through military training, technical assistance, surveillance via planes, drones and electronic eavesdropping, as well as American troops on the ground in Marawi.<sup>[520]</sup>

Australia also provided military aid and intelligence in the bid to recapture Marawi City in 2017 through the deployment of two Orion spy planes.<sup>[521]</sup> Immediately after, Australian troops provided urban warfare training to 10,000 Filipino soldiers. The Marawi siege provided an opportunity for countries like Australia to push for their agenda just like China did.<sup>[522]</sup> Much publicized Chinese rifles and military aid amounting to 16 million dollars were also provided to Philippine military forces in the first months of the siege.<sup>[523]</sup>

Thus, the material conditions for Marawi City's total destruction were provided in large part by the United States' Department of Defense. Most specifically, U.S. aerial intelligence and surveillance - technology which the AFP does not possess on its own<sup>[524]</sup> - enabled aerial bombardment. Aerial bombardment is the method of warfare which most extensively destroyed the homes of civilians and infrastructure of Marawi city.<sup>[525]</sup>

Looking globally, we can observe that the aerial method of destroying Marawi City mirrors the tactics used elsewhere in the U.S. "War on Terror",<sup>[526]</sup> and that the U.S. engagement in such counterterrorism efforts from the air have had dire consequences on civilians.<sup>[527]</sup> Looking across time, we can see that the siege of Marawi is neither the first time the U.S. has enabled the war against the Moro people in Mindanao.<sup>[528]</sup>

The effects of this U.S. war in the region, and particularly of Moro displacement, underlie much of the continuing conflict in the region today.<sup>[529]</sup> In more recent history, the U.S. helped plan, provided equipment and real-time surveillance for, and attempted to give orders during the Mamasapano operation - a botched attempt to kill a bomb-maker in Mamasapano, Maguindanao, which led to the deaths of sixty-seven people, among whom five were civilians, including an eight year old child.<sup>[530]</sup> Finally, since the Marawi siege, the U.S. has continued to

provide an increasingly large budget to the AFP through Operation Pacific Eagle, increasing this budget to USD \$100 million in overall military aid in 2018, to USD \$108.2 million in 2019.<sup>[531]</sup>

### U.S. Complicity in Human Rights Violations in Philippines

The U.S. broadly supports counterinsurgency and counterterrorism carried out by the Filipino government as a whole. This support takes the form of U.S. military aid in terms of weapons, joint training and intelligence, and also financial support for counter-insurgency programs, and legitimacy (by labeling the same groups as "terrorist" organizations). The bulk of US military aid to the Philippine government is for military operations in Mindanao, which have directly resulted in the mass displacement of civilians, as well as gross human rights violations against indigenous communities. Not only does the U.S. violate Philippine sovereignty and undermine self-determination through its involvement with these programs, it is also complicit in the human rights violations and violations of International Humanitarian Law that have been committed by the Philippine forces, which it supports.<sup>[532]</sup>

### The Marawi Siege of 2017

Marawi City is the only Islamic City in the country and home to the Maranao people.<sup>[533]</sup> It can be found in the southern Philippine island of Mindanao, an island in which state actors carry out warfare to support development aggression projects, against Muslim secessionist movements and the communist insurgency in the countryside.

Poverty and underdevelopment<sup>[534]</sup> fuel these long-term conflicts.

For context, in 2017 it was widely reported by the

military that known bandit kidnapper Isnilon Hapilon from the Abu Sayyaf group based in the Jolo and Sulu islands of Mindanao, had touched base with young disgruntled radicals such as the Maranao Maute brothers. It was the attempt by Philippine government forces to capture Isnilon Hapilon on the morning of May 23, 2017, that triggered the siege of the city.

It would take the Philippine government five months of brutal and deadly urban warfare and bombardment, the longest military siege in the Philippines, before they were able to establish complete control over a wide section of Marawi City's central business district.

The costs of this war were exorbitant, with the government claiming 920 extremist fighters dead including the leaders Hapilon and the Maute brothers; 165 government soldiers were killed, and over a thousand injured.<sup>[535]</sup> Sultan Atar of Marawi City believes there were no more than 250 extremist fighters, and the fighting could have ended quickly if traditional leaders had been allowed to negotiate the withdrawal of the extremists from the city. There is no clear number for civilians killed, but it is more than 1,000, with reports of cadavers still being found or unrecovered from the rubble.<sup>[536]</sup>

### **Continued Displacement of Marawi City Residents Four Years After the Siege**

Speaking on behalf of the Maranao, at the INVESTIGATE PH hearing on May 20, 2021, traditional leader and Sultan of Marawi, Abdul Hamidullah T. Atar, himself an internally displaced person (IDP), decried five violations that the government has committed against his people.<sup>[537]</sup> These are the following: 1) the right to know what happened; 2) the right to a safe and dignified return to residence; 3) the right to transparency and accountability; 4) the right to identify and recover the bodies of the missing and the dead; and 5) the right to compensation and reparation for the IDP victims. Other witness accounts and publicly-available sources support Sultan Atar's assertion.

When Martial Law was declared on the evening of May 23, 2017, the residents of Marawi were

given only six hours to vacate their homes and businesses. Long lines of vehicles and residents on foot including women and children, the sick, and the elderly descended from Marawi City, most with only the clothes on their backs. Testimonies from other witnesses, such as IDPs Ustadz Alfa Utto and Mekmek Pumbaya, recount the harrowing circumstances of their hurried evacuation the day after the siege began, where gunfire exchange and long walks to nearby municipalities with little food and water characterized their escape.<sup>[538]</sup>

The aerial bombing and mortar shelling by government forces commenced and would continue for the next five months, turning 250 hectares of what was once a vibrant commercial and residential part of the city into rubble. The Marawi siege was a preventable war, Sultan Atar lamented, if only traditional leaders had been allowed to intervene using the traditional social mechanisms and approaches to resolve conflicts.

The Maranao's demand for an investigation into the excessive use of force by government forces resulting in the large-scale displacement of the Maranao and the humanitarian crisis that ensued has fallen on deaf ears. The IDPs have a right to know the answer to these questions and it is a first step towards healing and closure.

The right to the safe and dignified return of residents was also violated. There are reports from social media that display the massive looting that took place during and after the siege by government personnel, where even the debris from their homes was transported and sold without their consent. Four years since, they have not been able to go back and rebuild.

Over 400,000 Marawi residents were displaced by military action in 2017, and 25,300 families — almost 127,000 individuals - have yet to be allowed to return.<sup>[539]</sup> The need for the displaced Maranao to return immediately to their old residences is a serious economic issue, as the refugees explain the difficulty they have experienced in the past four years living in informal shelters.

Both Ustadz Utto and Mekmek Pumbaya are leaders of their communities housed in informal shelters. They report that even as jobs and sources of income are difficult to come by, with family members having to seek employment elsewhere,

their status as undocumented IDPs excludes them from relief and government aid if there is any.<sup>[540]</sup> They had to resort to seeking out aid from private and even government sources on their own. They have been asked to leave and move to new shelters a couple of times and they have come to feel like second-class citizens while in evacuation, a feeling that only heightens their desire to return to their hometown. Their dire economic situation has even worsened in the midst of the pandemic.

After saying that bomb ordinances have to be cleared, the government is now reporting that the confusion in land titling is further delaying the rehabilitation effort.<sup>[541]</sup> What breaks the hearts of many Maranaos is hearing about government plans to build another military camp in the center of Marawi City where their homes and businesses used to be. It is slowly becoming clear to them that only some if any at all will be able to go back and reclaim their land.<sup>[542]</sup>

Four years into the displacement, the Maranaos' right to accountability for emergency and rehabilitation aid is being violated. Media reports count seven billion dollars or 350 billion pesos worth of aid was promised by foreign governments and these have not been spent for the rehabilitation of Marawi.<sup>[543]</sup>

By his estimates, Sultan Atar believes that only 30% of necessary public utilities have been reconstructed as part of the rehabilitation effort.

Even as the Maranaos decry the continuing criminal neglect of their plight as IDPs, there is also the need to bring to light the need to respect the dead and continue the search for the missing. Many of the unidentified remains were left in ground zero and those that were collected are now buried in a mass grave even as residents with missing relatives continue to search for them.

Finally, there is the issue of indemnification. How will the government repay the psychological and economic damage that was brought about by the total destruction of Marawi City and the long-term displacement that ensued? This remains a demand of many Maranaos who believe that their status as refugees who are kept away from the land of their birth is a continuing injustice.

### **Expanding Displacement of Moro Communities Throughout Mindanao as the “War on Terror” Continues**

The Bangsamoro Islamic Freedom Fighters (BIFF) is another formation in Mindanao that is engaged in armed conflict with the Philippine government.<sup>[544]</sup> Military attacks on BIFF areas, mainly located in Central Mindanao, with the Abu Sayyaf in the Zambasulta areas, have also resulted in the long-term displacements of Moro communities.

Suara Bangsamoro, an organization fighting for Moro rights, counts 300,000 Moros who are victims of the declaration of Martial Law in the entire island of Mindanao during the Marawi siege and the ensuing all-out “War on Terror”. As of March 23, 2021, according to their records, about 10,000 families are displaced in the province of Maguindanao due to military operations and they are now housed in 44 evacuation centers.<sup>[545]</sup>

According to the March 2021 bulletin on internally displaced persons from the United Nations High Commissioner for Refugees (UNHCR), under the category of protracted displacement (more than 180 days of being displaced), 250 families or 1,250 individuals evacuated due to conflict between government forces and the BIFF in Ampatuan, Maguindanao.<sup>[546]</sup> Mortar shelling caused the initial evacuation of families from Sitio Malating, Barangay Salman, and Ampatuan Municipality and they have remained in evacuation since then until February 2021 according to the UNHCR report.<sup>[547]</sup> The same agency also reported the displacement of 122 families from Sitio Pamibingan, Brgy. Tuayan Mother in Datu Hoffer Ampatuan Municipality in December 2020 because of intensified military operations against the BIFF.<sup>[548]</sup>

In other areas, the same story of community displacement also takes place when government forces run after members of the Abu Sayyaf Group. Such as the 751 families or 2,500 individuals from Patikul, Sulu, who evacuated from their communities.<sup>[549]</sup>

These displacements are sometimes preceded or succeeded by incidents of human rights violations by state forces who target civilian Moro communities in the course of their anti-terror operations. Suara Bangsamoro reports that there

are 51 battalions deployed all over the Bangsamoro Autonomous Region in Mindanao.<sup>[550]</sup>

In Sulu, seven young men failed to come home after seeking permission from local military officials to harvest mangosteen fruits on

September 14, 2018.<sup>[551]</sup> Their lifeless bodies were found riddled with bullets the next day. Observers allege that they were chanced upon by another Philippine military unit that killed the young men because of mistaken identity. On August 8, 2020, 50 combined elements of the Philippine National Police Special Action Force (PNP-SAF), AFP and NICA raided suspected ISIS elements in Purok Maguindanao, Bgy. Lumakil, Polomok, South Cotabato. Unable to find their targets, they shot and killed the father of one of the suspects and three other residents.

## Summary: Obstructed Justice, State Terror, and Steady Military Aid for Abuses

Drawing on the testimonies of survivors, witnesses, experts, and resource persons who shed light on the effects of Duterte's three wars on the poor, dissent, and the Moro people, as well as upon review of evidence, this Report makes the following observations:

- **The Philippine security forces are perpetrating extrajudicial killings -- and obstructing justice**

In Duterte's War against Poor People in the guise of a war on drugs, summary executions without due process are orchestrated by police, incentivized by PNP policy, and encouraged by no less than President Duterte himself. These extrajudicial killings primarily target poor people and further exacerbate their economic situation by killing family breadwinners, extortion of fees for police

to return the body, and high funeral costs. During the pandemic, when the urban and rural poor are already suffering economically, this war on poor people and the further economic devastation of these communities aggravates their hardships.

Forensic and photographic evidence as well as key witnesses point to a pattern where most if not all victims were unarmed and even handcuffed or restrained before being executed. Families of victims not only suffer stigmatization and financial hardship, but testify about police surveillance and intimidation after the killings to dissuade them from filing cases.

A 2020 DOJ investigation corroborates that police did not follow standard protocols in documenting and investigating killings, no evidence to back assertions that victims fought back. As of June 2021, the PNP continues to refuse to turn over the great majority of files on these thousands of killings to the DOJ for investigation as is legally required.

- **Lack of redress persists for abuses perpetrated by State agents.**

Admissions of liability have not translated to accountability for the killings or substantive changes to police anti-drug operations policy. There is only one case in which police have been charged and convicted, and in that case only low-level officers were charged. "Tokhang"-style killings are also being carried out against political dissenters.

See INVESTIGATE PH's Initial Report for detailed account of the lack of domestic remedies for human rights violations perpetrated by State agents.<sup>[552]</sup>

- **The justice system participates in suppressing dissent both by weaponizing the law to facilitate human rights abuses, and by failing to enforce legal protections.**

In the Duterte administration's ongoing war against dissent, the legal system has been utilized through repressive laws and jurisprudence, the reinvention of law and

settled legal principles, and the circumvention of legal procedures, among others. While the legal system should protect the rights of dissenters it is instead weaponized as a tool of state violence to do them harm, violate their rights, and deprive them of measurable redress or effective remedies.

- **Duterte’s Executive Orders, his NTF-ELCAC, and the Anti-Terrorism Act have facilitated more brazen repression and killings of political dissenters.**

At a national level, the delegitimization, isolation and criminalization of dissent takes place through mechanisms such as Memorandum Order No. 32; Executive Order No. 70 (which authorised the creation of the NTF-ELCAC) and the Anti-Terrorism Act, among others. These mechanisms have expanded the powers of security forces, nationalized the counterinsurgency program and expanded it to scrutinize across all sectors of society, and institutionalized the label of “terrorist” as a catch-all to criminalize any political opposition. Thus, government machinery for suppressing dissent has strengthened.

The use of these laws and executive orders alongside the longstanding practice of red-tagging has resulted in violations of International Humanitarian Law as seen in (1) the killing of civilians, including the family members of those alleged to be in the New People’s Army (NPA); (2) the mistreatment of the bodies of combatants in clashes with the NPA; and (3) the killing of NDFP peace consultants, who are a protected category of persons under the JASIG agreement between the Philippine government and the NDFP.

- **Police are now executing dissenters in a manner reminiscent of anti-drug operation killings, while the NTF-ELCAC and courts enable such operations.**

In the Cordillera Region, this counterinsurgency program has led to the implementation and passing of a resolution to employ “tokhang” on “left-leaning

personalities.” In Luzon, police are conducting door-to-door political killings of community leaders, trade unionists, urban poor organizers, and indigenous leaders in a way that mirrors the killings in anti-drug operations.

In addition, courts issuing politically-motivated search warrants, and trumped-up charges are being used to place criminal charges and legitimize the arrests and killings of political opposition personalities.

- **The harmful impacts of repression are widespread across civil society.**  
There is now a chilling effect and the consequent restriction of civil society across broad swathes of Philippine society including national and local government officials, human rights groups, the media, as well as the academe and the education sector -- including indigenous Lumad schools. All these undermine the independence, credibility and stability of the justice system as a protector of due process and human rights.
- **Military operations in Mindanao in the name of the “War on Terror” have not distinguished between civilians and combatants.**

Mortar fire, artillery fire and aerial bombing are by their very nature, indiscriminate forms of warfare, particularly when they are used in areas densely populated by civilians. These are the primary weapons that were used in Marawi City in 2017 and continue to be the weapons of choice in the State’s warfare in other Moro communities, with U.S. military support. In all cases, this leads to the killing of civilians and to the destruction of their homes and their sources of livelihood.

- **Government policy neglects the needs of displaced Marawi residents and Mindanao Moros, and violates their right to self-determination.**

The consequences of the war against the Moro people are not isolated to the Marawi siege of 2017. The Maranaos, and Moro people displaced by other military actions in other

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Moro areas, experience the effects of this war, and the government's failures to respond to their basic human rights as displaced people.

Further, the displacement of the Moro people is a historical and an ongoing violation of their right to self-determination as this displacement forcibly removes them from their homes and their land, and severely restricts their ability to assert their communal political will and continue their religious and cultural practices. While this displacement is perpetrated by the AFP, it is often large-scale agricultural plantations — owned by transnational corporations and local landlords — that take over the lands of displaced Moros.

- **U.S. military aid, as well as that of other nations, is abetting violations of human rights and International Humanitarian Law in the Philippines.**

The Duterte administration's unjust and unnecessary war is being enabled, expanded and encouraged by the support of other nations, particularly the United States. The bulk of US military aid to the Philippine government is for military operations in Mindanao, and in particular, the U.S. provides the aerial capacities through which violations of International Humanitarian Law are committed in Mindanao. More broadly, the U.S., Australia, Japan, Canada and Israel provide military aid in terms of weapons, training and intelligence, as well as financial support for the Philippines' counter-insurgency program, Oplan Kapatagan. As shown above, this program -- an application of the United States' Counterinsurgency Strategy -- expands, legitimizes and encourages the violations of human rights in the name of counterinsurgency. Under the ICC's Rome Statute, then, the U.S. and other nations are also liable for their material assistance in the violation of human rights and International Humanitarian Law in the Philippines.<sup>[553]</sup>

## Recommendations

This Second Report offers the following recommendations:

### To the United Nations Human Rights Council:

- Make the Government of the Republic of the Philippines responsible for the thousands of extrajudicial killings, abductions and disappearances, illegal arrests and detentions, harassments, and other forms of violations of human rights and International Humanitarian Law as these violations were carried out based on official state policies.
- Ensure that government officials at various levels are held accountable for violations of human rights and International Humanitarian Law.
- Ensure that President Rodrigo Duterte is held criminally liable for official orders reinforced by his public statements to kill drug users and dissenters which have allowed designated state security agencies and other civilian government agencies to utilize government funds and networks to weaponize the law and stifle dissent.
- Ensure the permanent protection of all witnesses in the INVESTIGATE PH process, and all other investigations on cases of extrajudicial killings and other human rights violations, as well as protection of all individuals and organizations "red-tagged," against all acts of intimidation and reprisal; that protection plans be made with independent international institutions for their safety and security.
- Ensure that human rights defenders, journalists, members of the academe, government officials who are or are perceived to be in the opposition, and the exercise of pastoral duties of ministers and priests are protected at all times.
- Urge Member States, relevant United Nations agencies, and other stakeholders to conduct international fact-finding and mercy missions to specific regions in the Philippine which have been heavily militarized and where wanton violations of human rights and International Humanitarian Law have been documented.

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- Ensure the safety of opposition candidates and groups and their supporters, election officers and volunteers, voters and the general public, and cease militarization of communities to maintain the integrity of the May 2022 presidential elections.
- Endorse specific investigations on violations of the UN Declaration on the Rights of Indigenous Peoples related to mining and land rights.

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

- Suspend all military and police aid of all countries who have cooperation agreements with respect to military training, police training and arms and equipment sales until respect for human rights and international humanitarian law is restored and felt on the ground in the Philippines.
- Call upon the U.S. Congress to introduce and pass the Philippines Human Rights Act (PHRA). The PHRA would halt the U.S. government's Philippine military funding and assistance (including weapons sales and donations of armaments) to the police until the U.S. Department of Defense and U.S. State Department certify a greatly improved human rights record. The government of the Philippines would have to guarantee the human rights of its citizens, establish a judicial system to prosecute members of its military and police responsible for human rights violations, and comply with audits and investigations to ensure that U.S. aid is not used for human rights violations.

### **To the International Criminal Court:**

- Receive this Second Report and the succeeding Third Report of INVESTIGATE PH.
- Pursue the investigation of President Duterte's crime against humanity of murder in the context of his war on drugs campaign, as well as the commission of torture and other inhumane acts.

### **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 and police assistance to the Philippines.
- Continue to methodically and systematically document and preserve evidence of violations of human rights and International Humanitarian Law.
- Mobilize the broadest array of support in monitoring the May 2022 elections and send delegations as International Observers.
- Become an Endorser of INVESTIGATE PH.

## Conclusion

The courage and resilience of the survivor witnesses and expert witnesses, and the legal and other support teams working with them, have made this Second Report of INVESTIGATE PH possible. Since our Initial Report in March this year, state-driven political violence has continued to escalate, yet communities and families refuse to be silenced. Our witnesses related how police anti-drug operations are perpetuating a War on Poor People, with evidence of extrajudicial executions of listed targets systematically covered up. Surviving families are forced into massive debt, communities are fearful of attending funerals, and police and other government officials hound relatives not to file a case over deaths of their loved ones.<sup>[554]</sup>

Despite offering promises to investigate thousands of police killings, the Department of Justice failed to obtain the necessary case files from the PNP, which refused to hand these over, just as they refused to release them to the Supreme Court.<sup>[555]</sup> President Duterte has directed that the secrecy of these files is a matter of national security.<sup>[556]</sup> Witnesses say that most

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Filipinos have lost all confidence in the judicial system, and look to the International Criminal Court (ICC), to INVESTIGATE PH, and to other international voices to independently investigate, adjudicate, or lend protection. The June 14, 2021, ICC announcement of a formal investigation into the police killings and other crimes inspired hope among victim families.<sup>[557]</sup>

The killing machine perfected through the War on Poor People is now being turned on human rights defenders and political opponents of government policy, with “tokhang”-style operations in Negros, Panay, and CALABARZON where police have extrajudicially killed farmer leaders, city councillors, church clergy and lay workers, teachers, lawyers, doctors, human rights defenders, trade unionists, media workers, women’s rights leaders, indigenous leaders and urban poor organizers, in their own homes or going to or from their work.<sup>[558]</sup>

The War on Dissent persecutes government critics across the social spectrum from Senator De Lima and leftist Congress Representatives to urban poor leaders. There is a systematic approach to their repression. First targets are “red-tagged” as communist-terrorists in communications by the Palace, the DOJ, the NTF-ELCAC, Law Enforcement Councils, Peace and Order Councils, and through official government, police, and army websites and Facebook accounts, as well as on public signs or leaflets distributed by armed forces.<sup>[559]</sup> Then State forces apply intense surveillance as well as death threats if the person does not cease their political activity. And then state forces routinely arrest targets on trumped up charges, or even extrajudicially executes them. Seven (7) supposedly protected NDFP peace consultants, all unarmed civilians not engaged in any armed combat, have been openly executed by military and police forces in late night or pre-dawn raids, or hit by a death squad, as in the case of Randy Malayao in January 2019.<sup>[560]</sup>

All these cases are violations of Philippine and international law on war crimes, because military and police forces fail to respect distinctions between armed combatants and unarmed civilians in a situation of non-international armed conflict.

The day after the June 14 ICC announcement, three Lumad people were tortured and shot down by soldiers, when attempting to harvest abaca in Lianga, Surigao del Sur, Mindanao. One victim was a 12-year old girl, and another was an LGBTQ person; both were found with severely mutilated bodies and evidence of sexual assault.<sup>[561]</sup> The girl was a Grade 6 student at her Lumad School. The two adults were members of MAPASU, an organisation to preserve and develop Lumad culture.<sup>[562]</sup>

Certain judges now issue a high volume of harassing search warrants and arrest warrants without proper cause, often for far-away places and people, enabling the armed forces to enlist judicial processes to persecute those advocating for basic human rights.<sup>[563]</sup> National Security Adviser, Hermogenes Esperon Jr. laid charges of perjury against the officers of human rights organisations Karapatan, Gabriela, and RMP in 2019 and 2020 after they sought Supreme Court writs to protect their volunteers and officers from death threats by state actors.<sup>[564]</sup> Subsequently RMP had its bank accounts frozen, because it allegedly financed terrorism.<sup>[565]</sup> The repeated military, police and paramilitary attacks on the UCCP Haran Centre in Davao City and the Talaingod evacuees taking refuge there has escalated with the Anti-Money Laundering Council freezing the Centre’s bank account and police laying administrative and criminal charges against the Bishop and his leadership team.<sup>[566]</sup>

The War on the Moro People in Mindanao has historical roots in land seizure by outsiders for over a century, seizure enabled by the U.S. colonial administration and continued by the post-1946 Manila governments. While invaders denied the Moro People their right to self-determination, they have never stopped asserting it. Aerial warfare and counterinsurgency campaigns that target civilians -- both backed by constant U.S. military aid -- have caused massive violations of International Humanitarian Law as well as of other human rights instruments.

Political protection and military aid and weapons sales from the U.S. and other countries are facilitating and exacerbating the Duterte administration’s flagrant human rights abuses. Instead, INVESTIGATEPH calls on the international

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Photos from Vincent Go (Warning: Graphic Content)









# **Final Report**

**September 2021**



# Introduction

This report largely examines violations of economic, social, cultural, and other collective rights in the Philippines, perpetrated by the State. It traces how the Duterte administration's policies have resulted in systemic human rights violations, focusing on the period from 2020 to the present. The report also documents worsening violations of civil and political rights, due to intensified repression.

The Duterte administration has overwhelmingly directed public resources towards heightened militarization, while continuing neoliberal economic policies. These economic policies include privatization, social service cuts, deregulation of labor, trade liberalization, and courting foreign investment. Simultaneously, armed security<sup>[574]</sup> forces, backed by Duterte, are using new institutional mechanisms to expand political repression throughout Philippine society. The Duterte administration's combined priorities have resulted in entrenched poverty alongside growing inequality, and continued neocolonial relations, imposed with increased state terror. Its policies are violating peoples' rights to equitable development, peace with justice, and self-determination.

This final report follows two earlier reports produced by INVESTIGATE PH on human rights in the Philippines, released in March<sup>[575]</sup> and July<sup>[576]</sup> 2021, respectively. These preceding reports highlighted violations of civil and political rights by state forces, escalating repression, and the lack of domestic remedies for victims. After overviewing INVESTIGATE PH's previous findings, this Third Report delves into violations of the rights to livelihood, religion, education, self-determination, development and peace. These violations of collective rights take place against a backdrop of civil and political rights violations affecting a broad array of social sectors: workers and peasants, overseas Filipino workers, women and LGBTQ<sup>[577]</sup> people, urban poor people, children, educators, religious institutions serving the poor, as well as indigenous and Moro peoples.

This Third Report focuses on economic, social and cultural rights:

- **The right to livelihoods of peasants, workers, migrant workers and women has been violated by the neoliberal economic policies of the Duterte government.** Land reform has stalled, real wages have fallen, labor export continues due to lack of jobs in the domestic economy, demolitions of urban poor communities are accelerating, tax policies transfer income to the wealthy, inequality is deepening, and livelihood activities have halted during the extended COVID-19 lockdowns, even as relief is lacking. At least 50 per cent of the population lives in absolute poverty.
- **The Duterte government's military rather than public health response to the COVID-19 pandemic only exacerbated these severe economic hardships.** Hunger became widespread and continues. Millions of people could not access water, food or their informal jobs because of the lockdown, over 100,000 were arrested and detained for allegedly breaching the lockdowns. The government made only a token cash transfer to households for three months early in the lockdown. When people created their own "community pantries" and "community kitchens", these were red-tagged and harassed by security forces.
- **The rights of children, the right to education, and freedom of religion have all been attacked by the Duterte government as his budget priorities continue to favor the security forces and cut spending on welfare, housing, education and health.** Duterte has red-tagged advocates for children, the Lumad<sup>[578]</sup> schools, teachers, universities, Christians working for poor and marginalized communities, and Islamic leaders and communities in Mindanao.
- **Duterte's new machinery for repression orchestrates more systematic attacks on critics.** Peasants, indigenous people (IP), urban poor, students, trade unions in export processing zones, children, human rights defenders, and peace advocates are the targets of the 2020 Anti-Terrorism Act (ATA) and its Anti-Terrorism Council, the National Task Force to End Local Communist Armed

Conflict (NTF-ELCAC) of 2018, and the Joint Industrial Peace Concerns Office (JIPCO) of 2018.

- **The Philippines remains subservient to U.S. interests in economic, military and geo-political policy, which continually undermines the people’s right to self-determination, development and peace.**
- **When Filipino people utilize their civil and political rights to protest and to assert reforms which would fulfill their rights, they are met with deadly force from the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP).**
- **By terminating peace talks with the National Democratic Front of the Philippines (NDFP), the Duterte government blocked agreement on genuine land reform and national industrial development in the draft Comprehensive Agreement on Social and Economic Reforms.** In doing so, the government has extrajudicially killed seven unarmed civilian NDFP peace consultants, in violation of International Humanitarian Law (IHL). These peace talks, with the Royal Norwegian Government as Third Party Facilitator, provide a pathway to address the root causes of this armed conflict in the Philippines.

INVESTIGATE PH’s three Reports cover more than 50 emblematic cases of human rights violations that occurred largely in 2020 and 2021; trends in such violations since the OHCHR report of June 2020; violations of civil and political rights and IHL carried out by the Duterte administration since 2016; and violations of economic, social, cultural and other collective rights. The Reports draw on the testimonies of survivors and witnesses, relatives of victims, human rights advocates with direct knowledge of state violence, and expert witnesses or resource persons working with peasants, trade unions, women, churches, community organizing, economics, political advocacy and peace negotiations. A team of legal collators verified relevant documents and interviews.

## Overview of INVESTIGATE PH’s Initial and Second Reports

On October 7, 2020, the UN Human Rights Council 45th Session passed a resolution to engage in “technical cooperation and capacity-building” with the Philippine government (Resolution No. 45/33) in response to the June 4, 2020, report (A/HRC/44/22) on human rights in the Philippines from the OHCHR.<sup>[579]</sup> The first two reports of INVESTIGATE PH, released in March and July 2021, highlight why the UNHRC decision was disappointing to civil society. The Reports emphasize the continuing and worsening violations of the International Covenant on Civil and Political Rights (ICCPR) since the OHCHR report and the inadequacy, if not ineffectiveness, of domestic mechanisms of redress and accountability. These give evidence of how human rights violations in the Philippines worsened and illuminate the Duterte administration’s executive role and responsibility in perpetrating these violations.

The Initial Report demonstrates that not only are human rights violations perpetrated by security forces under the Duterte administration, but there is also a systemic lack of effective domestic remedies through which victims of violations can seek and achieve justice. The Second Report highlights three “wars” that the Duterte administration is carrying out against the Filipino people and perpetrating human rights violations through: (1) a War on Poor People in the guise of a war on drugs; (2) a War on Dissent; and (3) the War on the Moro People in the guise of a war on terror. These wars deliberately corrupted the PNP and the judiciary and degraded the integrity of judicial processes. NTF-ELCAC extended this damage

to all agencies, including the Departments of Social Welfare, Education, and Labor and Employment - the malevolent “whole-of-nation” approach.

The following gives a more detailed overview of the findings of INVESTIGATE PH’s first two reports.

**1. Human rights violations in the Philippines continue, and the Duterte administration has increased its political repression since the June 2020 OHCHR report**

Political repression has worsened since the OHCHR report. Particularly egregious cases include: (1) the December 30, 2020 “Tumandok Massacre”, in which Philippine military and police tortured and killed nine unarmed Tumandok indigenous civilians who opposed militarization and a mega-construction project on their ancestral land, and (2) the March 7, 2021 “Bloody Sunday” raids, in which Philippine military and police killed nine unarmed activists in their homes.<sup>[580]</sup> There has also been a marked increase in the extrajudicial killings of National Democratic Front of the Philippines (NDFP) peace consultants. Since Duterte ended peace talks with the NDFP in November 2017, seven peace consultants have been killed by state security forces or unidentified assailants, with five of the seven being murdered after the June 2020 OHCHR report.<sup>[581]</sup>

Human rights violations have worsened during the COVID-19 pandemic. Police killings of civilians during anti-drug operations have spiked during COVID-19: as of August 2020, such killings rose 50 to 76 per cent per month on average, compared to the months preceding lockdown.<sup>[582]</sup> COVID-19 has also been used as an excuse or a pretext to enable further political repression – including violations of media freedom, expression, and freedom of assembly. COVID-19 health concerns were exploited to cover up the crackdown on protests against the widely opposed Anti-Terrorism Act (ATA), which was fast-tracked and enacted in July 2020.<sup>[583]</sup>

Rather than ensuring adequate health services and economic relief to marginalized sectors, instead the government’s militarized response to the pandemic criminalizes the survival activities of the poor and further overcrowds already

dangerously congested prisons.

**2. Philippine security forces are extrajudicially killing the urban poor, human rights defenders, and rural and urban activists in gross violations of human rights and are obstructing legal recourse by the victims.**

From the “war on drugs” to the targeting of human rights defenders, the police and military perpetrate summary executions. Other perpetrators are state-sponsored paramilitaries, and “vigilantes” hired by or working with government security forces.<sup>[584]</sup> PNP policy incentivizes extrajudicial killings. President Duterte himself encourages these crimes, repeatedly calling for the murder of “drug personalities” and exhorting the police and military to kill all communist rebels and to “forget about human rights.”<sup>[585]</sup>

The urban poor civilians who are the main targets in the “war on drugs” have no opportunity to defend themselves against police operations known as “tokhang” -- a shortened phrase for “knock and persuade,” but which in reality is “kick in the door and shoot.”

The police claim the “nanlaban” (fought back) narrative, saying that all those killed in anti-drug operations were resisting. Yet forensic photographic and witness evidence all point to a pattern where most if not all victims were unarmed and even handcuffed or restrained before being executed. These police tactics of tokhang and nanlaban are now also being used by state security forces in the War on Dissent. In the case of the Tumandok Massacre of December 30, 2020, and the Bloody Sunday raids of March 7, 2021, police and soldiers conducted door-to-door political killings of community leaders, trade unionists, urban poor organizers, and indigenous leaders, and then claimed that those killed had resisted arrest. This directly mirrors the pattern of killings in anti-drug operations. In the Cordillera Region, there is a police resolution to employ “tokhang” on “left-leaning personalities.”<sup>[586]</sup> Security forces also claim that NDFP peace consultants - most of whom were elderly and in poor health - were killed because they fought back.<sup>[587]</sup>

When state security forces commit these extrajudicial killings, they also obstruct

investigations. Witness testimonies state that police plant guns on those they have extrajudicially killed, intimidate family members to dissuade them from filing cases against the police, and block them from accessing the bodies of victims or conducting independent autopsies. Forensic evidence further shows that police examinations of bodies violate proper procedure and fail to record evidence accurately. The PNP also refuses to comply with the Supreme Court order to turn over the great majority of evidence relating to these killings.<sup>[588]</sup>

### **3. The NTF-ELCAC, the ATA, and Duterte's Executive Orders facilitate and institutionalize more brazen repression and killings of political dissenters**

At a national level, the delegitimization, isolation and criminalization of dissent takes place through mechanisms such as Memorandum Order No. 32 issued on November 22, 2018;<sup>[589]</sup> Executive Order No. 70 (which authorized the creation of the NTF-ELCAC)<sup>[590]</sup> and the Anti-Terrorism Act (ATA),<sup>[591]</sup> among others. These mechanisms have expanded the powers of security forces, nationalized the counterinsurgency program, broadened invasive scrutiny across all sectors of society, and institutionalized the label of "terrorist" as a catch-all to criminalize any political opposition.

These legal frameworks also institutionalize, legitimize and make more widespread the practice of "red-tagging", which is the act of labelling unarmed civilian individuals and groups as members, supporters or affiliates of the Communist Party of the Philippines (CPP) and the New People's Army (NPA) in the context of the ongoing armed conflict in the country. This practice is a form of state terror, perpetrated by state agents and their proxies as part of the government's strategy to repress dissent. Disregarding evidence or due process, the simple act of "red-tagging" someone - even on social media - can lead to and institutionally legitimize government surveillance, threats, harassment, intimidation, trumped up arrests, and even the killing of those red-tagged. Human rights defender Zara Alvarez<sup>[592]</sup> was murdered on August 17, 2020, after being red-tagged in a pattern similar to the large majority of human rights defenders and political dissenters who have been extrajudicially

killed.

### **4. Domestic remedies for addressing these and other human rights violations are failing because the Duterte administration, security forces, prosecutors and judges weaponize or are complicit and violate the law and due process, and because the legal system has institutional and operational flaws and biases.**

The Duterte administration has weaponized the law to suppress dissent by introducing the purposely broad legal definition of terrorism under the ATA. Specific judges are issuing search warrants that offer the security forces legal cover in raiding homes, and arresting and killing dissenters. The PNP uses fabricated legal charges to silence those who are red-tagged by arresting them on trumped up charges of illegal possession of firearms and explosives - a non-bailable offense. Security forces routinely ignore due process when they conduct arrests, carry out summary executions, undertake investigations and examine evidence, file or prosecute cases. For example, those being charged often do not even know they have been charged; police plant evidence, do not inform those who are arrested of their rights, and block them from accessing legal counsel.<sup>[593]</sup> The 2020 Department of Justice (DOJ) report corroborates that police examinations of bodies killed in anti-drug operations do not follow proper procedure. Impunity is strengthened because investigations into security forces' violation of due process are most often conducted internally by the police and military themselves.<sup>[594]</sup>

In many cases, victims of these abuses are not able to seek justice. When they do, they face a biased, slow, complicated and discriminatory legal system. The Office of the Ombudsman -- a key legal channel for people to file complaints against police, military, and government agents -- almost always rules in favor of the police and military. Only one drug campaign-related killing among thousands has resulted in police being convicted of murder.<sup>[595]</sup> The majority of extrajudicial killings, torture, disappearances, and unjust detentions do not result in prosecution, much less conviction.<sup>[596]</sup> Human rights defenders facing threats to their lives have applied for court protection orders ("writ of amparo"), but these requests are often denied or remain pending due to

court backlogs and slow procedures. In numerous cases, applicants were killed after being denied protection, or while their applications were still pending.<sup>[597]</sup> Victims of political repression who seek to challenge their unjust detention through habeas corpus have had lower courts uphold their imprisonment based on technicalities, and thus remain in jail as pre-trial and post-trial detainees, often for years.<sup>[598]</sup> Furthermore, those who seek to challenge unjust laws, such as the ATA, are pressured to drop their cases and have trumped-up charges laid against them.<sup>[599]</sup>

Those who would provide checks and balances within the Philippine legal system are also targeted and their power eviscerated. The National Union of Peoples' Lawyers (NUPL) - which provides free counsel and representation to victims of state violence and on public interest issues - has been red-tagged, while its lawyers are threatened, harassed, and extrajudicially killed.<sup>[600]</sup> Pro bono representation is already severely lacking, and repression has a chilling effect on lawyers' willingness to help victims of state violence.<sup>[601]</sup> Opposition political voices, which provide a check on police, military and executive power have been effectively silenced through removal or imprisonment.<sup>[602]</sup> Even the Commission on Human Rights (CHR) has been red-tagged by the NTF-ELCAC and has suffered major threats to its budget under the Duterte administration, undermining its ability to ensure the protection of human rights in the Philippines.<sup>[603]</sup>

### **5. Philippine security forces, abetted by U.S. military aid, are killing civilians during conflict and violate other aspects of IHL**

In a situation of internal armed conflict all sides are bound by the principles of IHL. Regardless of the particular nature of the conflict, the principles of IHL must be upheld, especially in the protection of civilians. The Philippine government's counterinsurgency and counterterrorism programs fail in this duty. Both of these programs are supported by U.S. military aid, joint training and intelligence, making the U.S. complicit in the violations of IHL that have been committed by the Philippine armed forces. The U.S. has committed over USD \$300 million in military aid to support Duterte's counter-insurgency operations in Mindanao since 2017 and has donated over USD

\$765 million in planes, ships, and other military equipment to the Philippine government since 2015.<sup>[604]</sup>

The Philippine government explicitly targets non-combatants under its counter-insurgency strategy, identifying a broad range of civil society dissident groups as terrorists and employing "tokhang" to eliminate red-tagged opponents. Specific violations include: the killing of civilians, including the family members of those alleged to be in the NPA; the mistreatment or desecration of the bodies of combatants in clashes with the NPA as in the case of Jevilyn Cullamat;<sup>[605]</sup> and the killing of unarmed NDFP peace consultants, who are a protected category of persons under the Joint Agreement on Safety and Immunity Guarantees (JASIG), an agreement between the Philippine government and the NDFP.<sup>[606]</sup> Further, military operations in Mindanao in the name of the "war on terror" have not distinguished between civilians and combatants. The types of warfare employed in Moro communities - mortar fire, artillery fire and aerial bombing - are by their very nature, indiscriminate. As a result, civilians are killed and their homes and sources of livelihood are destroyed. This has happened both in the Marawi City siege in 2017, and in the continuing warfare throughout Mindanao.<sup>[607]</sup> Bombings in rural areas such as Zambales have also displaced civilians, making way for foreign mining and agribusinesses.<sup>[608]</sup>

### **6. The harmful impacts of state perpetrated violations of human rights are felt across society -- limiting freedom of speech and freedom of assembly, undermining genuine political participation, destroying communities, and violating the peoples' rights to peace and self-determination**

The effects of Duterte's anti-drug operations are felt across urban poor communities. Family breadwinners are killed, fees are extorted by police to return the bodies of those killed, and families are forced to pay high funeral costs and are stigmatized by the community who are themselves terrorized. Thus this war brings increased economic suffering to those who are already economically marginalized - particularly during the pandemic. The war on dissent -- carried out by the NTF-ELCAC through acts of

red-tagging and other institutional mechanisms -- restricts the space for civic participation across swathes of Philippine society: national and local governments, human rights groups, the media, the academe and the education sector -- including indigenous Lumad schools. The Marawi siege and other cases where the AFP have displaced Moro and other Philippine indigenous communities have entirely destroyed quality-of-life for many national minorities. In removing these people from their homes, land, and livelihood, the state severely curtails their ability to assert communal political will and continue religious and cultural practices. Furthermore, these internal refugees face the continual failure of the government to respond to their basic human rights as displaced people.

## Violations of Economic and Social Rights under Duterte

All human beings are born free and equal in dignity and rights.<sup>[609]</sup> The ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy their economic, social and cultural rights, as well as their civil and political rights.<sup>[610]</sup>

The economic and social rights protected under the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>[611]</sup> include the rights to employment, social security, protection of the family, an adequate standard of living, including freedom from hunger, access to clean water, adequate housing, and protection of property, and physical and mental health – all of which are currently lacking from the Duterte administration. The ICESCR was adopted by the United Nations General Assembly on 16 December 1966, and the Philippines is a State Party. With the continuous red-tagging and prioritization of the military and police, the social rights of the Filipinos are on the back burner.

*Rights of Workers and Peasants*

### Joblessness and economic insecurity

The COVID-19 pandemic has magnified the deplorable situation of the Filipino workforce. Basic essentials like food and water have been scarce in the last year-and-a-half of continuous lockdown, the longest and most stringent in the world.<sup>[612]</sup>

In June 2021, the Philippine Statistic Authority (PSA) saw 3.76 million or 7.7 per cent of Filipinos jobless, while underemployment went up to 14.2 per cent in the same month from an estimate of 12.3 per cent in May 2021.<sup>[613]</sup> In 2020, the PSA reported a 10.4 per cent unemployment rate or 4.5 million jobless Filipinos, the highest in 15 years.<sup>[614]</sup>

This declined to 7.7 per cent in May 2021 as the strictest quarantine rule was lifted<sup>[615]</sup> but it is expected to increase into the third quarter as the National Capital Region (NCR) and other major cities in the country were put under enhanced community quarantine anew due to the spread of the Delta variant.<sup>[616]</sup>

During an INVESTIGATE PH hearing, Joan May Salvador, the Secretary General of GABRIELA, the Alliance of Filipino Women, shared that “even before the pandemic, the Philippines already had the worst unemployment situation in the whole of Asia, leaving about 16 million Filipino women economically insecure.” Even the labor force participation rate continues to be lower for women compared to men, with only half of the population of working age women able to join the labor force, added Salvador.<sup>[617]</sup>

Daily minimum wages remain low at Php 537 (US\$10.71) in the NCR and down to Php 290 (US\$5.78) in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM),<sup>[618]</sup> even if the daily decent living wage is pegged at Php 1,065 (US\$21.25).<sup>[619]</sup>

### Landlessness, Rice Tariffication Act

The situation is much worse for agricultural workers who have a nominal wage rate of Php 331.10 (US\$6.60) per day.<sup>[620]</sup>

The peasant sector - which includes small farmers, fisherfolks, farm workers from sugarlands, banana and pineapple plantations, and coconut farms - have suffered incessantly since the lockdown. The Philippines is a predominantly agricultural country but its food producers, who are 70 per cent of the population, suffer from hunger and food insecurity. A Social Weather Station (SWS) survey from April 28 to May 2, 2021, revealed that 16.8 per cent or 4.2 million families experienced “involuntary hunger” or hunger due to lack of food at least once in the past three months.<sup>[621]</sup>

The food and job insecurities of the Filipino work force fuel a long-drawn struggle for land ownership and decent wages. In his testimony for INVESTIGATE PH, Kilusang Magbubukid ng Pilipinas (National Peasant Movement of the Philippines - KMP) chairperson and former Department of Agrarian Reform Secretary Rafael Mariano said, “The Filipino peasants have long been demanding and fighting for the implementation of genuine land reform and free land distribution. We view that only a truly redistributive land reform will solve the fundamental problem of landlessness, and rural poverty.”<sup>[622]</sup>

He linked the absence of genuine land reform and rural development in the Philippines to the failure of food security programs and worsening poverty and indebtedness of farmers and farmworkers. “Without control of resources and lacking government support, the economic status of farmers remains depressed,” he said.<sup>[623]</sup>

However, Mariano added that “what farmers experience daily are land grabbing, land-use conversion, forced eviction, and demolition of their farms. At the onset, Duterte had no agenda or program for genuine agrarian reform, rural development, and national industrialization and economic development. His administration is pursuing market-assisted land reform instead of compulsory acquisition of private agricultural land for free land distribution to at least 9.7 million farmers and their families relying mainly on farming for livelihood.”<sup>[624]</sup>

The sufferings of rice farmers, for example, worsened during the Duterte administration, specifically due to the signing of Republic Act

11203, an Act Liberalizing the Importation, Exportation and Trading of Rice, or the Rice Tariffication Law, on March 5, 2019. This law removed government limits (called quantitative restrictions) on rice importation and replaced these with tariffs.<sup>[625]</sup> This has flooded the market with nearly three million tons of imported rice, making the Philippines the world’s biggest rice importer.

This liberalization of the rice market contributed to 300,000 agricultural jobs lost in 2019. The Federation of Free Farmers (FFF) and other farmers’ groups estimate that rice producers lost around Php 80 billion (\$1.59 billion) when rice prices dipped from Php 23.14 (US\$0.46) per kilo in 2018 to Php 15.36 (US\$0.30) in 2019.<sup>[626]</sup> By September 2019, the average farmgate price of rice slid precipitously to Php 16.05 (US\$0.32) per kilogram – 30 per cent lower than in the same period in 2018 and its lowest in eight years.<sup>[627]</sup>

Meanwhile, minimum wage earners were disappointed when President Duterte vetoed the Security of Tenure Bill in July 2019 after making it a popular campaign promise during the 2016 presidential elections.<sup>[628]</sup> The bill was meant to eliminate subcontracting of labor and limit job contracting to licensed and specialized services.<sup>[629]</sup>

Worse, the Department of Labor and Employment (DOLE) amended implementing rules of the Labor Code and issued Department Order No. 174 Series of 2017 which still allows and, in fact, legalizes contractualization.<sup>[630]</sup> In his testimony at an INVESTIGATE PH hearing, Kilusang Mayo Uno Labor Center (May First Movement - KMU) Chairperson Elmer Labog said that in order to address the peasants and workers’ worsening conditions, the government should increase their purchasing capacity and invest in improving agriculture. Labog insists that backward conditions in agriculture dampen growth in other industries.<sup>[631]</sup>

The Duterte administration has given the least frequent and lowest amount of minimum wage hikes of all post-Marcos administrations. It only raised wages twice in the NCR compared to previous governments that did so by as much as 6-7 times.<sup>[632]</sup> That the conditions of workers and peasants have worsened at a time when social

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services are urgently needed is a clear violation of the ICESCR.<sup>[633]</sup>

Workers and peasants continue to assert their rights for decent living and livelihood and genuine land reform, but the government counters this with violations of their human rights.

### Repression of labor organizing: killings and JIPCO

Elmer Labog testified that Duterte's EO 70, creating the NTF-ELCAC, does not focus on the NPA but instead discourages or forbids the exercise of legitimate dissent.<sup>[634]</sup>

The Duterte government has branded the exercise of the legitimate rights of workers to form unions, and to assert higher wages, to oppose contractualization, and ask for better working conditions and support for those who have been infected by COVID-19 as an exercise to overthrow the government.<sup>[635]</sup>

As discussed in the Initial and Second Reports, the red-tagging activities of the NTF-ELCAC have been perilous to peasants and workers. The KMP has documented 340 victims of extrajudicial killings among peasants during the Duterte presidency, while KMU has documented 56 among the workers.<sup>[636]</sup>

The Bloody Sunday incidents on March 7, 2021, were a government crackdown in the Calabarzon (Region IV-A)<sup>[637]</sup> that saw one labor organizer killed, eight other peasant, urban poor and indigenous leaders killed; and six more leaders, including those from the labor sector, were arrested and remain unjustly detained.<sup>[638]</sup> Documentation from Karapatan shows state forces did not present the search warrant for trade unionist Emmanuel 'Manny' Asuncion, the slain secretary general of Bagong Alyansang Makabayan (New Patriotic Alliance - BAYAN) in Cavite, and blocked his companions from calling his lawyer.

In his testimony to the INVESTIGATE PH hearing on July 29, Labog showed how the Joint Industrial Peace Concerns Office (JIPCO) is a government weapon against workers exercising legitimate rights, especially those guaranteed in the Philippine Constitution Bill of Rights,<sup>[639]</sup>

International Labor Organization (ILO) conventions CO87 & CO98<sup>[640]</sup> and the ICESCR on the right to organize and freedom of association.<sup>[641]</sup>

The Philippine Export Zone Authority (PEZA) and the PNP established JIPCO on March 26, 2018, with a formal agreement. Then PNP Commander General Ronald Dela Rosa clearly laid down JIPCO's goals: "address security issues and cater to complaints, queries and other concerns in the workplace and at the same time combat radicalism that may disturb industrial peace in and around the economic zones." Dela Rosa said the agreement was a significant step in the government's peace and security program.<sup>[642]</sup>

PEZA Director General Charito "Ching" Plaza and PNP Chief General Debold M. Sinas signed JIPCO's Implementing Rules and Regulations (IRR) on February 15, 2021.<sup>[643]</sup> In its official website, PEZA said the signing of the IRR would provide a safe and globally competitive business environment in economic and freeport zones.<sup>[644]</sup>

However, Labog said the JIPCO was formed to deter the activities of trade unions in areas that are densely occupied by investors, like export processing zones.<sup>[645]</sup>

The Police Regional Office 3 - PRO3 website validates this concern. It describes JIPCO as the PNP's community relations program with the PEZA and the first line of defense against radical labor infiltration in industrial zones, making it part of the [NTF-]ELCAC support system.<sup>[646]</sup>

PRO3 Regional Director Brigadier General Rhodel Sermonia claims that Central Luzon remains a major flashpoint for communist insurgency and is in the "white area" (non-combat) of operation. Police say JIPCO will allow them to "prevent industries from being infiltrated by communist agitators" in different economic zones and freeports from Subic to Clark to Mariveles and in the provinces of Bulacan, Pampanga, Tarlac and Nueva Ecija where industries are prevalent and labor unions are many.<sup>[647]</sup>

The labor rights NGO, Center for Trade Union and Human Rights (CTUHR) condemned the spread of JIPCO in Central Luzon. "JIPCO is

institutionalizing the massive workers' rights violations in the economic zones. It is also a re-affirmation of the state's policy of crushing militant unionism, under the pretext of its anti-terrorism campaign, to make capitalists happy. It is a clear abandonment of the state's commitment to the workers' basic rights to freedom of association and collective bargaining guaranteed in ILO Conventions and the Universal Declaration of Human Rights, in which the Philippines is a signatory."<sup>[648]</sup>

On June 25, 2021, the PNP launched the Global Coalition of Lingkod Bayan (Public Service) Advocacy Support Groups and Force Multipliers at Camp Crame, the National Police HQ. President Duterte called for the eleven civilian groups in this Coalition to be armed to help suppress the communist insurgency, and one of these civilian groups is JIPCO, also called Alliance for Industrial Peace Program (AIPP).<sup>[649]</sup> President Duterte expressed appreciation to the PNP for this significant contribution to the objectives of the NTF-ELCAC. Prominent public figures immediately challenged the legality and wisdom of this initiative.<sup>[650]</sup>

### *Rights of Overseas Filipino Workers (OFWs)*

President Duterte has hastened the decline of the Philippines' already precarious economic conditions. Rising unemployment rates and continued displacement of peasants due to land grabbing even before the pandemic have cumulatively resulted in forcing an estimated 10.5 million Filipinos to work abroad.<sup>[651]</sup> Women make up more than 54 per cent of OFWs, both documented and undocumented. The bulk or 62.5 per cent of women OFWs work in the service industries of cleaning and domestic housework.<sup>[652]</sup> Every year, thousands of Filipino migrant workers also become victims of sex trafficking or labor trafficking in various industries.

### **Neglect of OFWs during COVID-19 pandemic**

Since the outbreak of the COVID-19 pandemic, the Duterte government has failed to provide immediate, organized and safe repatriation assistance to hundreds of thousands of OFWs, leaving thousands stranded at sea<sup>[653]</sup> or in their

host countries without enough food and water, medical assistance, financial assistance and adequate shelters.<sup>[654]</sup> OFWs had to wait months and even up to more than a year before they were repatriated.<sup>[655]</sup> An overwhelming majority of OFWs who were repatriated paid for their own tickets to go home.<sup>[656]</sup>

Returning OFWs are met with the slow processing and release of their COVID-19 polymerase chain reaction (PCR) swab tests. This means prolonged stays in government quarantine shelters lacking adequate services, especially for pregnant women<sup>[657]</sup> and distressed migrant workers in need of urgent medical attention.<sup>[658]</sup> The government's disorganized pandemic transport program forced thousands of already traumatized workers to sleep on cardboard sheets on the streets around the national airport as they awaited flights to home provinces.<sup>[659]</sup>

The government's one-time financial assistance to displaced OFWs was too meager compared to the OFWs' needs, demanded too many documents, and was released late to the few deemed eligible.<sup>[660]</sup> It also disenfranchised many sectors of the OFW population: OFWs in jail, trafficking victims, undocumented Halaw's in Sabah, Au Pairs in Europe<sup>[661]</sup> and J1 visa holders in the US.<sup>[662]</sup> It excluded countries like Thailand, which have a significant OFW population affected by the global downturn in tourism and related industries.<sup>[663]</sup>

The Philippines is a top migrant labor-exporting country, but its embassies and consulates were closed in the early days of the pandemic, unable to provide support to distressed OFWs and OFWs in general.<sup>[664]</sup>

### **Repression of migrant rights defenders**

Already deprived of employment at home, OFWs have been dragged into Duterte's campaign of repression. The NTF-ELCAC pushed for the appointment of military attachés in Philippine embassies in countries with a significant OFW population. It held seminars that red-tagged Migrante International and other progressive organizations that organize for the rights of migrants and the Filipino people and are critical of the government.

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NTF-ELCAC action against OFWs intensified after Duterte signed the ATA in July 2020. The first Philippine Defense Attaché office in the Gulf Cooperation Council States was created in February 2021 in Abu Dhabi, the United Arab Emirates.<sup>[665]</sup> In Hong Kong, the NTF-ELCAC used a local group of Duterte supporters to red-tag leaders of progressive organizations who were opposing the mandatory PhilHealth premium increase.<sup>[666]</sup> In Taiwan, the Labor Attaché went to the house of a Filipino domestic worker to harass and intimidate her after she posted a video criticizing the Duterte government's pandemic mismanagement.<sup>[667]</sup> The PNP created outposts in the U.S., which ask the public to report "criminal activities" or concerns.<sup>[668]</sup> Progressive Filipino organizations and leaders in the U.S. were red-tagged by government-sponsored Facebook Pages and webinars.<sup>[669]</sup> In Australia, the NTF-ELCAC spokesperson Gen. Antonio Parlade Jr. held community forums to red-tag organizations critical of Philippine government policies.<sup>[670]</sup> In New Zealand, leaders of trade unions and Migrant Aotearoa were red-tagged by individuals connected with the Philippine government.<sup>[671]</sup> In Canada, there is increased surveillance by the Philippine consulate on activities of progressive and opposition groups.<sup>[672]</sup> OFWs have become victims of the Duterte government's militarist and inept response to the pandemic.<sup>[673]</sup>

### *Rights of Women and LGBTQ People*

Duterte's neoliberal policies mean worsening economic neglect of Filipino women and the LGBTQ community, especially during the COVID-19 pandemic, increasing poverty and further curtailing access to services and protection provided by law. His violent misogyny and general intolerance combine to bludgeon women and girls who campaign for their rights to peace and development.<sup>[674]</sup>

No other Filipino leader has been as brutal as President Rodrigo Duterte towards women campaigners for human rights, peace, and development. While generally intolerant of dissent, Duterte displays a unique and peculiar malice towards women as he attempts to crush resistance to plunder, exploitation, corruption, and criminally neglectful governance.

Duterte's anti-people and anti-woman character is primarily exposed through his sexism and persecution of women who oppose his macho fascist governance. Examples include Vice-President Leni Robredo,<sup>[675]</sup> Senator Leila De Lima,<sup>[676]</sup> women journalists such as Maria Ressa,<sup>[677]</sup> deposed Chief Justice Maria Lourdes Sereno,<sup>[678]</sup> Sister Patricia Fox,<sup>[679]</sup> women leaders of the movement and in the grassroots including Amihan, the National Federation of Peasant Women in the Philippines, whose bank accounts have been frozen.<sup>[680]</sup> This abuse demonstrates his outright violation of women's right to political participation despite the Magna Carta of Women,<sup>[681]</sup> adopted by the Philippine Congress in 2009, and the Philippines being a signatory to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>[682]</sup>

Duterte and his apologists excuse his violent language as a form of joking, but this endorses his feral worldview down the hierarchies of state security forces. His February 2018 order for troops to shoot women rebels in their vaginas led to state forces' horrific treatment of captured guerrilla suspects and unarmed women activists in the last three years.<sup>[683]</sup>

The body of an alleged guerrilla slain on April 15, 2019, showed deliberate signs of desecration, including a vagina shattered by a bullet.<sup>[684]</sup> On April 16, 2021, the targets were sisters, indigenous women hemp farmers in Surigao del Sur. The attackers, believed to be soldiers, smashed the faces and shattered the sexual organs of their victims, one of whom was an LGBTQ person, and the other only 12 years old.<sup>[685]</sup>

The attacks on women indigenous defenders of lands and rights are meant to mask Duterte's backing for foreign patrons and local business allies who eye pristine ancestral domains for mining, logging, dam, and plantation ventures.<sup>[686]</sup> The attacks only heightened from 2020 to 2021, when Filipino health workers, teachers, urban poor advocates, and farmers launched a series of protests against the draconian lockdown rules amidst government failures in the health and welfare fronts.

### **Pandemic heightens long-term neglect**

In the Philippines and across other cultures and societies, women and LGBTQ people are especially susceptible to violence -- because of discrimination against their class, their gender, and their beliefs.

Even before the pandemic, the Philippines already had the worst unemployment situation in Asia, with 16 million Filipino women economically insecure. Capitalist profit motives, neoliberal policies, and gendered inequities like unpaid work and absence of due social protection forced three of five women of working age into economic inactivity.<sup>[687]</sup> LGBTQ people face job discrimination, and the pandemic exacerbated their precarity. During the pandemic police arrest of a properly distanced and masked Pride March was a more open display of hostility.<sup>[688]</sup>

An overwhelming number of desperate Filipino women have accepted jobs as modern-day slaves in foreign countries.<sup>[689]</sup> They are bereft of any legal protection from their own government and are left to contend with layers of discrimination, violence, and abuse in their host countries. The Philippine pandemic management program, crafted and supervised largely by retired and active-service military and police generals, has intensified exposure to gender-based harassment and discrimination, and other forms of abuse.<sup>[690]</sup> Women comprise 72 per cent of the country's health care sector. The Duterte government failed to protect them when they were ostracized by communities fearful of infection, prompting churches, the private sector, and women's rights advocacy groups to intervene to provide them with emergency accommodation. Draconian cuts to public transport services stranded tens of thousands of health workers. Women also suffered sexual harassment in police checkpoints.<sup>[691]</sup>

Faced with widespread hunger during the pandemic, women initiated and managed "community pantries" to help the many in need. The Duterte government responded with mass arrests<sup>[692]</sup> and threats to withhold aid. Community kitchens were torn down and organizers of community pantries found themselves tagged as terrorist supporters.<sup>[693]</sup>

Duterte's overt misogyny, backed up by a well-

funded state propaganda network, has normalized gender-based abuse in and out of government.<sup>[694]</sup>

Joan May Salvador testified to an INVESTIGATE PH hearing that year-on-year reported cases of violence against women are at their highest levels in a decade. In 2016, the first year of Duterte's presidency, the number of reported cases of rape was 9,943, which is 53 per cent more than the annual average for the past decade. In 2019, reported incidents of violence against women peaked at 19,743 or 74 cases per day.<sup>[695]</sup> Duterte provoked outrage on September 7, 2020, when he unconditionally pardoned U.S. Marine Scott Pemberton who had served just over half of a 10-year sentence for killing Jennifer Laude, a transgender woman, in Olongapo City in 2014.<sup>[696]</sup>

Economic stress in families, the offshoot of lopsided state priorities, opened poor women to domestic abuse. According to the PSA, spousal or partner violence committed against women in lower decile incomes is at 31.6 per cent, compared to 18.3 per cent of women from highest income households. It comes as no surprise that 25 per cent of Filipino adults cite violence against women as among the most pressing problems during the current health crisis.<sup>[697]</sup> Duterte's war against the poor and his militaristic response to the pandemic have provided added fertile ground for rampant abuses by state security forces<sup>[698]</sup> who are quick to follow their Commander-in-Chief's misogynist and sexist orders.

Since the start of the PNP's anti-illegal drugs campaign, 13 policemen have been named in eight rape cases, 13 cases of acts of lasciviousness, and a case of sexual harassment and physical assault against women. "It is indeed contemptible that while the police try to justify the war on drugs as a way to curb the prevalence of rape in the country, members of the PNP themselves are raping women and committing other forms of sexual abuse under a regime that blatantly disregards women's rights and promotes a culture of impunity and abuse of authority," Salvador said.

GABRIELA itself has been maliciously red-tagged and its leaders and members branded as terrorists.<sup>[699]</sup> They face surveillance and harassment. Several members were arrested and

charged with trumped-up charges and some were killed.<sup>[700]</sup> Gabriela Women's Partylist, the sole women's sectoral party in the Philippine Congress for 17 years now, faces disqualification by an administration desperate to prevent it from running and winning seats again in the 2022 congressional elections.<sup>[701]</sup>

### *Rights of Urban Poor People*

President Rodrigo Duterte's government has used the COVID-19 pandemic as a catch-all excuse for neglecting the needs of poor Filipinos. But even before one of the world's longest and most draconian lockdowns wrought economic havoc,<sup>[702]</sup> Duterte had left economically vulnerable citizens at the tail-end of his priorities.<sup>[703]</sup>

### **COVID-19 pandemic impact on income, nutrition**

A study of the effects of the pandemic conducted by a coalition of groups working with the United Nations Development Program Philippines (UNDP PH) found 69 per cent of urban poor respondents to a survey earned below Php 10,000 (US\$200) per month in 2019, roughly at the country's poverty level, while 28 per cent were in the near poor category earning from Php 10,000 (US\$200) to 30,000 (US\$600) a month.<sup>[704]</sup>

A report by the economic think tank IBON Foundation, published just at the start of the Philippines' COVID-19 lockdown, said 16.6 per cent of the population or 17.6 million people lived in extreme poverty in 2018.<sup>[705]</sup> Food insecurity among Filipino households was at 64.1 per cent in 2019.<sup>[706]</sup>

During the INVESTIGATE PH hearing, Salvador pointed out the growing phenomenon of unpaid family work and informal self-employment among Filipinos. According to her, one in every two women who are considered employed actually belongs to the informal sector with very low wages and no job security, pushing them to seek multiple jobs. The total lockdown in 2020 due to the pandemic left 2.6 million from the informal sector without livelihood, the majority of whom are women.<sup>[707]</sup>

The capital's 70,000 jeepney drivers are protesting

"reforms" that would force them to replace their public utility vehicles with unaffordable new models. Duterte told them that he did not care if they went hungry.<sup>[708]</sup>

Duterte signed in 2019 the Magna Carta for the Poor (Republic Act No. 11291),<sup>[709]</sup> promising to harness the entire bureaucracy to ensure that poor Filipinos receive adequate food, especially during times of calamities and disasters, decent work, relevant and quality education, adequate housing and the highest attainable standard of health.<sup>[710]</sup>

Yet the Duterte government's track record is a long series of deliberate attacks on the urban poor, said Mimi Doringo, the Secretary-General of Kadamay, the National Alliance of Filipino Urban Poor, to an INVESTIGATE PH hearing.

### **War on the poor in the guise of "drug war"**

Doringo testified to the widespread fear among the urban poor because of Duterte's anti-illegal drug operations, a fear extensively reported on in the INVESTIGATE PH Initial and Second Reports. She pointed out that Duterte ignored surveys showing that 94 per cent of Filipinos wanted drug suspects captured alive, with almost 80 percent saying they feared being killed in his drug war.<sup>[711]</sup>

"Even before the harsh community quarantines established in March last year, Duterte's oppressive regime already had poor Filipinos living in fear behind its crosshairs," Doringo said.<sup>[712]</sup>

### **Displacement of communities and demolition of housing**

Duterte's notion of public service revolves around patronage. He has been extremely hostile to organized campaigns for change.

Duterte has denied the urban poor their right to adequate housing as enshrined in the UDHR.<sup>[713]</sup> One of every four people in Metro Manila lives in informal settlements,<sup>[714]</sup> bereft of shelter security. Profit-driven infrastructure projects under Duterte's flagship "Build Build Build" program have spawned demolitions even during the pandemic. All these violate RA 7279, the Urban Development and Housing Act of 1992.<sup>[715]</sup>

During her testimony Doringo, citing data from the Presidential Commission on Urban Poor (PCUP), said more than half a million families will lose their homes by 2022. The number, she added, reflects the fallout from only 15 urban developments.<sup>[716]</sup> The Duterte government has a nationwide list of 75 flagship projects affecting the urban poor. It has already started the relocation of more than 200,000 families in the capital to make way for the restoration of Manila Bay, with 50,000 homes to be torn down by year end.<sup>[717]</sup>

Resettlement to the edge of urban areas increases poverty levels among the urban poor by forcing them into long, expensive commutes to workplaces.<sup>[718]</sup> Government agencies acknowledge that more than half of the new home sites lack potable water supplies, forcing new expenses that poor families cannot afford. Buildings are substandard and too expensive, with “low-cost socialized” housing selling for Php 450,000 (US\$9,022), with monthly amortization of Php 300 (US\$6) to Php 1,000 (US\$20) imposed on families earning subsistence incomes.<sup>[719]</sup> Doringo testified that because of this many choose to leave the housing sites and return to the cities even just to live on the streets where they can make a small income. So the cycle of displacement will begin all over again.<sup>[720]</sup>

When 6,000 families, many affiliated with Kadamay, occupied substandard housing in Bulacan that police beneficiaries have ignored for years, an irate Duterte ordered police to shoot other homeless families planning to take over similar abandoned housing.<sup>[721]</sup>

The swift pace of urban displacement contrasts with budgetary slowdowns, with Duterte slashing the Housing and Resettlement budget by 76 per cent since he assumed office. Doringo testified that this has led the overall housing backlog in the country to balloon to 6.7 million from 5.5 million.<sup>[722]</sup>

### **Pandemic lockdown horrors**

The Philippines’ management of the COVID-19 pandemic demonstrates Duterte’s governance style: fear over needs. Preparations for the lockdown that started in March 2020 left the

urban poor out in the cold.

The sudden economic shutdown left 5.6 million low-income earners and small-scale entrepreneurs stranded in the capital with no income.<sup>[723]</sup>

Generals assigned to implement the lockdown ordered people indoors and police started arresting residents who ventured out to alleys, disregarding the fact that many urban poor families depend on outdoor community water sources.<sup>[724]</sup> Around 400,000 Metro Manila families or 14.1 per cent live in shanties of less than 10 square meters, where people do all their living activities in one room.<sup>[725]</sup>

Between March and September 2020, the government arrested more than 100,000 persons. Many, unable to produce bail, were thrown into congested detention centers where they languished in conditions conducive to the spread of COVID-19, waiting to be cleared by courts working at half capacity.<sup>[726]</sup>

The government again showed lopsided fiscal priorities that favored state security forces but reduced aid to economically vulnerable sectors, driving working-class families to homelessness and utter destitution.<sup>[727]</sup> Even the so-called middle class has seen purchasing power diminished and small entrepreneurs face bankruptcy.<sup>[728]</sup>

Duterte boasted of aid in the early days of the pandemic but quickly whittled down what locked-down citizens could receive to Php 4,000 (US\$80), less than one-half of a month’s salary on minimum wage stretched out for three months. The daily minimum wage in the capital is Php 537 (US\$10.76). IBON’s computation of the living wage - what a family of five needs - is Php 1,065 (US\$21.34) per day or Php 25,091 (US\$502.95) per month.<sup>[729]</sup>

Congress gave Duterte emergency powers, including over the national budget. But in August 2021, the Commission on Audit said the Department of Social Welfare and Development (DSWD) failed to utilize Php 780.712 million (US\$15.64 million) in funds for the social amelioration program (SAP), which means 195,000 families were deprived of aid.<sup>[730]</sup>

## Duterte

Official government statistics show that six out of 10 households experienced moderate to severe food insecurity, a situation that peaked between April and May 2020 during the Enhanced Community Quarantine. Unemployment forced families to purchase food on credit, borrow food from neighbors, and barter personal items for food.<sup>[731]</sup>

Abusive enforcement of pandemic rules led to more than 900 complaints alleging torture, inhumane treatment, arrests, or detention lodged with the Philippines' Commission on Human Rights.<sup>[732]</sup>

People protested and Duterte then red-tagged them. "Despite the change in tags, from 'drug addict' to 'communist rebels', urban poor communities remain as targets of Duterte's attacks. Progressive urban poor community leaders have become prime subjects for stalking, harassment, and summary execution by state forces," Doringo said.

Kadamay's Secretary General Carlito 'Karletz' Badian was gunned down by police and military agents in his home in Leyte amid the strict community quarantines last year, with his body later found in a shallow grave by a riverbank.<sup>[733]</sup> He was a hard-working, steadfast advocate of urban poor housing rights, who led the barricades at Sitio San Roque in 2010 and 2014,<sup>[734]</sup> and the Occupy Bulacan movement in 2017, where 12,000 homeless people took over 6,000 vacant or abandoned homes set aside for police and military.<sup>[735]</sup>

Inhabitants of urban poor communities, have also been subjected to harassment, trumped-up charges, illegal arrests, illegal raids, kidnapping, torture, and summary executions.<sup>[736]</sup> John Griefen Arlegui, and Reynaldo Remias Jr., two urban poor residents from Pandi, Bulacan, were kidnapped in broad daylight in April 2019 by armed men believed to be police agents in civilian clothes.<sup>[737]</sup>

## Violations of Social and Cultural Rights under

In addition to the violations of economic and social rights outlined above, the Duterte administration's violations of social and cultural rights have had a devastating impact on the Filipino people. Social and cultural rights are those collective rights that allow for people to determine their actions in line with their convictions and culture,<sup>[738]</sup> as well as those that apply to specific types of people or to specific sectors because of their unique social and cultural positions, such as indigenous peoples (IPs). These social and cultural rights also include access to education, all forms of cultural and artistic expression, freedom of expression and the benefits of scientific advances.

### *Rights of Children*

The social and cultural rights of children are violated when the economic conditions of their families prevent their healthy development and education and when their uniqueness as children is disregarded in security forces' violent attacks against them in the course of anti-drug and counter-insurgency operations.

The ICESCR calls for "the protection of the family, especially when caring for dependent children" (Article 10), the UDHR requires "special care and assistance" be given during motherhood and childhood (Article 24), and the UN Convention on the Rights of the Child<sup>[739]</sup> requires that "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age" (Article 37: C). Furthermore, the Philippine Constitution asserts that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.<sup>[740]</sup> Republic Act 7610 says that the best interests of children shall be the paramount consideration in all actions concerning them.<sup>[741]</sup> Philippine law requires that the right of every child, accused of any crime, shall be treated in a manner consistent with the promotion of the child's sense of dignity and worth.<sup>[742]</sup> All such necessary considerations of children are violated when these children are

killed, sexually abused, and forcibly removed from their parents at the cost of their health and life, and also when their basic needs of shelter, food, clothing and medical care are not met because of their economic marginalization.<sup>[743]</sup>

### Police and state violence against children

Duterte launched his all-out “war on drugs” on June 30, 2016, promising to save Filipino children. Yet scores of children have died in this war against the poor, and not only incidentally.<sup>[744]</sup>

With hardly any credible evidence submitted to courts or agencies mandated to care for children in conflict with the law, police have targeted children in the brutal “tokhang” campaign during anti-drug operations.<sup>[745]</sup> Eule Rico Bonganay, Secretary General of Salinlahi Alliance for Children’s Concerns, stated in his testimony to an INVESTIGATE PH hearing that contrary to what the police have been persistently claiming, children are direct targets of these police operations and not just mere collateral damage.<sup>[746]</sup>

In 2019, Duterte turned Negros Island into a killing field and the youngest victim was Marjun Ocampo, a 1-year-old child.<sup>[747]</sup> Jhun Mark Acto, a 15-year-old child, who was maliciously branded as NPA, was killed in Davao del Sur on April 21, 2018.<sup>[748]</sup> On August 16, 2017, Kian Delos Santos, a 17-year-old boy, was killed by police in an alleged anti-drug operation. Had it not been for the CCTV camera footage, the three policemen involved in the killing would most probably not have been convicted – the first and only ever conviction of officers in the Philippines in relation to the “drug war”.<sup>[749]</sup> But most of the cases involving children slain by the police and state agents have not only been ignored in government investigations. Authorities actually try to block efforts to seek justice for these killings. Furthermore, as part of his anti-drug campaign, Duterte started moves to rollback gains made for Filipino children, including the Juvenile Justice and Welfare Act. He called for the lowering of the age of minimum criminal responsibility from 15 to 12,<sup>[750]</sup> modifying his initial plan of 15 to 9 only after pushback from politicians and campaigners.<sup>[751]</sup> This proposed legislation could also result in children being arrested and detained in

the already overcrowded and dangerous adult detention centers.<sup>[752]</sup>

The rights of children are violated, not only in anti-drug operations, but also in the police’s militarized response to the COVID-19 pandemic. In July 2020, Fabel Pineda, a 15-year-old girl, who violated quarantine curfew, was molested by the policemen who held her in custody. After filing rape charges against the cops, Fabel was gunned down.<sup>[753]</sup> On March 26, 2020, two children were locked in a coffin in Cavite and on March 20, five young people were locked inside a dog cage, in both instances for allegedly violating quarantine protocols.<sup>[754]</sup> Article 37 of the UN Convention on the Rights of the Child requires States to ensure that “no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment” - a right which is grossly violated in these cases.<sup>[755]</sup>

The state’s counterinsurgency operations also lead to the deaths of children and the violations of their rights. The November 2019 arrest of human rights worker and Kadamay political activist, Reina Mae Nasino, led to the death of her baby, from whom she was forcibly separated only a month after her birth in prison.<sup>[756]</sup> This separation was mandated by prison authorities, even after health experts recommended exclusive breastfeeding. In less than two months, Baby River died due to respiratory disease, a condition which could have been prevented had she been properly nourished by her mother’s breast milk.<sup>[757]</sup> Similarly, in September 20, 2020, a peasant rights advocate in Negros Oriental, Nona Espinosa was arrested.<sup>[758]</sup> Three days after giving birth in prison, Espinosa and her baby were separated. Baby Carlen died due to an infection in the lungs and blood after being hospitalized for a few days because of low hemoglobin count.<sup>[759]</sup>

Beyond these deaths, the Duterte administration has created such dire conditions through their war on the poor,<sup>[760]</sup> their war on dissent, war on the Moro people,<sup>[761]</sup> their militarized response to the pandemic and their economic policies that the rights of children are also being violated in daily life. In anti-drug operations, tens of thousands of breadwinners and caregivers were slain, forcing many children to drop out of school and start working and living on the

streets. These children also suffer the debilitating emotional, psychological, and economic effects of the violence,<sup>[762]</sup> despite the assertion in the Philippine Constitution providing for protection to children against all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. Article 19 of the UN Convention on the Rights of the Child also requires States to “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.”<sup>[763]</sup>

Amid the pandemic and global economic recession, the Philippines is facing a human rights crisis of extreme and unalleviated poverty. As the Philippine government implements neoliberal policies of privatizing basic social services, children from marginalized and vulnerable communities are deprived of access to health and education.<sup>[764]</sup> This has a direct impact on Filipino children who face many economic challenges that hinder the full realization of their basic rights to survival, development, protection, and participation in social and cultural life. In his testimony to INVESTIGATE PH, Bonganay stated, “The country’s dire socio-economic conditions marred by the declining economic growth, rising unemployment and widespread landlessness have pushed the majority of Filipino families deeper into the quagmire of poverty.” He further noted that, “While nutrition has become more essential during the pandemic, little attention has been given to implement measures addressing child hunger.”

Contrary to his professed love for children, Duterte has shown himself to be their enemy. He has threatened to rain down bombs on Lumad indigenous schools in Mindanao,<sup>[765]</sup> and encouraged state forces to go after dissenting students<sup>[766]</sup> as well as their mentors and parents. In the name of pandemic management, security forces have violated the rights of minors through sexual and physical abuse. Since the beginning of the Duterte administration, the government has implemented programs and policies that further victimize Filipino children and their families, and in his State of the Nation Address (SONA) on July 26, 2021, he failed to push for the passage of

bills pertaining to the welfare of the children,<sup>[767]</sup> despite it being the longest SONA since 1986, at two hours and forty-six minutes.<sup>[768]</sup>

### Sexual abuse of children

The 2021 Trafficking in Persons (TIP) report of the U.S. State Department maintained the Philippines at its Tier 1 ranking for “battling human trafficking for six consecutive years.” However, despite having systems to go after traffickers and to assist survivors, Philippine authorities were still unable to hold accountable erring officials who were complicit in the crimes.<sup>[769]</sup>

The Philippines has long remained a hotspot for sexual exploitation and trafficking, even being dubbed by the United Nations Children’s Fund (UNICEF) the “global epicenter of the live-stream sexual abuse trade.”<sup>[770]</sup> The pandemic has motivated higher rates of sexual exploitation of children.<sup>[771]</sup>

### *Right to Education*

The ICESCR specifies that education should be accessible, noting that “primary education will be compulsory and free to all, secondary and higher education shall be generally accessible to all and progressively be made free.” (Article 13). Thus, the lack of access to education because of economic marginalization constitutes a violation of social and cultural rights. The ICESCR also specifies the nature of education in that people have a right “to education directed to the full development of the human personality and the sense of its dignity [which] shall strengthen the respect for human rights and fundamental freedoms, promoting understanding, tolerance, and friendship among all peoples and religions, advancing United Nations’ actions for peace.”

Furthermore, it specifies that education is a foundation on which to build peace and drive sustainable development,<sup>[772]</sup> and the Philippine Constitution further guarantees that quality education at all levels and accessible education to all shall be promoted and protected<sup>[773]</sup> and that the education sector shall be assigned with the highest budgetary priority by the State.<sup>[774]</sup> The Duterte administration has ignored the mandates of these international and national laws -- in

terms of both access to and quality of education -- trampling on one of the most basic development rights of children.

### **Pandemic impact on enrollment, education budget**

With respect to educational access, Professor Judy Taguiwalo, the former Secretary of Social Welfare and Development, said in her testimony to INVESTIGATE PH: “The pandemic has led to a drop in enrolment figures for basic education in SY 2020-21 compared to SY 2019-2020. Private school enrollment went down from 4.3 million to 2.2 million, a decline of 2.08 million students. While public schools enrolment increased from 22.6 million to 22.7 million - an increase of 192,000 - a 1.9 million net decrease in enrolment in basic education was recorded.”<sup>[775]</sup> The lack of concern and the cut in the education budget by the Duterte administration as its response to the COVID-19 pandemic has exacerbated the long-standing economic, social and educational inequalities which have contributed further to the violation of the right to education of Filipino children and youth.<sup>[776]</sup>

In her testimony, Professor Judy Taguiwalo shared the findings of the National Union of Students in the Philippines (NUSP), an alliance of student councils/governments in the Philippines. According to NUSP’s findings, prior to the pandemic, out of every 100 Grade 1 enrollees, 64 will finish elementary, 56 will enroll in junior high school, 24 will finish junior high school, 18 will finish senior high school, 12 will enroll in college/tech-vocational education but only 7 will get a college degree/diploma/certificate.<sup>[777]</sup>

### **Red-tagging schools, teachers, universities**

On the other hand, the red-tagging of schools and educators as well as the restriction of civic space on university campuses violates rather than protects educational spaces in which respect for human rights and dignity is strengthened.<sup>[778]</sup>

In January 2021, the Department of National Defense (DND), with the support of Duterte, ended its decades-long accord with the University of the Philippines (UP) which prohibits state forces from entering its campuses without prior

notification to UP officials. The government justified this action with unproven claims that UP is recruiting members to the communist movement.<sup>[779]</sup> Barely more than a week after the DND unilaterally ended this accord, the “red-tagging” of universities started up again.<sup>[780]</sup> Brigadier General Antonio Parlade Jr., Assistant Deputy Chief of Staff for Operations of the Armed Forces of the Philippines (AFP) and Spokesperson for NTF-ELCAC, claimed that the CPP is recruiting members in more than 10 universities in Manila through screenings of martial law films.<sup>[781]</sup> This is not the first time the Duterte administration has red-tagged universities. In October 2018, after students’ massive protest against authoritarianism and dictatorship, the AFP issued a statement naming 18 universities as infiltrated by communists and being part of the so-called Red October plot to oust the President, without presenting any credible proof.<sup>[782]</sup>

Following Duterte’s declaration of Martial Law in Mindanao in May 2017, an increased military presence in indigenous Lumad communities caused fear among students and prevented them from going to school. At a press conference, Duterte warned Lumads to steer clear of community schools without permits from the Department of Education, claiming they taught subversion and communism to their students and that he would not hesitate to drop explosives on the schools if they continued to operate.<sup>[783]</sup>

Unions in the public sector like the Alliance of Concerned Teachers (ACT) and the Alliance of Health Workers (AHW) were branded as communist fronts. In the last days of 2018, the police requested an “inventory of all public and private teachers who are members or aligned with ACT.” As a result, three educators were jailed while ACT members from all over the country have suffered from anxiety over profiling and continuous harassment.<sup>[784]</sup>

These attacks on organizations of teachers and the red tagging of academic institutions, personnel and students, the military occupation of rural schools and the closure of Lumad schools are evidence of the violations of ICESCR by the Duterte regime. Professor Taguiwalo noted in her testimony that, “The enjoyment of the right to education in the country and its related rights

such as freedom of assembly and academic freedom have clearly been violated by the Duterte government.” This is a clear violation of Article 26 of the UDHR which states that everyone has the right to education and that “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”<sup>[785]</sup> The Philippine Constitution states that education should be directed to the development of the child’s personality, talents and abilities, the respect for human rights and fundamental freedoms, responsible life in a free society, understanding, tolerance and equality, and the development of respect for the natural environment.<sup>[786]</sup>

### *Religious Freedom*

Article 18 of the UDHR specifies that “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>[787]</sup>

Further, the Philippine Constitution guarantees that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.<sup>[788]</sup> Yet both Christians and Muslims in the Philippines have had this freedom violated.

In his testimony to INVESTIGATE PH Most Rev. Gerardo Alminaza, Bishop of the Catholic Diocese of San Carlos, Negros Occidental, gave evidence for why serving the poor and oppressed constitutes a manifestation of one’s religion in “practice” and “observance.”<sup>[789]</sup> He stated that many Christians, whether Roman Catholic, Protestant, Evangelical, or Non-Roman Catholic, consider social justice, peace, and valuing the fullness of life to be central to their religious beliefs and practice. For the Roman Catholic Church, Bishop Alminaza cited the Compendium of the Social Doctrine to demonstrate that their mission and ministries must include work to protect human rights and freedoms and to recognize the need for political reforms when the government does not protect these rights and freedoms. Other denominations, as expressions of their belief in defending the dignity of every person, have their own witness

and service to people that mirror that of the Roman Catholic’s. The attacks against churches and church leaders, who are working to protect the rights and freedoms of the marginalized sectors including the IPs and the urban poor, are not only violations of civil and political rights, but also violations of the religious freedom to exercise ministries oriented towards social justice.<sup>[790]</sup>

### **Red-tagging prelates, nuns, pastors, lay church workers**

In several instances, Duterte himself and military and police officials have directly attacked prelates,<sup>[791]</sup> nuns,<sup>[792]</sup> pastors and lay church workers<sup>[793]</sup> as members of terrorist groups or protectors of terrorists and drug lords, because of their work serving the poor and marginalized. Beyond this, various human rights violations have been committed against churches and church people who are pursuing their ministry based on their faith.<sup>[794]</sup> “Church people, ministries, and faith-based organizations experience threat, harassment, and intimidation for providing support and relief to communities and individuals whose rights have been violated by the different anti-people, anti-poor campaigns of the Duterte administration,” said Bishop Alminaza. In his own Diocese of San Carlos, Zara Alvarez, a lay church activist and the former education director of Karapatan, died on the spot after being shot six times last August 17, 2020.<sup>[795]</sup>

A warrant of arrest was issued in December 2019 against Sr. Elenita “Ellen” Belardo, a Religious of the Good Shepherd (RGS) nun and the former National Coordinator of the Rural Missionaries of the Philippines (RMP) as “retaliation”, evidently in reprisal for the petitions for writs of amparo and habeas data filed against ranking military officials involved in red-tagging.<sup>[796]</sup> The General Secretary of the National Council of Churches in the Philippines (NCCP), Bishop Reuel Norman Marigza, spoke out against the ATA. His photos were posted twice without his knowledge and consent by a Facebook troll page “Timek ti Cagayan” (Voice of Cagayan), maliciously implicating him as a “communist”.<sup>[797]</sup>

United Church of Christ in the Philippines (UCCP) Bishop Hamuel Tequis, Rev. Daniel Palicte, Ephraim Malazarte, Jong Monzon, Secretary-

General of Pasaka Confederation of Lumad Organizations in Southern Mindanao (Pasaka-SMR), Lindy Trenilla, and Grace Avila have been slapped with criminal charges in the exercise of their missions.<sup>[798]</sup> They were indicted for alleged child abuse under Republic Act No. 7610. The case against UCCP-Haran's administrators is pending before the Davao Regional Trial Court, which ordered their arrest in April 2021. Authorities have accused the UCCP-Haran of harboring communist NPA rebels and of allegedly serving as a training and recruitment ground for the communist rebel movement.<sup>[799]</sup> Amid the pandemic and its economic fallout, a community-initiated food bank, popularly known as "community pantry", was initiated to contribute food and other necessities to be taken free by anyone who needs them. Various religious groups joined the effort by putting up their own community pantries. On April 20, 2021, however, the Quezon City Police District and the NTF-ELCAC linked the initiative to the communist movement.<sup>[800]</sup> Security forces visited and inappropriately questioned Roman Catholic priest and former Executive Secretary of Caritas Philippines, Fr. Edwin Gariguez, and Rev. Glofie Baluntong, District Superintendent of the United Methodists Church in Mindoro, while both religious leaders were leading relief and development ministries with the Mangyan communities in Mindoro. Several other humanitarian missions of faith-based organizations have also been vilified and red-tagged.<sup>[801]</sup>

### Duterte's personal abuse of religion

Duterte himself dismisses the faith-based practices of Christian missionaries and leaders and attacks them verbally and legally when their missions run contrary to his agenda. In 2019, Duterte denounced bishops as "sons of bitches," "gay," and "mga babaero" / womanizers.<sup>[802]</sup> Duterte even blasted the Bible's Creation Story by cursing God and remarking "Who is this stupid God?"<sup>[803]</sup> Sister Patricia Fox, an Australian missionary who spent almost three decades in the Philippines, was forced to leave the country after she denounced Duterte's violent drug war and worked for poor peasants' and workers' rights.<sup>[804]</sup>

As the national government cracked down on critics by alleging they support communist rebellion,

in March 2021 the Anti-Money Laundering Council (AMLAC) froze the bank account of the United Church of Christ in the Philippines Haran Center in Davao City. This account held just Php 72,275.91 (US\$1,447.37), an amount way below the threshold set in the anti-money laundering law.<sup>[805]</sup> The AMLAC also ordered a 20-day freeze on RMP's bank accounts allegedly for financing the NPA.<sup>[806]</sup> As the RMP sought legal remedy, a forgery case was also leveled against them.<sup>[807]</sup>

UCCP-Haran has provided sanctuary to the Ata-Manobo people since 2015, when a paramilitary group organized by the Philippine armed forces threatened the Ata-Manobos for resisting logging and plantation projects on their ancestral lands. Duterte made false promises to bring back the Ata-Manobos to safe communities, but later led efforts to curtail their rights, branding them as NPA supporters.<sup>[808]</sup> The UCCP-Haran Center itself was also falsely accused of child abuse, trafficking, harboring rebels and financing terrorism.<sup>[809]</sup>

Security forces also red-tagged and attacked the Iglesia Filipina Independiente (IFI), declaring some of its prelates as enemies of the state.<sup>[810]</sup> Many of its leaders, including Obispo Maximo Rhee Timbang, Bishops Felixberto Calang and Antonio Ablon, as well as their priests and lay leaders including Fr. Marco Sulayao of Panay, are frequent targets of red-tagging. Two lay ministers, Erning Aykid in Oriental Mindoro and Briccio Nuevo, Jr. in Negros Oriental were killed for their advocacy on behalf of IPs and farmers.<sup>[811]</sup>

### Disregard for Islamic faith

The testimony to INVESTIGATE PH by the Sultan of Marawi, Abdul Hamidullah T. Atar, highlights how the Marawi siege violated the religious freedoms of the Maranao people. The siege of Marawi City, the only Islamic City in the Philippines, destroyed the city's infrastructure and led to the displacement of over 400,000 Marawi residents, with 127,000 individuals still unable to return.<sup>[812]</sup> In addition to the loss of an estimated 1,000 civilian lives, and the destruction of homes and schools, religious and cultural sites were also destroyed, including an estimated 25 mosques.<sup>[813]</sup> Those people displaced from Marawi long to return to their city, but as Sultan Atar noted, the government's "comprehensive plan for Marawi rehabilitation

[has] never become inclusive: [it is] culturally insensitive and disrespectful of the rights and dignity of the Internally Displaced Person (IDP) victims.” This can be seen in the looting carried out by the AFP during the siege, the government’s lack of transparency with respect to the use of foreign and domestic funds for rehabilitation, and the government’s plan to build a military camp in ground zero - despite its continued failures to rebuild homes, schools, cultural and religious sites that are meaningful to the Maranao.

As Duterte himself admitted in his final SONA in July 2021, the rehabilitation of the war-torn Marawi City is still “not completed.”<sup>[814]</sup> Furthermore, City Health Officers refuse to sign death certificates and the authorities’ refuse to allow IDPs to return to the city to continue searching for those missing family members, thus preventing these families from carrying out burials for those lost in a culturally and religiously meaningful way that would allow them some closure in the midst of these gross violations of their rights.<sup>[815]</sup>

### *Rights of Indigenous Peoples*

The marginalization of IPs is situated within broader violations of the social and cultural rights of IPs. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states that IPs have the right to self-determination (Article 3), the right to the protection of indigenous identities and cultures (Article 8), the right to live on, own and control their lands, territories and resources (Article 10 and Article 26), and to establish and control their educational systems in a culturally appropriate manner (Article 14). UNDRIP also establishes that effective mechanisms for the protection of these rights shall be provided for by the State.<sup>[816]</sup> Beyond this, in the Philippine Constitution, the State also recognizes and promotes the rights of IP cultural communities within the framework of national unity and development.<sup>[817]</sup>

These rights are being violated first and foremost through the destruction of ancestral lands and the displacement of IPs from their land -- all of which marginalizes IPs economically, deprives them of their distinct identities, disallows them from continuing cultural practices, disrupts traditional practices of ownership and land

management, and prevents indigenous children from receiving culturally appropriate education, or any education whatsoever. In her testimony to INVESTIGATE PH, BAYAN MUNA (People First) House Representative and Manobo tribeswoman Eufemia C. Cullamat gave the following comments on the importance of land to the protection of IP rights:<sup>[818]</sup>

“For indigenous peoples, land is life. Indigenous communities give primary importance to ancestral lands which provide communities with food, medicine, shelter, and many other resources. Rights to land are acquired primarily through the investment of labor and improvements on the land and access and control to it regulated by customary laws which have evolved in the communities through time. This is in contrast to state policy that sees most of the ancestral lands, especially the timberland and mineral part of the ancestral domains, as property of the state by virtue of the Regalian doctrine and therefore at the government’s disposal, with the view that land is a commodity that can be sold or leased.”

The State’s view of land as a commodity can be seen in its approval of development projects and extractive industries including mining, dams, logging and plantations. Such plunder and exploitation has caused IPs to lose their ancestral lands and to be displaced, and contributes to environmental degradation through the destruction of forests, pollution of waters and loss of biodiversity as a result of impacts of extractive industries and agricultural modernization.<sup>[819]</sup> The effects are social, economic and cultural, and these industries create the conditions through which IPs, who compose of an estimated 10 to 20 per cent of the country’s population,<sup>[820]</sup> have become one of the poorest and most marginalized sectors of Philippine society. As stated by House Representative Eufemia C. Cullamat, the situation has only worsened under the Duterte administration, and continues to worsen. Despite the promise of change, there is an ongoing plunder of resources in ancestral lands along with intensified violation of IP rights.<sup>[821]</sup>

### **Plunder and exploitation of ancestral domain**

In 2018, under the Duterte government, the

Philippines signed numerous loan agreements with China. These agreements paved the way for the development of the Chico River Pump Irrigation Project, to irrigate 8,700 hectares of agricultural farms in Tuao, Cagayan and Pinukpuk, Kalinga,<sup>[822]</sup> and the Kaliwa Dam Project, which is set to submerge the villages of Daraitan in Rizal province and Queborosa in Quezon province.<sup>[823]</sup> Despite the threats to IP communities and the massive damages to the environment and biodiversity,<sup>[824]</sup> President Duterte declared that he would use “extraordinary powers” to ensure that these projects are pushed through.<sup>[825]</sup>

After more than six years of delay due to the opposition from environmental and IP groups, the construction of the Jalaur Mega Dam began on April 10, 2019. Opponents cited the dislocation of IP communities, whose villages, farms and ancestral land will be either submerged or indirectly affected by the construction and operation of the dam.<sup>[826]</sup> In August 2020, Duterte fast-tracked the Jalaur Mega Dam project.<sup>[827]</sup> In November 2020, a community leader reported army and police harassment of local residents to the Commission on Human Rights,<sup>[828]</sup> and on December 30, 2020, security forces killed nine IP leaders in the Tumandok massacre.<sup>[829]</sup>

Construction of a China-funded hydropower dam, the South Pulangi Hydroelectric Power Plant (PHPP) project, located about three hours north of Davao City, threatens 20 indigenous communities in Southern Mindanao. This project will flood about 7,000 acres of indigenous land in four villages and will affect approximately 30,000 people who live in the area.<sup>[830]</sup> For many years IP opposition to the PHPP has been met with militarization, harassment, indiscriminate firing and extrajudicial killing.<sup>[831]</sup>

The Tampakan Project, which has one of the largest copper deposits in the world, has been granted the right to mine around 10,000 hectares within the lands of IPs located at Tampakan, South Cotabato, and Kiblawan in Davao del Sur<sup>[832]</sup> despite opposition from members of the B’laan tribe who have warned of the potential destruction of watersheds and farms.<sup>[833]</sup>

To make things worse, on April 14, 2021, Duterte signed Executive Order 130,<sup>[834]</sup> overturning the

one signed by his predecessor, Benigno Aquino III, that had barred new mineral agreements until Congress passed a law on rationalizing existing revenue sharing schemes. Duterte’s new measure opened up new environmental areas to mining, further prioritizing profit over a healthy ecology and IP rights.<sup>[835]</sup>

Mindanao, the home of more than half of the natural and mineral resources of the Philippines, now hosts the largest rubber, banana and pineapple plantations and huge mining projects. These agri-plantations and mining corporations encroach on peasant and IP communities in Bukidnon, South Cotabato, Sarangani, Davao de Oro, Davao del Norte, Davao del Sur, Davao Oriental, and Davao Occidental with around 500,000 hectares of land planted primarily with export crops.<sup>[836]</sup>

Such ongoing plunder and exploitation across indigenous lands in the Philippines deprives IPs of their ability to make a living, to manage their land in line with traditional values and practices and displaces whole communities. One of the effects of this displacement is the disruption of indigenous education.<sup>[837]</sup> The Lumad bakwit (evacuee) schools are educational spaces in which displaced IPs attempt to pass on culturally relevant, traditional education to their children -- even while outside of their ancestral homelands.<sup>[838]</sup> However, even in these attempts to assert their rights to indigenous education, educators and students face the Duterte administration’s continued attacks. President Duterte has specifically ordered attacks on Lumad communities and has forced 215 Lumad community schools to close, affecting the education of 10,000 students.<sup>[839]</sup> On February 15, 2021, the “Bakwit 7,” comprising three Lumad students, two Lumad Datus, and two volunteer teachers, all displaced by conflict in Mindanao, were wrongly arrested during a police operation on their temporary school in the University of San Carlos, Cebu.<sup>[840]</sup> The Bakwit 7 were accused of training Lumad students to be child rebels.<sup>[841]</sup> Police and government agencies claimed it was a “rescue operation” when in fact the students were already making the transition back to their communities.<sup>[842]</sup> The false charges were eventually dismissed even at the prosecutors’ level.<sup>[843]</sup>

### Attacks on IPs defending ancestral domains

IP leaders continuously work to assert their rights to land in the face of such violations. However, rather than responding to their protests, the Duterte administration and state security forces have responded by attacking IP organizations, leaders and schools through military bombardment and occupation, extrajudicial killings, trumped-up charges and red-tagging. These attacks violate the rights of IPs to self-determination and suppress their attempts to assert these rights.<sup>[844]</sup>

As discussed in the INVESTIGATE PH Initial Report, on December 30, 2020, a month after Duterte fast-tracked the construction of the Jalaur Mega Dam, nine Tumandok leaders who opposed the dam were tortured and killed in their homes 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.” Apart from the massacre, 17 individuals were illegally arrested based on trumped-up charges.<sup>[845]</sup>

Attacks against IP land defenders also reveal the cooperation between foreign investors and the Philippine government in stealing and plundering indigenous land. For instance, IPs have been attacked by state security forces and overruled by the Duterte administration in their attempts to defend their land against large-scale mining carried out by multinational company OceanaGold. In 2017, members of the anti-mining group, Kasibu Inter-tribal Response for Ecological Development (KIREED), were arrested, but later released due to lack of evidence, for allegedly supporting communist rebels. They were actually campaigning against the gold and copper mining operations of OceanaGold in Didipio, Nueva Vizcaya. A people’s barricade which started in July 2019 contributed to the temporary suspension of OceanaGold’s operations.<sup>[846]</sup> In 2021, however, amidst the current pandemic and despite the appeals to Duterte by provincial government and religious leaders in Nueva Vizcaya not to renew OceanaGold’s expired permit to operate, he still allowed it to resume operations.<sup>[847]</sup>

Similarly, Del Monte Philippines, the well-known

fruit producing brand and major exporter to the U.S., has been linked to allegations of fraud and charged with using coercion to remove IPs from a banana plantation in Mindanao. In 2017, Renato Anglao, the Secretary-General of Tribal Indigenous Oppressed Group Association (TINDOGA), was shot dead after demanding the return of their lands being used for agribusiness plantations.<sup>[848]</sup>

### Red-tagging by National Commission on Indigenous Peoples (NCIP)

The issue of red-tagging, which has already been documented in the INVESTIGATE PH Reports as a violation of civil and political rights, is also a violation of the social and cultural rights of IPs. This can be seen in the NTF-ELCAC’s close collaboration with the NCIP -- the Philippine government agency supposedly mandated to advance the rights of IPs -- in vilifying and red-tagging indigenous leaders, militarizing indigenous communities, and forcing faked mass surrenders of supposed “rebels.”<sup>[849]</sup> This repression facilitates land-grabbing which the NCIP is complicit in.<sup>[850]</sup>

The NCIP even refuses indigenous communities’ self-ascription, by denouncing the use of certain terms, thereby violating IPs rights to maintain their integrity as a distinct people (UNDRIP, Article 8). For instance, the NCIP Resolution 08-009-2021 on March 2, 2021, denounced the use of the term “Lumad”. The word “Lumad”, meaning “indigenous” or “native” was adopted by 15 Mindanao ethnic groups in their Cotabato Congress in 1986, to distinguish themselves from Moro or Christian Mindanaoans.<sup>[851]</sup> But in reference to “Lumad”, the NCIP, falsely claims that its “emergence and continued use are marred by its association with the CPP, NDF, and NPA whose ideologies are not consistent with the cultures, practices, and beliefs of ICCs/IPs.”<sup>[852]</sup> NCIP officials have made the same remarks claiming that Igorot and Tumandok are words “used only by the CPP-NPA-NDF.”<sup>[853]</sup>

IP organizations are similarly targeted through red-tagging. The regional director of the PNP in Cordillera, on February 9, 2021, issued a memorandum to local police departments urging them to “encourage” local government units to

pass resolutions against the Cordillera People's Alliance (CPA), an indigenous organization that has opposed mining and dams for decades. A PNP memo dated January 26, 2021, had declared these groups "persona non grata" and listed 25 organizations, including indigenous, labor, women's, and youth groups, as well as political parties, to be repressed.<sup>[854]</sup>

IP leaders who advocate for the rights of indigenous people at both the national and international level are being red-tagged. Windel Bolinget, an indigenous rights defender and the Chairperson of the CPA based in the Northern Luzon highlands, faced a trumped-up murder case in far-away Davao del Norte last August 2020. Then police constantly surveilled his office and movements and harassed his family and friends for information on his whereabouts. In January 2021, the Cordillera Police Chief put a bounty on his head and then issued a shoot-to-kill order. Bolinget presented himself to the National Bureau of Investigation (NBI) to prove his innocence and to access protection. On July 12, 2021, the Regional Trial Court (RTC) of Davao del Norte dismissed the fabricated charge of murder filed against him and his co-respondents.<sup>[855]</sup>

And finally, IP civilians are red-tagged, removed from their communities, tortured and falsely charged — even amidst the ongoing destruction of their ancestral homelands. Aeta farmers Japer Gurung and Junior Ramos were accused of being NPA members and of firing at a group of soldiers in Barangay Buhawen, San Marcelino, Zambales, and charged under the ATA. Their arrests came after the military had repeatedly bombed the Aeta communities<sup>[856]</sup> to displace them and to pave the way for mining exploration by Dizon Copper-Silver Mines, Inc., which the Aeta residents oppose as detrimental to the environment and their ancestral lands.<sup>[857]</sup>

### **Aerial bombing, white phosphorus**

In her testimony, House Representative Cullamat noted that it is not only through red-tagging and plundering of indigenous lands that IPs' rights are being violated, but also through the militarization and bombings of their lands.<sup>[858]</sup> In 2017, the AFP and PNP conducted military combat operations in Malibcong, Abra, which is

part of the ancestral domain of the Tingguians belonging to the Mabaka, Banao and Gubang tribes.<sup>[859]</sup> Lt. Col. Dominic Baluga told the media that the fleeing NPA rebels torched the forest "to slow down pursuing troops from catching up with them." Baluga later on admitted that the military used "white phosphorus" that "only emits smoke for the marking." Under Protocol III of the Convention on Certain Conventional Weapons, air-dropping of white phosphorus, an incendiary weapon, within a concentration of civilians, is prohibited by IHL.<sup>[860]</sup> These airstrikes caused a forest fire that damaged crops, community farms, and forests. Over 18,200 IPs were affected by these aerial bombings, according to Cullamat. The forest fire spread wide, razing communal forest and pasture lands.<sup>[861]</sup>

## **Rights to Development, Peace, and National Self-Determination**

The Filipino people have the same rights as peoples of any other nation to self-determination, and to improving their lives in a safe environment and world. Yet despite many heroic efforts over centuries, this legal right eludes them. Although officially independent since 1946, the Filipino people do not control their nation's destiny, with the U.S. and global institutions dominated by the U.S. dictating on their governments.

When citizens organise in myriad ways to assert their legal rights, they encounter violent state power exercised in the interests of wealthy domestic classes, backed by U.S. interests.

The Duterte administration has unleashed the most violent expressions of state power since 1946, even worse than the Marcos Dictatorship.<sup>[862]</sup> Duterte has not just set aside the State's legal duty to enable genuine development, peace and national self-determination, he has actively worked against this mandate. Here is the crucible of the tragic and dramatic struggle for human

rights in the Philippines today.

**Neocolonialism and lack of equitable development**

Despite claims that the Philippine economy has experienced “outstanding” growth of six to seven per cent during the presidencies of Benigno Aquino III and Rodrigo Duterte up to the COVID-19 pandemic (2010-2019),<sup>[863]</sup> this growth has not been equitable and has often been jobless.<sup>[864]</sup> The huge inequalities and grinding poverty<sup>[865]</sup> of over half of the people have continued, as has the sustained large-scale export of labor because of the lack of economic and social development in the Philippines.<sup>[866]</sup> The government’s neoliberal development policies, reliant on privatization and courting foreign investment, have proved disastrous for most Filipinos and failed to bring equitable development. With the pandemic, real gross domestic product (GDP) fell radically to -9.6 per cent.<sup>[867]</sup> Yet rather than prioritizing relief and social services, the government has cut social spending, increased taxes on the poor, reduced taxes on the wealthy, and increased spending on the armed security forces.<sup>[868]</sup>

In December 1986, the UN General Assembly adopted a Declaration on the Right to Development<sup>[869]</sup> which integrated all the existing rights in the Charter, UDHR, declarations, covenants and mandates of the United Nations and its agencies into an overarching statement of the rights of people individually and collectively to a continuous improvement in their lives. It clearly spelled out that “the creation of conditions favourable to the development of peoples and individuals is the primary responsibility of their States.”

Its Article 1 states:

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.
2. The human right to development also implies the full realization of the right of peoples to self-determination, which

includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

While the Philippines became nominally independent in 1946, its economic development has remained subservient to U.S. interests ever since. This was first achieved through unequal trade agreements with the U.S.,<sup>[870]</sup> then by U.S.-backed agreements with the International Monetary Fund (IMF) and the World Bank (WB) from the 1960s that compelled structural adjustment programs,<sup>[871]</sup> and subsequently through many “free trade” agreements, including through the World Trade Organization (WTO) since 1995.<sup>[872]</sup> Since 1980, both agriculture and manufacturing have shrunk and services have expanded, producing a chronic trade deficit and labor export.<sup>[873]</sup> All important sectors of the economy are dominated by foreign capital.<sup>[874]</sup>

Of the 109 million Filipino people in 2021, at least 55 million and probably 65 million live in poverty. Yet inequality has grown, with land, wealth, and political power concentrated in the hands of a few oligarchs. This gross structural inequality<sup>[875]</sup> is the driver of movements for justice which confront the combined power of political elites and big corporations. Duterte’s regressive tax policies have distributed income upwards to the wealthy. The 2017 Tax Reform for Acceleration and Inclusion (TRAIN) increased consumption tax to hit the poor hard, while the Corporate Recovery and Tax Incentives for Enterprises (CREATE) program in 2020 gifted the rich with the reduction of the corporate tax rate from 30 per cent to 25 per cent.<sup>[876]</sup>

**Duterte’s destructive pandemic response**

According to evidence from Sonny Africa, Executive Director of IBON Foundation, presented at an INVESTIGATE PH hearing, the COVID-19 pandemic lockdowns in 2020 devastated livelihoods across the country with the poorest 70 per cent of families losing on average tens of thousands of pesos in income. Yet the government avoided giving more than token emergency cash assistance even as its pandemic policies cut off livelihoods for daily wage earners that comprise

the bulk of the country's labor force.

This resulted in 15.5 million families of some 25 million families – or over six out of ten Filipino families – going hungry in 2020. Today, around 17.8 million families, or over seven out of ten, do not have any savings and are living off only their daily earnings, when they are not cooped up by ever-changing, confusing and inconsistent quarantine orders.

The lack of fiscal stimulus to offset the lockdown-driven supply and demand shocks has also caused unemployment to soar – reaching as much as 7.2 million in April 2020. With quarantine restrictions eased a little, this has gone down to a still substantial 3.8 million as officially reported.

<sup>[877]</sup>

President Duterte's 2021 Budget increased defence spending by 14.5 per cent to Php 205.8 billion (US\$4.11 billion) and cut social welfare spending by 51.7 per cent to Php 176.9 billion (US\$3.53 billion).<sup>[878]</sup> The government will expand its debt servicing in 2021 by over 86 per cent to Php 1.79 trillion (US\$35.8 billion), from the record Php 962.46 billion (US\$19.25 billion) it recorded in 2020. At this rate, debt servicing equates to nearly 40 per cent of the Php 4.5 trillion (US\$90 billion) budget for 2021.<sup>[879]</sup>

### Failure on land reform

The Duterte administration also brought land reform, a crucial scheme for asset redistribution, to a standstill. His administration is the poorest performer in the 32 years of government agrarian reform. It inherited a backlog of 621,085 hectares for distribution. After three years, it only distributed 154,937 hectares or an average of 3,443 hectares monthly. This is less than half the rate of 8,524 hectares monthly under the previous Aquino administration and barely one-fourth of the 13,620 hectares monthly average from when the program started in July 1987 to 2015.<sup>[880]</sup>

The sustained social crisis in the Philippines since the 1960s - endemic poverty and unemployment,<sup>[881]</sup> internal migration to Manila and a few other cities, external migration of over 10 per cent of the population, and severe political crisis as shown in the Marcos dictatorship and the

armed rebellions of the Moro People and the New People's Army, and the peaceful resistance of IPs - demonstrates that Filipinos are denied their right to development due to State policies.

Sonny Africa explained that the Duterte government relies on a traditional culture of patronage to maintain its grasp on power. In this patronage culture individuals and families do not expect government programs to assist them, rather they seek help from a powerful individual, a landlord, or a local politician, when a crisis comes. In the Philippines there is a strong movement which does assert human rights including the right to have a non-corrupt government whose programs provide quality basic services such as health, education, housing and welfare. However, Duterte's violent attacks on this movement - his War on Dissent - have put it on the defensive and slowed its reach into the wider society.<sup>[882]</sup>

### Military subordination to U.S. interests, internal military repression

Alongside the economic domination of the Philippines by the U.S. and the U.S.-led global trade and finance institutions, the Philippines has been subordinate to the U.S. in military and strategic arrangements. The U.S.-Philippines Mutual Defense Treaty<sup>[883]</sup> signed in 1951 remains the framework for this relationship, now implemented through the Joint US Military Assistance Group (JUSMAG), the Visiting Forces Agreement (VFA),<sup>[884]</sup> the Enhanced Defense Cooperation Agreement (EDCA)<sup>[885]</sup> and related supply and logistics arrangements.

Renato Reyes, Secretary General of the New Patriotic Alliance (BAYAN) explained to an INVESTIGATE PH hearing that while it is illegal for any foreign troops to engage in combat on Philippine soil, U.S. forces have ongoing access to Philippine military bases and have taken part in combat in recent decades,<sup>[886]</sup> including directing the January 2015 Mamasapano debacle,<sup>[887]</sup> and undertaking drone operations during the Marawi Siege in mid-2017.<sup>[888]</sup> Through the JUSMAG and the U.S. provision of weapons, funding and officer training to the Philippines military, it maintains overall direction.<sup>[889]</sup>

Flowing from this relationship, the U.S. Counterinsurgency Strategy (COIN)<sup>[890]</sup> provides the overarching framework for the repression of internal armed rebellion in the Philippines. The most important contemporary expressions of this are the creation of the NTF-ELCAC<sup>[891]</sup> in 2018 and the ATA in 2020<sup>[892]</sup> which created the Anti-Terrorism Council. These two new mechanisms are features of the current Philippine counterinsurgency program, the U.S. Operation Pacific Eagle - Philippines focused on Mindanao, and President Duterte's Oplan Kapatagan ("Stability")<sup>[893]</sup> announced in 2019.

This is the most recent in a long line of counterinsurgency programs dating from the Marcos Dictatorship's Oplan Katatagan - President Corazon Aquino's "Total War" Lambat Bitag ("Slow Trap") Campaign; President Ramos' Lambat Bitag 2 Campaign; President Estrada's all-out war on the Moro Islamic Liberation Front; President Arroyo's Oplan Bantay Laya ("Freedom Watch") and "War on Terror" known as Operation Enduring Freedom-Philippines in conjunction with that of U.S. President George W. Bush; President Benigno Aquino III's "Whole of Nation Approach" and Oplan Bayanihan ("Cooperative Endeavour"). All these plans have failed in their objective of eliminating insurgency and rebellion or addressing the fundamental socio-economic and political causes of the ongoing armed conflict.

President Duterte made important concessions to China in the Exclusive Economic Zone of the Philippines in return for significant infrastructure investments. Despite his threat to withdraw from the VFA, President Duterte maintained and strengthened military ties with the U.S., especially after the Marawi City siege in 2017, and also deepened the neoliberal economic program of privatization, trade liberalization and labor market deregulation.<sup>[894]</sup>

The U.S. sees the Philippines as a strategic base for its containment of China strategy.<sup>[895]</sup> Renato Reyes highlighted the visit of U.S. President Trump to Manila for the Association of Southeast Asian Nations (ASEAN) Summit in November 2017,<sup>[896]</sup> after which Duterte terminated the peace talks with the NDFP and declared the CPP and NPA as terrorist organizations.<sup>[897]</sup> More intense repression ensued

as documented in the INVESTIGATE PH Initial and Second Reports.<sup>[898]</sup> Reyes argued that while Duterte had made concessions to China in the Philippine Exclusive Economic Zone, the U.S. remained the dominant influence on Philippine policy.

### Right to self-determination and peace

On December 10, 1948, the UN General Assembly adopted the UDHR, which stated in its preamble: "It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."<sup>[899]</sup> Rebellion is a continuing feature of Philippine society, underlining the failure of the Philippine state to uphold human rights and ensure justice and the rule of law.

In November 1984 at the height of the nuclear arms race, the UN General Assembly adopted a Declaration on the Right to Peace, "convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations."

It recognized that "the maintenance of a peaceful life for peoples is the sacred duty of each State," and "solemnly proclaims that the peoples of our planet have a sacred right to peace."<sup>[900]</sup>

Luis Jalandoni, Senior Adviser to the NDFP Negotiating Panel told an INVESTIGATE PH hearing that the persistent and profound struggles of Filipino peasants, farmworkers, and fisherfolk for genuine land reform and to regain control of the land they have cultivated for generations is a powerful expression of a desire for development and peace. The Filipino workers' movement likewise demands genuine national industrial development. Genuine land reform and national industrial development are two key goals of the peasants and the workers in their quest for development and a just and lasting peace. The "bungkalan" movement to cultivate lands left vacant by landlords, for instance, is an expression of the land reform movement in areas controlled by the government.<sup>[901]</sup>

Likewise, the tenacious struggles by indigenous peoples across the Philippines to defend their ancestral domain from plunder and exploitation, and their demand that the military and the big logging, mining and plantation companies leave their communities, is a cry for peace to enable development for their communities.

These historic demands for justice, peace, development and self-determination have been met repeatedly by violent force, as seen in the Mendiola Massacre of January 1987, the Hacienda Luisita Massacre of 2004, in the many cases of deadly repression recounted in these INVESTIGATE PH Reports, and in the never-ending and rehashed counterinsurgency programs.

State violence can never bring lasting peace with justice. According to the UN Declaration, the government must fulfil its duty and properly solve the problems of poverty, landlessness, injustice, and lack of political self-determination that are fueling rebellion to this day.

History shows that the Filipino people have not enjoyed peace, and that the State has been at war with large parts of the people for most of the time since nominal independence in 1946.

In fact, the Filipino people have had only fleeting periods without war since the time of the Spanish colonial invasion of 1565.<sup>[902]</sup> The successful Katipunan uprising against Spanish colonial rule in 1896<sup>[903]</sup> was cut short by the U.S. invasion of 1898 and the following four decades of colonial rule. Resistance by the first Asian republic to U.S. colonialism continued to 1913.<sup>[904]</sup> Warfare broke out again with the Japanese invasion of 1941, which was resisted with significant impact by the communist-led Hukbo ng Bayan Laban sa Hapon (People's Anti-Japanese Army – Hukbalahap or Huks).<sup>[905]</sup> When elected Huk leaders were expelled from the newly-elected Congress in July 1946 - as part of an anti-communist purge - the People's Army launched a rebellion which lasted until 1954,<sup>[906]</sup> with some armed units surviving in Central Luzon until they became part of the NPA founded in 1969.<sup>[907]</sup> When Marcos declared Martial Law in September 1972 he banned organisations of workers, farmers, women, youth

and others, which were forced underground and in 1973 these formed the NDFP.<sup>[908]</sup> Key member organisations are the CPP and NPA.

In the face of challenges to exploitation and oppression, the Philippine government has focused on militarist responses. As Luis Jalandoni argued, these responses have failed because just and lasting peace cannot be achieved without addressing the socio-economic causes fueling rebellion, as well as respecting peoples' legitimate rights to self-determination. But the government has neglected the problems of poverty, landlessness, injustice, and lack of political self-determination.

In Mindanao, land-grabbing from Moro communities during the U.S. colonial period, followed by extensive immigration of Christian Filipinos from Luzon in the 1950s led to armed rebellion by the Moro National Liberation Front (MNLF) in 1969, which was partly resolved by a peace agreement with the Ramos government in 1996. However, the Moro Islamic Liberation Front (MILF) took up the mantle of rebellion and reached its Comprehensive Agreement on the Bangsamoro with the Aquino government in 2014. Eruptions of armed conflict continued up to the massive devastation of Marawi City in 2017, and continue to this day, with heavy loss of life and mass evacuations of civilians.<sup>[909]</sup>

The communist-led NPA has a strategy of Protracted Peoples War and steady build-up of its forces and a People's Democratic Government in the countryside to eventually surround the cities and comprehensively challenge the current political system. As the names imply, the CPP-NPA are carrying forward the tradition of the anti-Japanese resistance for a socialist future for the country. They have developed more than 110 guerrilla fronts in 74 of the nation's 81 provinces.

### **Violent assault on peace process with NDFP**

Peace talks between the Manila government and the NDFP have been taking place since the 1986 overthrow of the Marcos Dictatorship. This almost permanent on-and-off process shows that there is a genuine political option for resolving the fundamental problems of Philippine society as an alternative to the militaristic state terror that

now prevails.

Jalandoni explained that in August 1991, the NDFP formally declared its adherence to IHL, particularly Article 3 common to the Geneva Conventions and the additional Protocol II, in its conduct of the armed conflict in the Philippines.

Since the Hague Joint Declaration<sup>[910]</sup> signed in September 1992 by the Ramos administration and the NDFP, there has been a continuous thread of peace negotiations, but with many interruptions, including one since the end of 2017.

The Hague Joint Declaration recognized the NDFP's status as a co-belligerent in the civil war and set out an agreed agenda for the peace process.

The series of agreements<sup>[911]</sup> signed in this process have established a framework and the parties came very close to the first substantial agreement on social and economic reforms that might address the root causes of the armed conflict. These are the Joint Draft on Agrarian Reform and Rural Development (ARRD) and on National Industrialization and Economic Development (NIED). These make up a large part of the Draft Comprehensive Agreement on Social and Economic Reforms<sup>[912]</sup> which was ready for signing in late 2017.<sup>[913]</sup> In the draft, the Philippine government agreed in principle to the free distribution of land to the peasants, a very significant breakthrough in addressing the roots of the conflict. This can still be revived despite Duterte's Proclamation 360 which terminated the peace talks in November 2017.<sup>[914]</sup>

Duterte's sharp turn away from the peace process, following the Trump visit, continued with his Proclamation 374, declaring the CPP and NPA to be terrorist organizations under Republic Act 10168, the law relating to financing of terrorism.<sup>[915]</sup> Then on May 23, 2021, the Anti-Terrorism Council, an executive body composed mainly of security officials, designated many NDFP peace consultants as terrorists.<sup>[916]</sup> As a final nail in the coffin of the peace talks, the Anti-Terrorism Council designated the NDFP to be a terrorist organization on June 23, 2021.<sup>[917]</sup>

On its part, the NDFP National Council has stated its readiness to engage in peace talks with a post-Duterte government, looking to the possibility of change at the May 2022 National Elections.<sup>[918]</sup>

If the Filipino people are to win their right to national self-determination, development, and peace, they will have to end foreign domination in all spheres, including the ending of neo-liberal economic policies and U.S. military dominance of their country as well as the increasing impact of China in Philippine affairs.<sup>[919]</sup> Only then can the Filipino people truly achieve self-determination and genuine development, for which so much groundwork has been done.

## Summary

The Filipino people's civil and political rights, guaranteed in its Constitution and domestic law as well as in the ICCPR and IHL, have been violated systematically during the Duterte presidency, at the cost of tens of thousands of civilian lives. State security forces have been the perpetrators, which explains why normal remedies for victims of making a complaint to the police have utterly failed. This is why Filipino people had to take their complaints to the International Criminal Court, which has decided to take action in its own lengthy process.

State security forces have killed 394 Filipino civilian political actors, broadly described as human rights defenders or advocates, in Duterte's War on Dissent, up to the end of March 2021.<sup>[920]</sup> This war is high profile, with officials from the President down using "red-tagging" to vilify, isolate, intimidate and eventually to either arrest or arbitrarily kill the unarmed civilian targets.

These targets are peasant, trade union, urban poor, student, women's and indigenous people's leaders, as well as lawyers, journalists, doctors and clerics and lay religious workers.

The Philippine state is also waging a War on the Moro People in the guise of a "war on terrorism", in which civilians are routinely subjected to artillery and aerial bombardment in clear breach of domestic law and IHL. There are still over 120,000 displaced Marawi City residents. This War

on the Moro People is a continuation of a century-long struggle over the lands and the resources of the Moro People, largely funded by U.S. military aid and training, supported by Australia, Canada, Japan, South Korea and Israel.<sup>[921]</sup> This war is a violation of the right to self-determination of the Moro People.

The underlying economic and social conflicts which explain the ferocity of human rights violations under the Duterte presidency are examined in detail in this Third Report.

Like all States signatory to the ICESCR, the Philippine State is bound to progressively improve the employment, income, housing, health, education and cultural expression enjoyed by all its people. This commitment must be supported by the bulk of the state budget. Other United Nations Conventions and Declarations clearly elaborate the rights of women and children, freedom of religion, and the duty of the state to self-determination, development and peace.

- **Duterte's neoliberal policies of privatization, trade liberalization, and labor deregulation have exacerbated joblessness, landlessness, low wages, and precarity.**

Under Duterte, the Philippine government enacted the lowest number of minimum wage increases since 1946, and carried through the least redistribution of land to peasant farmers since the 1989 Comprehensive Agrarian Reform Program. The 2019 liberalization of rice imports contributed to 300,000 agricultural jobs lost that same year.

The Philippines suffered historic lows in job creation, even as Duterte has actively supported labor contractualization, despite his 2016 election promise to abolish it.

With the lack of jobs and the precarious nature of most jobs, especially for women, over 10 million Filipinos now work abroad, and a majority of these are women, of whom the great majority work in domestic service or cleaning. The government exploits OFWs for fees and remittances and neglects them when they face abuse abroad.

- **Duterte's budgets have slashed social services but increased resources for militarization -- while giving tax cuts to the wealthy.**

During the COVID-19 pandemic, the Duterte government made only a token effort to provide financial support to those unable to work due to a very long lockdown. His TRAIN and CREATE tax reforms had already hurt the poor and transferred even more income to the wealthy. His budget priority since 2016 has been to spend more on his presidential contingency fund, the police and military, and less on welfare, health, housing and education.<sup>[922]</sup> He slashed the Housing and Resettlement budget by 76 per cent since 2016, thus expanding rather than reducing the housing shortage. One of every four people in Metro Manila lives in informal settlements,<sup>[923]</sup> bereft of shelter security. More than half a million families will lose their homes by 2022 in just 15 "development" projects under the President's "Build, Build, Build" program.

- **Duterte's COVID-19 response has focused on militarization rather than providing adequate healthcare and economic relief.**

During the COVID-19 pandemic, the government used security forces to arrest over 100,000 people for leaving their homes to collect water and food or to try to work. Organized community action to provide food to households was repressed even if the participants complied with COVID restrictions, since these initiatives were "red-tagged." Jory Porquia in Iloilo City was executed in his home on April 30, 2020, following a food distribution.<sup>[924]</sup>

- **The NTF-ELCAC and police have built new infrastructure to repress trade unions and labor organizing with armed groups.**

The PNP and PEZA created a specific agency called JIPCO to police the export zones against trade union organizing, and in June 2021, Duterte authorized JIPCO to carry arms as a "force multiplier" for the PNP.<sup>[925]</sup>

When Filipino peasants and workers

demand genuine land reform and industrial development they are met with violent State repression on behalf of the landlord class, big business and foreign investors. During the Duterte presidency up to the end of March 2021, state forces are alleged to have extrajudicially killed a total of 394 people for political reasons, of whom 316 were peasant and fisherfolk leaders, 71 were Indigenous leaders, 58 were trade union leaders, 47 were Moro leaders, 19 were human rights workers, 7 were from the church, and 57 were women.

[926]

- **Duterte’s policy priorities and violent misogyny have contributed to increased gendered, homophobic, and sexual violence perpetrated by armed forces; domestic abuse; as well as poverty for women, girls, and LGBTQ people.**

President Duterte directs hate-speech against many sectors, but he has a special malice towards women, making his misogyny itself an incitement to commit human rights violations. Rape allegations from women have spiked 300 per cent since Duterte came to power in 2016, and spousal or domestic violence cases have also greatly increased, getting even worse in the pandemic lockdown.

- **Children are victims of killings and sexual abuse perpetrated by the police and military, even as their development is harmed by economic neglect.**

Duterte’s anti-drug operations have massively harmed thousands of children, and 122 children were killed in anti-drug operations up to December 2019.<sup>[927]</sup> Police sexually abused a teenager, Fabel Pineda, and killed her when she filed a case against them.<sup>[928]</sup> When household members are killed, children suffer the debilitating emotional, psychological, educational, and economic effects of the violence.<sup>[929]</sup> Police put two children into a coffin and five children into a dog cage to punish them for allegedly breaching the pandemic lockdown. Two babies born in prison to their political prisoner mothers have been separated soon after birth, only to die from lack of proper nutrition and care. Due to

poverty and the added impact of the pandemic lockdowns, malnourishment of children is a growing violation of children’s rights. As well, the Philippines remains a global hotspot for sexual exploitation and trafficking of children.

[930]

- **The Duterte administration cut education spending even as the pandemic hurt poor students, and is persecuting teachers, schools, and universities known for progressive politics.**

During the 2020-21 pandemic lockdown, student enrolment in basic education fell by 1.9 million, and at the same time Duterte cut the education budget, a major violation of the right to education of Filipino children.<sup>[931]</sup> According to an NUSP study, out of every 100 Grade 1 enrollees, only seven will get a college degree/diploma/certificate.<sup>[932]</sup> With tens of thousands of breadwinners and caregivers slain in anti-drug operations, many children dropped out of school and started working and living on the streets. Duterte and the NTF-ELCAC have red-tagged universities and the ACT and threatened to invade campuses to arrest students or teachers who it alleges are “recruiting terrorists.” Duterte has called for Lumad schools to be bombed, alleged that children are drug dealing, and is pushing to reduce the age of criminal responsibility for 15 years to 12. The military allege that some children are NPA “child soldiers”, and their paramilitaries shoot them, as seen in the killing of Lumad students in Mindanao.<sup>[933]</sup>

- **The NTF-ELCAC has led a crackdown on the humanitarian work of religious institutions serving the marginalized, resulting in assassinations,<sup>[934]</sup> arrests, and freezing of assets.**

The Duterte administration’s attacks against churches and leaders of the church, who are working to protect the rights and freedoms of the marginalized sectors including the IPs and the urban poor, are not only violations of civil and political rights, but also violations of religious freedom to exercise religious ministries.<sup>[935]</sup>

Duterte has expelled Australian missionary Sister Patricia Fox and Dutch lay missionary Otto Rudolf De Vries, both in the Philippines for 30 years; hounded IFI Bishop Antonio Ablon into exile in Germany,<sup>[936]</sup> had charges of money laundering and child-trafficking laid against the UCCP in Davao City for providing sanctuary for Ato-Manobo children and their parents fleeing paramilitary violence; and froze the bank accounts of the RMP and UCCP-Haran Centre.

- **Indigenous and Moro peoples have suffered heightened militarization and violations of their self-determination, resulting in displacement, killings, and other abuses, with the backing of U.S. military aid.**

The Duterte government has violated the rights of IPs and the Moro People under both UNDRIP and the Philippine Constitution because state policy sees most of the ancestral lands, especially the forests and minerals in the ancestral domains as property of the state to be disposed of like any commodity. Since land is life and identity for IPs, they resist the intrusion of logging companies, plantations and mining operations in their lands and the state is responding with red-tagging of IP organizations, military operations and occupation, and extrajudicial killings.

The most intense violence is taking place in Mindanao, where the Lumad school system is being shut down by military occupation, some of its leaders killed and jailed, and students also killed; and Moro communities are subjected to aerial and artillery bombardment. The religious freedoms of Moro people are also violated when Marawi residents are denied death certificates and access to the remains of their loved ones for burial according to Muslim tradition. Twenty-five mosques were destroyed in the Marawi siege, and the people have been denied the right to rebuild them.

- **The Duterte administration's policies on militarization and neoliberal economics has failed to provide peace and equitable development. These policies have perpetuated neocolonialism rather than self-determination, entrenched poverty and**

**inequality, and undermined peace-making.**

The Philippines remains under the economic and military direction of the U.S. despite nominal independence since 1946, and Filipino society is so far unable to exercise its right to self-determination as set out in the UN Charter as well as the UN Declaration on the Right to Development. The result is rebellion and state repression.

The 1992 Hague Joint Declaration between the government of the Philippines and the NDFP is the framework for political negotiation to address the root causes of the conflict. At present, the Royal Norwegian Government is the Third Party Facilitator of the process.

In November 2017, both parties were poised to sign the draft CASER, which envisaged the free distribution of land to peasants and substantive initiatives in industrial development within a democratic framework. However, the Duterte government unilaterally terminated these peace talks at the end of 2017 and intensified military repression aimed mainly at civilians to end the conflict. In this policy, Duterte continues to have the support of the U.S. government and of the other nations providing military aid - Australia, Canada, Japan, South Korea and Israel. The NDFP is willing to re-enter peace negotiations with a post-Duterte government.

## Recommendations

The Filipino People, like all Peoples, have all the human rights set out in the UDHR, the UN Charter, the ICCPR, the ICESCR, CEDAW, the Convention on the Rights of the Child, UNDRIP, the Conventions against Torture and Enforced Disappearance, and the UN Declarations on the Right to Development and the Right to Peace. These Recommendations are made to advance their human rights which we have found to be comprehensively violated.

### To the UN Human Rights Council

1. Authorize an independent investigation of human rights violations in the Philippines

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since the June 4, 2020, report by the High Commissioner for Human rights.

2. Hold the Government of the Republic of the Philippines and its officials accountable for the thousands of violations of human rights and IHL carried out by official state policies.

3. Member States to conduct study tours with labor unions and peasant communities in the Philippines and report on their conditions to the international community.

4. Convey all three INVESTIGATE PH Reports to the Working Group on Communications to assess all the violations of human rights alleged in them, noting in particular the violations by the Philippine Government of the UN Declaration on the Rights of Indigenous Peoples related to mining and land rights, the seizure of land in Marawi City, and the ongoing military operations against civilian communities in the Moro territories.

### **To the UN Human Rights Committee, Committee on Enforced Disappearances, and Committee against Torture**

5. Investigate President Rodrigo Duterte for the execution of Memorandum Order 32 and Executive Order 70. These official orders reinforced by his public statements to kill drug users, dissenters and rebels have allowed state security agencies and other civilian government agencies to utilize government funds and networks to weaponize the law, stifle dissent, wrongly jail targeted individuals, torture, abduct or kill them.

### **To the Committee on Elimination of Discrimination Against Women**

6. Investigate President Rodrigo Duterte for his repeated malicious misogynistic incitement of violence against women.

### **To the Committee on Economic Social and Cultural Rights**

7. Investigate the Philippine government for

its subservience to U.S. economic and military policies, and its failure to provide the majority of its budget resources to uphold:

- the right to employment on fair terms, the right to form trade unions and to collectively bargain and the right to strike;
- the rights of OFWs;
- the right of peasant farmers to fair distribution of land;
- the right of all children to free primary education, and progressively free secondary and university education;
- the right to an adequate nutrition and progressively free health services;
- the right to an adequate standard of living including food, clothing and shelter, and to the continuous improvement of living conditions.

### **To the Committee on the Rights of the Child**

8. Investigate the failure of the Philippine government to prevent child pornography, child trafficking and child labor.

### **To the International Criminal Court**

9. Expedite the recommendation of former ICC Prosecutor Ms Fatou Bensouda to investigate “the crime against humanity of murder [which] has been committed on the territory of the Philippines between 1 July 2016 and 16 March 2019 in the context of the Government of Philippines ‘war on drugs’ campaign. ... and allegations of torture and other inhumane acts, and related events as early as 1 November 2011, the beginning of the Court’s jurisdiction in the Philippines.”<sup>[937]</sup>

### **To the International Labor Organization**

10. Expedite the ILO High Level Tripartite Mission to the Philippines, on the Application of Standards (International Labor Conference, 108th Session, June 2019) on Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), through a physical visit by the Mission.

### **To Philippine Civil Society**

11. Begin planning from now, including the marshalling of resources, to replace,

rectify, repair, remedy and redress the programs, policies and actions of the Duterte administration identified in the INVESTIGATE PH Reports which violate human rights and IHL, so that the Philippines can fulfil its commitments to human rights specified in its Constitution and the international human rights instruments to which it is a signatory.

**To International Civil Society**

12. Bring this Third Report of INVESTIGATE PH as well as the Initial and Second Reports to the immediate attention of the international community, to be widely read and discussed, to inform national debates about government-to-government and people-to-people relations with the Philippines, and thus more rapidly assist the Filipino people to recover their fundamental human rights.

**To States in general, their respective Ministries of Foreign Affairs and Parliaments**

13. Provide support for the resumption of the peace negotiations between the Government of the Philippines and the National Democratic Front of the Philippines.

14. Suspend all military and police aid of all countries who have cooperation agreements for military and police training and arms and equipment sales until respect for human rights and international humanitarian law is restored and felt on the ground in the Philippines.

15. Call upon the U.S. Congress to pass the Philippines Human Rights Act (PHRA) to halt the U.S. government's Philippine military funding and assistance (including weapons sales and donations of armaments) to the police until the Philippine government can guarantee the human rights of its citizens, establish a judicial system to prosecute members of its military and police responsible for human rights violations, and comply with audits and investigations to ensure that U.S. aid is not used for human rights violations.

16. Call on the European Commission and its External Action Service to use all available

instruments, including the Partnership and Cooperation Agreement (PCA), to persuade the Philippines to put an end to extrajudicial killings related to the anti-drug campaign and, in the absence of substantive improvements, to initiate the procedural steps which could lead to the temporary withdrawal of the Generalized Scheme of Preferences Plus (GSP+), as stated in the European Parliament Resolution of September 15, 2020.

**On the 2022 Elections**

17. Ensure the safety of election officers and volunteers, voters and the general public, and cease militarization of communities, to maintain the integrity of the May 2022 presidential elections, and wherever possible for international election observer missions to be present during the election campaign, voting and counting.

**On the COVID-19 Pandemic**

18. For the international community to support the efforts of the Filipino people and government to ensure access to free COVID-19 vaccines, testing, treatments, and adequate income support including paid pandemic leave, and support solidarity efforts of the people to operate community pantries, kitchens and gardens.

## **Conclusion**

The historic conditions of domination by a foreign power, poverty, landlessness, exploitation, repression, and rebellion of Filipino society have been exacerbated by the anti-people policies of the Duterte government since it came to power in July 2016.

Because of the government's neoliberal economic program, landlessness and unemployment have increased, poverty has widened, and extrajudicial killings of civilians by state forces in these five-and-a-half years have long surpassed those during the fourteen years of the notorious Marcos Dictatorship. Women, children and Indigenous People have especially suffered.



## Footnotes

### Footnotes (ichrp.net/InvestigatePHAnnexes)

#### First Report

- [1] <https://ichrp.net/>
- [2] <https://www.investigate.ph/>
- [3] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>
- [4] <https://undocs.org/en/A/HRC/RES/45/33>
- [5] 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>.
- [6] <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>
- [7] <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>
- [8] However, five violations occurred in 2019, one in 2018, and one in 2016 but its case is still pending.
- [9] <https://undocs.org/en/A/HRC/44/22>
- [10] <https://undocs.org/en/A/HRC/RES/45/33>
- [11] <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>;
- [12] <https://www.karapatan.org/karapatan-monitor-may-aug-2020>
- [13] Such murders are in retaliation for their journalism activity; <https://cpj.org/reports/2020/12/murders-journalists-more-than-doubled-killed/>
- [14] <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.
- [15] <https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>
- [16] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 5; <https://www.rappler.com/nation/chr-number-drug-war-victims>
- [17] <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>
- [18] <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>
- [19] <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 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.
- [20] <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
- [21] <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-philippines/>, p. 3
- [22] <https://www.rappler.com/nation/oplan-bayanihan-ends>; <https://www.sunstar.com.ph/article/122068>; <https://manilatoday.net/dutertes-coin>
- [23] <https://www.icj.org/the-philippines-must-get-rid-of-its-militias-now/>; [https://congress.gov.ph/legis-docs/basic\\_18/HB00703.pdf](https://congress.gov.ph/legis-docs/basic_18/HB00703.pdf)
- [24] e.g., <https://www.bbc.com/news/world-asia-54144623>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>
- [25] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 10-11
- [26] <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>
- [27] <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>
- [28] <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>; regarding the controversy surround the ATA, see <https://thediplomat.com/2021/02/battle-over-anti-terror-law-opens-at-the-philippines-top-court/>
- [29] <https://www.jurist.org/commentary/2020/08/kanak-mishra-philippines-anti-terrorism-law/>

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- [30] <https://cnnphilippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>
- [31] 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/>
- [32] [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)
- [33] <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>;
- [34] <https://www.rappler.com/nation/un-experts-tell-philippine-government-stop-red-tagging-victoria-tauli-corpuz-rights-groups>
- [35] 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>.
- [36] 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/>
- [37] <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>
- [38] <https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>
- [39] <https://undocs.org/en/A/HRC/44/22>
- [40] 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
- [41] 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/878BFFB53E-2705BEFD2373CDAC3E84F4>
- [42] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6
- [43] <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.
- [44] <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>
- [45] <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>
- [46] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p.4
- [47] <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.

## Footnotes

- [48] <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.
- [49] <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>
- [50] <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>
- [51] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6
- [52] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6
- [53] 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.
- [54] One of Laxamana’s companions, then 15-year-old Julius Sebastian, remains missing to this day.
- [55] <https://news.abs-cbn.com/news/02/07/19/pangasinan-cops-face-murder-obstruction-of-justice-raps-for-dota-players-death>
- [56] See Fact Sheet for Case No.45 in Annex.
- [57] See also: <https://www.rappler.com/nation/tokhang-murder-raps-vs-superintendent-duterte>; Fact Sheet for Case No. 47 in Annex.
- [58] 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-calooacan-ombudsman-fajardo>
- [59] <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\\_ijgeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_ijgeK0U13KUVFHKSL_X); police have also withheld reports necessary for complainants to file cases.
- [60] <https://www.rappler.com/nation/hrw-says-doj-damning-review-ppn-lapses-drug-war-bluff>
- [61] <https://www.rappler.com/nation/hrw-says-doj-damning-review-ppn-lapses-drug-war-bluff>
- [62] <https://www.hrw.org/world-report/2021/country-chapters/philippines>; <https://www.amnesty.org/en/latest/news/2020/09/philippines-un-pressure-end-killings/>
- [63] <https://www.rappler.com/nation/doj-drug-war-review-ppn-did-not-follow-rules-nanlaban-cases>
- [64] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 7; <https://theaseanpost.com/article/packed-prisons-philippines>
- [65] 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.
- [66] 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.
- [67] 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>
- [68] <https://www.karapatan.org/karapatan-monitor-may-aug-2020>
- [69] 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.
- [70] <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 28
- [71] <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 28
- [72] 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.
- [73] 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.
- [74] <https://progressive.international/wire/2021-02-16-the-struggles-and-aspirations-of-the-tumandok/en>
- [75] Fact Sheet for Case No.7 in Annex.
- [76] Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.
- [77] 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.
- [78] 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 war-

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rants used to enter homes in the first place, and other documents that give community approval for further militarization. See virtual testimony of Anlyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

[79] 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.

[80] <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/>

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

[82] 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>.

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

[84] 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>

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

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

[87] 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/>

[88] [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)

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

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

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

[92] <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.

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

[94] 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.

[95] See Fact Sheet for Case No. 5 in Annex.

[96] See Fact Sheet for Case No. 7 in Annex for the information until the end of the paragraph.

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

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

[99] 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.

[100] See Fact Sheet for Case No. 2 in Annex.

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

[102] See Fact Sheet for Case No.6 in Annex.

[103] See Fact Sheet for Case No. 1 and 6 in Annex.

[104] See Fact Sheet for Case No. 1 in Annex.

[105] See Fact Sheet for Case No. 1 in Annex.

[106] See Fact Sheet for Case No. 6 in Annex.

[107] See Fact Sheet for Case No.8 in Annex for the rest of the information in this paragraph.

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

[109] See “Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)” in Annex.

## Footnotes

- [110] 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>
- [111] See also <https://www.omct.org/en/resources/statements/new-anti-terrorism-law-undermines-safe-guards-against-arbitrary-detention-and-torture>
- [112] 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.
- [113] <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.
- [114] See Fact Sheet for Case No. 20 in Annex.
- [115] See Fact Sheet for Case No. 9 in Annex for all information until the next footnote.
- [116] 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.
- [117] See Fact Sheet for Case No. 9 in Annex.
- [118] See virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.
- [119] See Fact Sheet for Case No. 9 in Annex.
- [120] See Fact Sheet for Case No. 9 in Annex.
- [121] See Fact Sheet for Case No. 9 in Annex for remaining information in this paragraph.
- [122] 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>
- [123] 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.
- [124] Virtual testimony of Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.
- [125] <https://www.rappler.com/nation/aetas-barred-from-supreme-court-anti-terrorism-law-case-give-way-lower-court-trial>
- [126] 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>
- [127] 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.
- [128] <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.
- [129] 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>
- [130] See “Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)” in Annex.
- [131] “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.
- [132] 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>

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- [133] See Fact Sheet for Case 13 in Annex
- [134] 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.
- [135] <https://www.rappler.com/nation/jailed-activist-gives-birth-coronavirus-pandemic-july-2020>
- [136] See Fact Sheet for Case No. 10 in Annex.
- [137] See Fact Sheet for Case No. 10 in Annex.
- [138] See virtual testimony during the February 16 Plenary hearing before the Sub-Commissioners.
- [139] See Fact Sheet for Case No. 43 in Annex.
- [140] See Fact Sheet for Case No. 43 in Annex.
- [141] See Fact Sheet for Case No. 44 in Annex for all information until next footnote.
- [142] 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>
- [143] 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>
- [144] 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.
- [145] <https://www.philstar.com/headlines/2021/01/20/2071863/groups-hit-shoot-kill-order-cordillera-police-indigenous-leader>
- [146] See Fact Sheet for Case No. 19 in Annex until next footnote.
- [147] 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.
- [148] See Fact Sheet for Case No. 19 in Annex.
- [149] See: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11.
- [150] 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.
- [151] See Fact Sheet for Case No. 11 in Annex.
- [152] See Fact Sheet for Case No. 12 in Annex.
- [153] See Fact Sheet for Case No. 14 in Annex.
- [154] See Fact Sheet for Case no. 13, 11, 12 and 14 in Annex.
- [155] 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.
- [156] <https://www.rappler.com/nation/mandaluyong-court-orders-release-journalist-lady-ann-salem-trade-unionist>
- [157] <https://www.rappler.com/nation/police-discreet-appeal-spoils-christmas-bail-human-rights-7-detained-activists-december-2020>
- [158] 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-see-release-order-supreme-court>
- [159] <https://newsinfo.inquirer.net/1403837/makabayan-bloc-seeks-release-of-5-more-activists>
- [160] <https://www.amnesty.org/download/Documents/ASA3532932020ENGLISH.PDF>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>; <https://thediplomat.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/>
- [161] <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>
- [162] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>
- [163] e.g., see <https://www.karapatan.org/2019-karapatan-year-end-report>
- [164] <https://newsinfo.inquirer.net/1387520/militarys-npa-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-npa>
- [165] On the military's doctoring of photos of alleged insurgents, see: <https://www.rappler.com/newsbreak/inside-track/philippine-army-photoshopped-communist-surrenderers>
- [166] e.g., see <https://www.bbc.com/news/world-asia-54144623>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://philippines.licas.news/2020/11/23/red-tagged-church->

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- rights-workers-in-mindanao-seek-public-protection/; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>
- [167] 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/>
- [168] <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>
- [169] <https://www.karapatan.org/2019-karapatan-year-end-report-p-11-13>; <https://www.karapatan.org/>
- [170] See “Cordillera People’s Alliance (CPA) and Left Leaning Organizations” in Annex 7; <https://www.facebook.com/cegpcordi/posts/3665047530288616>
- [171] See “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.
- [172] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 4-5
- [173] <https://newsinfo.inquirer.net/1404545/stop-tokhang-vs-left-church-leader-asks-court>
- [174] 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.
- [175] <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>
- [176] <https://www.rappler.com/nation/duterte-begins-tour-present-ntf-elcac-aid-communist-free-barangays>
- [177] See Fact Sheet for Case No. 30 in Annex.
- [178] <https://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html>
- [179] See Fact Sheet for Case No. 24 in Annex.
- [180] 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.
- [181] <https://manilastandard.net/mobile/article/341110>; <https://newsinfo.inquirer.net/1371344/govt-wants-makabayan-bloc-out-of-house-to-weaken-rivals>
- [182] <https://news.abs-cbn.com/news/05/30/20/youth-activists-oppose-writ-of-amparo-petition-parents-filed-at-sc-for-missing-child>
- [183] See “Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)” in Annex.
- [184] <https://www.rappler.com/newsbreak/in-depth/marawi-series-rappler-timeline>
- [185] [http://www.protectionclusterphilippines.org/wp-content/uploads/2021/02/Mindanao-Displacement-Dashboard\\_-January-2021-1.pdf](http://www.protectionclusterphilippines.org/wp-content/uploads/2021/02/Mindanao-Displacement-Dashboard_-January-2021-1.pdf), p. 1
- [186] <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](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.
- [187] 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>
- [188] <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>
- [189] See Fact Sheet for Case No. 20 in Annex.
- [190] <https://rsf.org/en/philippines>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>
- [191] 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.
- [192] <https://thediplomat.com/2020/07/lawmakers-vote-to-close-down-philippines-largest-tv-network/>
- [193] <https://www.hrw.org/news/2020/06/15/philippines-rappler-verdict-blow-media-freedom>
- [194] Karapatan Monitor (May-Aug 2020), p. 5; <https://www.rappler.com/nation/nueva-ecija-town-file-complaint-against-local-radio-station>
- [195] 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.

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- [196] 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>
- [197] See Fact Sheet for Case No. 22 in Annex; <https://www.iawrt.org/news/it-companies-challenged-over-cyber-attacks>
- [198] See Fact Sheet for Case No. 22 in Annex.
- [199] 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.
- [200] See Fact Sheet for Case No. 22 in Annex.
- [201] See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners. Communication from NUPL, March 8, 2021.
- [202] See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.
- [203] <https://www.rappler.com/nation/pnp-confiscates-progressive-magazine-after-anti-terror-law-takes-effect>
- [204] <https://www.altermidya.net/hinggil-sa-panununog-ng-pinoy-weekly-issues-sa-pandi-bulacan/>
- [205] <https://newsinfo.inquirer.net/1312334/pinoy-weekly-publisher-condemn-alleged-illegal-seizure-of-print-magazines-by-bulacan-police#ixzz6TLWnsY7f>
- [206] <https://www.rappler.com/nation/pinoy-weekly-files-complaint-chr-illegal-seizure-printed-copies>
- [207] See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.
- [208] See Fact Sheet for Case No. 21 in Annex.
- [209] 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/>
- [210] <https://news.mongabay.com/2020/07/philippine-court-rejects-oceanagolds-bid-to-keep-mining-on-expired-permit/>
- [211] 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/>.
- [212] <https://miningwatch.ca/news/2020/4/29/global-civil-society-organizations-condemn-violent-dispersal-indigenous-peoples>
- [213] See Fact Sheet for Case No. 21 in Annex.
- [214] <https://news.abs-cbn.com/news/03/21/19/duterte-announces-permanent-termination-of-peace-talks-with-reds>
- [215] [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)
- [216] See Fact Sheet for Case No. 23 in Annex.
- [217] For a reproduction of the photo, see See Annex 7.
- [218] See Fact Sheet for Case No. 23 in Annex.
- [219] 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.
- [220] See Fact Sheet for Case No. 23 in Annex.
- [221] 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
- [222] See Fact Sheet for Cases No. 33 and 36 and Summary Cue Card No. 37 in Annex.
- [223] See Fact Sheet for Case No. 43 in Annex
- [224] <https://cnnphilippines.com/news/2020/3/17/ph-state-of-calamity-coronavirus.html>
- [225] <https://www.rappler.com/nation/court-clears-activists-quarantine-case-notifiable-disease-law-improper>
- [226] <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic>;
- [227] <https://www.scmp.com/week-asia/economics/article/3080765/coronavirus-fears-grow-martial-law-lockdownphilippines>
- [228] <https://www.who.int/westernpacific/emergencies/covid-19/information/transmission-protective-measures>
- [229] <https://link.springer.com/article/10.1007/s10708-020-10281-6>; <https://openknowledge.worldbank.org/handle/10986/33477>

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- [231] <https://www.opendemocracy.net/en/state-repression-philippines-during-covid-19-and-beyond/> <https://www.scmp.com/week-asia/economics/article/3080765/coronavirus-fears-grow-martial-law-lock-downphilippines>; <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>
- [232] See Fact Sheet for Case No. 32 in Annex for all remaining information provided in this paragraph
- [233] 3 <https://pcoo.gov.ph/presidential-speech/nation-address-of-president-roa-duterte-on-coronavirus-disease-2019-covid-19-pandemic/>
- [234] <https://www.rappler.com/newsbreak/in-depth/prostitutes-abused-by-cops-first-cross-coronavirus-border>
- [235] See Summary Cue Card No. 35 in Annex.
- [236] See Fact Sheet for Case No. 32 in Annex; <https://www.rappler.com/nation/police-storm-community-kitchens-teardown-protest-posters-quezon-city-april-6-2020>
- [237] <https://www.rappler.com/nation/police-storm-community-kitchens-tear-down-protest-posters-quezon-city-april-6-2020>
- [238] See Fact Sheet for Case No. 38 in Annex.
- [239] <https://www.dw.com/en/maria-victoria-beltran-filipino-artist-confronts-duterte-on-covid-19-response/a53524106#:~:text=Beltran%20was%20forced%20to%20pay,was%20released%20on%20April%2021>
- [240] <https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>
- [241] See Fact Sheet for Cases No. 33 and 36 and Summary Cue Card No. 37.
- [242] See Fact Sheet for Case No. 36 in Annex; <https://cebudailynews.inquirer.net/315800/police-ready-chargesagainst-7-arrested-protesters>
- [243] See Fact Sheet for Case No. 36 in Annex.
- [244] See Fact Sheet for Case No. 33 in Annex.
- [245] See Fact Sheet for Case No. 33 in Annex.
- [246] See Fact Sheet for Case No. 33 in Annex.
- [247] <https://www.icrc.org/en/document/philippines-amidst-covid-19-outbreak-icrc-focuses-one-most-vulnerable-placesprisons>
- [248] <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>
- [249] <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>
- [250] <https://www.hrw.org/news/2020/04/06/philippines-reduce-crowded-jails-stop-covid-19>
- [251] 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.
- [252] 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.
- [253] <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>
- [254] 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.
- [255] See Fact Sheet for Case No. 44 in Annex.
- [256] 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.
- [257] <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>
- [258] 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>
- [259] See Fact Sheet for Case No. 7 in Annex; see also: <https://www.karapatan.org/ano+red+tags+vic-tims+of+baras+massacre+to+cover+up+the+militarys+war+crimes>
- [260] <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+launches+protest+quilt+for+justice>
- [261] 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

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military use of torture see: <https://www.amnesty.org/download/Documents/ASA3574272017ENGLISH.PDF> p. 18-20.

[262] 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/>

[263] See for example Fact Sheet for Case No. 23; 33; 36.

[264] 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?9\\_73DdFTpveG\\_ijGeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_ijGeK0U13KUVFHKSL_X).

[265] <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>;

[266] 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>

[267] <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>

[268] <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

[269] See Fact Sheets for Cases No. 1, 2, 6 and Summary Cue Cards for Case No. 3 and 4 in Annex.

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

[271] 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 were 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>.

[272] E.g., see Fact Sheet for Case No. 22 and Summary Cue Card for Case No. 41 in Annex.

[273] 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.

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

[275] 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/>

[276] 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.

[277] 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/>.

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

[279] E.g., see virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

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

[281] 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/>

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- [282] E.g. see Fact Sheet for Case No. 7, 10, 11, 13, 43, 44 in Annex.
- [283] 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>
- [284] 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>
- [285] <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.
- [286] 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.
- [287] 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.
- [288] See Fact Sheet for Case No. 13 in Annex.
- [289] See Fact Sheet for Case No. 8; also: <https://www.karapatan.org/desaparecidos+warns+of+rise+in+cases+of+enforced+disappearance+under+terror+law+lanchos+protest+quilt+for+justice>
- [290] 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.
- [291] See also <https://www.karapatan.org/2019-karapatan-year-end-report>, p 11-13; “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.
- [292] See Summary Cue Card for Case No. 28; <https://freedomhouse.org/article/philippines-attacks-against-lawyers-escalating>
- [293] <https://www.lwrc.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>
- [294] Case 9. The police do not allow those whose houses are being searched or have been arrested to call a lawyer (Case 13, HRD7)
- [295] 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>
- [296] See Fact Sheet for Case No. 9, 19 in Annex.
- [297] See Fact Sheet for Case 33 and 36; Summary Cue Card for Case 37 in Annex. Case 35
- [298] 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://thediplomat.com/2020/07/lawmakers-vote-to-close-down-philippines-largest-tv-network/> and <https://www.bbc.com/news/world-asia-53046052>
- [299] 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>.
- [300] <https://www.aljazeera.com/news/2019/6/25/duterte-attempting-to-silence-political-opponents-report>
- [301] <https://www.reuters.com/article/us-philippines-judiciary-idUSKBN11C0EM>; <https://www.theguardian.com/world/2018/may/12/fear-for-democracy-after-top-philippine-judge-and-government-critic-removed>
- [302] <https://www.lowyinstitute.org/the-interpretor/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>
- [303] <https://www.rappler.com/nation/elections/official-results-senators-philippines>; <https://www.rappler.com/newsbreak/iq/numbers-composition-18th-congress-philippines>
- [304] <https://www.rappler.com/nation/duterte-certifies-urgent-anti-terrorism-bill>; <https://cnn-philippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>
- [305] <https://thediplomat.com/2021/02/battle-over-anti-terror-law-opens-at-the-philippines-top-court/>

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- [306] 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>
- [307] 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.
- [308] E.g., see Fact Sheet for Case No. 10, 11, 12, 13 and 14 in Annex.
- [309] 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.
- [310] 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.
- [311] 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>
- [312] <https://undocs.org/en/A/HRC/44/22>
- [313] <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26355&LangID=E>
- [314] <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>
- [315] <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.
- [316] See Fact Sheet for Case No. 7. See Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.
- [317] See Fact Sheet for Case No. 8 in Annex.
- [318] 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.
- [319] 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.
- [320] See Fact Sheet for Case No. 23 in Annex; [https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.32\\_GC-III-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.32_GC-III-EN.pdf)
- [321] <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>; <https://www.karapatan.org/2019-karapatan-year-end-report>
- [322] 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>
- [323] 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>
- [324] <https://genevampm.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)
- [325] 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>
- [326] <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
- [327] <https://www.lowyinstitute.org/the-interpretor/philippines-verdict-impunity>; <https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20181010122553>

## Footnotes

- [328] See also Fact Sheets for Cases No. 45, 46, 47, 48 in Annex.
- [329] 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/>.
- [330] 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>
- [331] <https://theaseanpost.com/article/packed-prisons-philippines>; see virtual testimony of Jasma Salem during the February 19, 2021 Plenary hearing before the Sub-Commissioners.
- [332] 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>
- [333] <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.
- [334] <https://newsinfo.inquirer.net/1400268/45-cordillera-officials-ok-tokhang>; see also “RLECC-CAR Resolution No. 04s. 2021” in Annex 7.
- [335] <https://news.abs-cbn.com/video/news/03/10/21/un-rights-body-slams-bloody-sunday-killings-in-calabarzon>
- [336] 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.
- [337] 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>
- [338] <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>
- [339] <https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021>
- [340] 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>
- [341] <https://cebudailynews.inquirer.net/367409/pnp-listing-lawyers-for-red-terrorists>
- [342] 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/>
- [343] See Summary Cue Card for Case Letter F.
- [344] For reference see: <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>
- [345] 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>
- [346] See Summary Cue Card for Case Letter G.
- [347] <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.
- [348] See Summary Cue Card for Case Letter H. See also Fact Sheet for Case No. 20.
- [349] See Summary Cue Card for Case Letter H.
- [350] <https://newsinfo.inquirer.net/1399698/fwd-red-tagging-report-senate-panel-finds-parlades-remarks-damaging-to-ph-military>

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[351] See Fact Sheet for Case No. 22, 26, and 30; and Summary Cue Card for Case No. 28

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

[353] See Summary Cue Card for Case letter L until next footnote.

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

[355] 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.

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

[357] <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.

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

[359] See Summary Cue Card for Case letter B.

[360] The RLECC resolution is discussed in section D of the main report.

[361] <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.

[362] See also Fact Sheet for Case No. 1 and 5.

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

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

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

[366] 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.

[367] <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.

[368] See Fact Sheet for Case 2 and 6 in the Annex.

[369] See photo of the letter from the Police Lieutenant to the local clerk in Annex 7.

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

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

### Second Report

[372] Four sessions of Hearings with Commission and Sub Commission members were held on May 18, 20, 25 and 27, 2021.

[373] [https://drive.google.com/file/d/1vjt\\_g\\_HeqatRnIXmv0nlt0eptkse31of/view](https://drive.google.com/file/d/1vjt_g_HeqatRnIXmv0nlt0eptkse31of/view).

[374] Quantities of methamphetamine seized in East and South-East Asia increased eightfold over the period 2009–2018, to close to 100 tons, and preliminary data for 2019 show further strong increases in the quantities of methamphetamine seized, in particular in South-East Asia, with increases reported in 2019 by, among other countries, Brunei Darussalam, Cambodia, Hong Kong, China, Indonesia, Japan, the Lao People’s Democratic Republic, Myanmar, the Philippines, Singapore and Viet Nam. Methamphetamine prices in the region have halved. [https://wdr.unodc.org/wdr2020/field/WDR20\\_Booklet\\_3.pdf](https://wdr.unodc.org/wdr2020/field/WDR20_Booklet_3.pdf), p. 48.

[375] Testimony of Vincent Go, INVESTIGATE PH Hearing, May 18, 2021; <https://journals.sagepub.com/doi/full/10.1177/186810341803700202>.

[376] Annex 2, Section 1, Document 1: Transcript of Llore Benedicto Pasco testimony, Volunteer and Core

## Footnotes

- Leader, Rise Up for Life and Rights, INVESTIGATE PH Hearing, May 18, 2021.
- [377] <https://pdea.gov.ph/2-uncategorised/279-realnumbersph>
- [378] <https://undocs.org/en/A/HRC/44/22>, p. 5.
- [379] <https://data.world/stabile-center/ph-drug-war/>
- [380] <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>
- [381] The barangay is the smallest local government unit, part of a municipality.
- [382] <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>
- [383] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 4.\
- [384] <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBLE%20BARREL.pdf>; Annex 2, Section 1, Document 2: 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, pp. 35-38; <https://www.gmanetwork.com/news/news/nation/585408/pnp-ditches-killed-term-in-oplan-double-barrel-report/story/>, GMA News Online, “Neutralized is better”: PNP ditches “killed” term in Oplan Double Barrel report, 18 October 2016).
- [385] <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; [https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9\\_73DdFTpveG\\_iJgeK0U13KUVFHK-SL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJgeK0U13KUVFHK-SL_X), p. 29.
- [386] Testimony of Vincent Go, photographer, INVESTIGATE PH Hearing, May 18, 2021.
- [387] [https://lawphil.net/statutes/repacts/ra1991/ra\\_7160\\_1991.html](https://lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html).
- [388] [https://www.dilg.gov.ph/PDF\\_File/issuances/memo\\_circulars/MC2004-007.pdf](https://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/MC2004-007.pdf).
- [389] <https://www.rappler.com/nation/dilg-preparing-new-memo-badac>.
- [390] <https://www.gmanetwork.com/news/news/nation/646280/bato-wants-cases-filed-vs-barangay-execs-without-functioning-anti-drug-abuse-council/story/>.
- [391] <https://metromanila.politics.com.ph/2018/03/02/nearly-2-years-of-dutertes-drug-war-close-to-90-of-barangays-still-drug-infested/>.
- [392] <https://thediplomat.com/2018/04/dutertes-drug-war-the-local-government-dimension/>.
- [393] E.g., 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.
- [394] <https://pcoo.gov.ph/wp-content/uploads/2018/09/20180927-Speech-of-PRRD-during-the-oath-taking-of-the-new-career-executive-service-officers.pdf>. Video: <https://pcoo.gov.ph/presidential-speech/speech-of-president-rodrigo-roa-duterte-during-the-oath-taking-of-the-new-career-executive-service-officers-cesos-conferment-ceremony-of-the-2017-gawad-career-executive-services-ces-and-the-2018/>.
- [395] <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>
- [396] Testimony of Vincent Go, INVESTIGATE PH Hearing, May 18, 2021.
- [397] Testimony of Vincent Go, INVESTIGATE PH Hearing, May 18, 2021; See Annex 2, Section 1, Document 3: Photos from Vincent Go; see also Annex 2, Section 1, Document 4: Vincent Go Case Summary.
- [398] <https://www.hrw.org/news/2017/04/27/philippine-drug-war-spawns-unlawful-secret-jail>.
- [399] Testimony of Dr. Raquel Fortun, INVESTIGATE PH Hearing, May 18, 2021; see also Annex 2, Section 1, Document 5: Dr. Raquel Fortun Case Summary.
- [400] Annex 2, Section 1, Document 6: Images of death certificates from Dr. Raquel Fortun’s presentation at the INVESTIGATE PH Hearing, May 18, 2021.
- [401] Testimony of Vincent Go, INVESTIGATE PH Hearing, May 18, 2021.
- [402] Testimony of Amy Jane Lee, INVESTIGATE PH Hearing, May 18, 2021; See Annex 2, Section 1, Document 7: Transcript of Amy Jane Lee testimony.
- [403] Testimony of Amy Jane Lee, INVESTIGATE PH Hearing, May 18, 2021; See Annex 2, Section 1, Document 7: Transcript of Amy Jane Lee testimony.

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- [404] <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p6.
- [405] <https://www.rappler.com/newsbreak/in-depth/how-duterte-government-underreports-drug-war-killings>.
- [406] <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\\_ijGeK0U13KUVFHKSL\\_X](https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_ijGeK0U13KUVFHKSL_X); police have also withheld reports necessary for complainants to file cases.
- [407] <https://www.rappler.com/nation/hrw-says-doj-damning-review-pnp-lapses-drug-war-bluff>  
Annex 2, Section 1, Document 8: Rubilyn Litao statement on behalf of Rise Up.
- [408] Testimony of Rubilyn Litao, Rise Up for Life and for Rights, INVESTIGATE PH Plenary Hearings, May 18, 2021.
- [409] [https://www.doj.gov.ph/news\\_article.html?newsid=661](https://www.doj.gov.ph/news_article.html?newsid=661).
- [410] <https://genevampm.dfa.gov.ph/national-statements/889-ph-statement-at-the-high-level-segment-of-the-46th-session-of-the-hrc>.
- [411] <https://www.rappler.com/nation/hrw-says-doj-damning-review-pnp-lapses-drug-war-bluff>.
- [412] <https://www.rappler.com/newsbreak/in-depth/how-duterte-government-underreports-drug-war-killings>; <https://www.rappler.com/nation/doj-report-pnp-investigation-against-police-since-2016>.
- [413] <https://www.rappler.com/nation/doj-report-pnp-investigation-against-police-since-2016>.
- [414] <https://www.rappler.com/nation/duterte-concern-gets-pnp-doj-narrow-drug-war-sharing>.
- [415] <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>.
- [416] See Annex 2, Section 1, Document 9: Regional Law Enforcement Coordinating Committee - Cordillera Region Resolution, February 24, 2021; <https://newsinfo.inquirer.net/1400268/45-cordillera-officials-ok-tokhang>;
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- [879] <https://www.philstar.com/business/2021/07/23/2114385/dof-head-allays-concerns-debt-servicing>.
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- [881] The domestic labor conditions drive at least 10.4 million Filipinos to go overseas for work away from their families. More Filipinos are forced to find work abroad every year than new jobs are created in the domestic economy. The employment that is available is overwhelmingly of poor quality work. Some 27.2 million or almost two-thirds (64%) of the 42.43 million employed in pre-pandemic 2019 are in poor quality work consisting of: non-regular and agency-hired (9.0 million), government contractuales (1.1 million), and informals (17.2 million consisting of worked for private household, worked with pay in own family-operated farm or business, own account workers, and unpaid family workers). The majority of the population are in flexible labor arrangements and informal sector work which are notorious for uncertainty, low pay, little or no benefits, and poor working conditions. The labor situation indicates deep unresolved structural problems: See Document 50 in Annex: Slideshow presentation by Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021, Slide 6.
- [882] See Document 32 in Annex: Testimony of Sonny Africa, INVESTIGATE PH Hearing, August 10, 2021.
- [883] [https://avalon.law.yale.edu/20th\\_century/phil001.asp](https://avalon.law.yale.edu/20th_century/phil001.asp).
- [884] [https://www.lawphil.net/international/treaties/vfa\\_1998.html](https://www.lawphil.net/international/treaties/vfa_1998.html).
- [885] <https://www.rappler.com/nation/primer-enhanced-defense-cooperation-agreement>.
- [886] <https://www.csmonitor.com/World/Global-News/2009/0929/first-two-us-soldiers-killed-in-philippines-since-2002>.
- [887] <https://www.manilatimes.net/2017/11/10/opinion/columnists/topanalysis/mamasapano-massacre-worst-crime-ever-committed-philippine-president/361800>.
- [888] <https://www.bbc.com/news/world-asia-40231605>.
- [889] See Document 51 in Annex: Testimony of Renato Reyes, INVESTIGATE PH Hearing, August 10, 2021.
- [890] <https://smallwarsjournal.com/documents/cointacticsfm.pdf>.
- [891] <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>.
- [892] <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>.
- [893] <https://www.pro12.pnp.gov.ph/main/?p=10181>.
- [894] See Document 51 in Annex: Testimony of Renato Reyes, INVESTIGATE PH Hearing, August 10, 2021.
- [895] <https://media.defense.gov/2020/Aug/31/2002488087/-1/-1/1/BURGESS.PDF>, p. 114
- [896] <https://www.dw.com/en/donald-trump-meets-philippine-president-duterte-as-asean-summit-kicks-off-in-manila/a-41351485>.
- [897] <https://www.officialgazette.gov.ph/downloads/2017/11nov/20171123-PROC-360-RRD.pdf>; <https://www.officialgazette.gov.ph/downloads/2017/12dec/20171205-PROC-374-RRD.pdf>.
- [898] <https://www.investigate.ph/media/first-report>; <https://www.investigate.ph/media/second-report>.
- [899] <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.
- [900] <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightOfPeoplesToPeace.aspx>
- [901] <https://pinoyweekly.org/2017/11/bungkalan-at-hustisya-sa-luisita/>.
- [902] <https://alchetron.com/Philippine-revolts-against-Spain>, for a list of the many revolts against Spanish rule.
- [903] <https://ncca.gov.ph/about-ncca-3/subcommissions/subcommission-on-cultural-heritagesch/historical-research/history-of-the-philippine-revolution/>.
- [904] <https://nhcp.gov.ph/brief-historical-background-philippine-american-war-memorial-day/>
- [905] <https://newsinfo.inquirer.net/1102449/hukbalahap-monument-to-rise-in-ecija-town>.
- [906] <https://filipinojournal.com/luis-m-taruc-huk-supremo/>.
- [907] <https://cpp.ph/2018/12/29/on-the-pen-and-the-gun/>.
- [908] <https://liberation.ndfp.org/our-program/>.
- [909] See the works of Mindanao historian, Rudy “Ompong” Rodil. <https://www.mindanews.com/mindaviews/2020/11/angay-angay-lang-the-minoritization-of-the-indigenous-communities-of-mindanao-and-sulu-1/>. The MILF entered into a peace deal with the Duterte administration in exchange for the passage of the Bangsamoro Organic Law that saw the establishment of the Bangsamoro Autonomous Region of Muslim Mindanao in 2018. The success of the deal remains to be seen with talks in Congress seeking the extension of the Bangsamoro Transition Authority, the transition mechanism, managed by the MILF, for three more years before local elections are held.
- [910] <https://www.peaceagreements.org/viewmasterdocument/569>.
- [911] Joint Agreement on Security and Immunity Guarantees (JASIG), <https://www.peaceagreements.org/>

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viewmasterdocument/932; Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), [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).

[912] <https://ndfp.org/about/caser/>.

[913] <https://www.hdcentre.org/activities/philippines-ndf/>.

[914] <https://www.officialgazette.gov.ph/2017/11/23/proclamation-no-360-s-2017/>.

[915] <https://www.officialgazette.gov.ph/2017/12/05/proclamation-no-374-s-2017/>.

[916] <https://www.rappler.com/nation/philippine-anti-terror-council-designates-joma-sison-others-terrorists>.

[917] <https://www.rappler.com/nation/philippines-anti-terror-council-designates-national-democratic-front-terror-group>.

[918] See Document 52 in Annex: Testimony of Luis Jalandoni, INVESTIGATE PH Hearing, August 10, 2021.

[919] The People's Republic of China and the Republic of the Philippines now have a Relationship of Comprehensive Strategic Cooperation. Practical cooperation across the board between China and the Philippines have made remarkable progress. Under the leadership of President Xi and President Duterte, the synergies between the Belt and Road initiative and the Build, Build, Build program have been deepened. So far, 12 government-to-government cooperation projects have been completed, 7 projects are under implementation and more than 10 projects going forward smoothly. The economic and trade cooperation between the two countries has been rising against the adverse impact of COVID-19 pandemic. In 2020, the bilateral trade between our two countries reached 61.15 billion USD, with a year-on-year increase of 0.3%. China's non-financial direct investment in the Philippines hit \$140 million USD, which was 1.36 times more than the number in 2019. <http://ph.china-embassy.org/eng/sgdt/t1882350.htm>.

[920] Karapatan Monitor, January-April 2021, Table 1, p. 5. <https://www.karapatan.org/resources/statistics>.

[921] Canadian military aid: <https://www.rappler.com/nation/canada-urged-end-military-trade-aid-philippines-after-calabarzon-killings>; Japanese military aid: <https://thediplomat.com/2017/10/why-japans-new-military-aircraft-gift-to-the-philippines-matters/>; Australian military aid:

<https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:%22media/pressrel/5592613%2>;

South Korean military aid: <https://businessmirror.com.ph/2015/09/14/south-korea-assures-continued-assistance-to-philippine-military/>; Israeli military aid: <https://asiatimes.com/2019/07/israel-lends-philippines-a-helping-strategic-hand/>.

[922] <https://www.bworldonline.com/the-real-priorities-of-the-duterte-administration/>.

[923] <https://www.worldbank.org/en/news/speech/2015/09/07/making-in-city-resettlement-work-for-the-poor>.

[924] <https://www.philstar.com/opinion/2020/05/02/2011223/helping-feed-poor-iloilo-activist-shot-dead>.

[925] <https://www.rappler.com/nation/lacson-statement-idea-arming-civilian-groups-fight-criminality>.

[926] <https://www.karapatan.org/resources/statistics>, KARAPATAN Monitor, January-March 2021, pp 5, 21.

[927] <https://www.theguardian.com/global-development/2020/jun/30/war-on-drugs-blamed-for-deaths-of-at-least-122-children-in-philippines>.

[928] <https://www.unicef.org/philippines/press-releases/unicef-statement-killing-fabel-pineda>.

[929] <https://www.hrw.org/news/2020/06/04/children-have-become-collateral-damage-philippines-drug-war-scarring-generation>.

[930] <https://www.rappler.com/nation/online-sexual-exploitation-children-philippines-tripled-3-years>.

[931] <https://newsinfo.inquirer.net/1276303/infra-education-budgets-get-big-cuts>.

[932] See Document 43 in Annex: Testimony of Professor Judy Taguiwalo, INVESTIGATE PH Hearing August 5, 2021.

[933] <https://www.rappler.com/nation/grade-six-lumad-student-dies-davao-del-norte>; <https://www.rappler.com/nation/lumad-manobo-tribe-members-killed-by-military-surigao>; <https://news.abs-cbn.com/nation/regions/01/19/16/lumad-student-allegedly-killed-by-paramilitary-member>.

[934] <https://justact.org.au/wp-content/uploads/2020/10/They-cannot-kill-our-faith-report-on-the-Philippines-2020.pdf>.

[935] <https://pcij.org/article/6213/photo-essay-mark-saludes>.

[936] <http://www.hamburger-stiftung.de/wp-content/uploads/2019/11/press-release-Antonio-Ablon.pdf>.

[937] <https://www.icc-cpi.int/Pages/item.aspx?name=210614-prosecutor-statement-philippines>.