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REPORT ON THE PHILIPPINES

SUBMITTED TO THE OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS

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Submission by

Rise Up for Life and for Rights (Rise Up)

Rise Up for Life and for Rights (Rise Up) is a network of families and advocates of victims of extrajudicial killings (EJKs) under Philippine President Rodrigo Duterte's "War on Drugs" (WoD) formed in 2016. The network was initiated by the ecumenical community, primarily through the Promotion of Church People's Response (PCPR), to address the alarming issue of drug-related killings targeting grassroots and poor communities which not only have the least access to legal and other judicial remedies, but have been denied of any such process with their cold-blooded killings.

Rise Up unites members, advocates and the public on the roots of global illegal drug trade and addiction in the Philippines, exposes the dangers of EJKs under the so-called War on Drugs (WoD) and opposes the prevailing culture of impunity; documents cases of human rights violations (HRVs) in relation to WoD and based on these, support efforts for legal redress as applicable; and devises and promotes alternative approach to drug dependence problem. Rise Up is among the organizations that have submitted communication complaint before the International Criminal Court (ICC), and now at the stage of preliminary investigation -- the first for the Philippines.

1. During the 2017 Universal Periodic Review (UPR), human rights violations (HRVs) committed under Pres. Rodrigo Duterte's War on Drugs (WoD) spurred grave concerns from the international community, following efforts of a wide range of Philippine organizations bringing the issues to fore. Our submission then was coursed through the Promotion of Church People's

Response, Rise Up's core group from the faith-based sector, which has consistently participated since the 2012 UPR Reviews and henceforth. This 2022, Rise Up submits its own report on the escalation of rights violations committed under the WoD and prevailing impunity, which in turn has prodded the network's drive for accountability and justice.

2. The drug killings are state-sponsored policy and program directed against the poor and dissenters. Pres. Duterte's repeated public pronouncements for state forces to kill drug suspects and that he will protect the formerⁱ; Philippine National Police (PNP) Command Memorandum Circular No. 2016-16 on 'Project Tokhang'ⁱⁱ; Department of Interior and Local Government (DILG) Memorandum on the Creation of Drug-Abuse Councils and Executive Order (EO) 70 on the Whole of Nation Approach demonstrate this. This state policy is further 'complemented' by the Anti-Terrorism Law, signed into law in July 2020 in the midst of militarist responses to the Covid-19 pandemic. Pres. Duterte's pronouncementsⁱⁱⁱ in particular run counter to a recommendation by Czechia (133.124) to "reject any incitement to violence in the context of the State-sponsored campaign against illegal drugs and hold perpetrators of such incitement accountable."^{iv}

3. EO 70 institutionalized the campaign against rebellion through the National Task Force to End Local Armed Conflict (NTF-ELCAC) and Project Tokhang now included all those government perceives as dissenters as exemplified in Paragraph 7 of this submission. This required a broad range of government agencies down to community levels to cooperate with the military and police. A resolution^v of the Regional Law Enforcement Coordinating Committee in Cordillera, Northern Luzon, signed by 47 police and government officials last Feb. 24, 2021 enjoins law enforcement agencies together with representatives of local government units to "conduct tokhang to known left-leaning personalities in government, media and other entities."

4. The Anti-Terrorism Law (Republic Act 11479) provides government with sweeping powers against its perceived critics as it can designate groups and individuals as terrorists and detain them without charge for up to 24 days. The law also allows 90 days of surveillance and wiretapping, and punishments including life imprisonment without parole.

5. Various reports including that of the International Criminal Court (ICC)^{vi1}, UN Human Rights Council, the Philippine Commission on Human Rights^{vii} and many independent civil society organizations^{viii} point to the notorious pattern of police forces providing excuse of victims purportedly resisting arrest ("*nanlaban*") to justify the killings, and of victims' alleged guns even having identical serial numbers, among others. As the Duterte administration ends in June 2022, its WoD program leaves in its trail a death toll from 12,000 to 30,000 individuals mostly from poor communities, by ICC estimates.^{ix} The Philippine government pegs the killings to 6,229 as of end January 2022.^x Despite the huge discrepancies, one death is one too many.

6. Violations of the right to life under WoD continue unabated, even during the pandemic. According to Philippine human rights group Karapatan, "the drug war had continued to claim more and more lives in the middle of a pandemic both from police operations and in what appeared to be vigilante executions, as the heavy presence and increased deployment of the police in communities unsurprisingly resulted in a surge of cases of brazen police brutality. "

7. On March 10, 2022, 11 officers and members/organizers of Anakpawis Party-List, a progressive political party of peasants and workers, were illegally arrested by agents of the

Philippine Drug Enforcement Agency (PDEA) in Cavite province during a supposed anti-illegal drugs operation. Three others were hurt in the incident. ^{xi}

8. The drug-related killings occur in the midst of greater economic difficulties which push the poor into greater poverty. By December 2021, unemployment stands at an all-time high as the number of unemployed significantly grew by 940,000 from 2.3 million in July 2016 to 3.3 million.^{xii} Recommendations of Uzbekistan (133.66) to continue efforts to ensure protection of human rights for inclusive development and to reduce the level of poverty, particularly in rural areas and among the vulnerable strata of the population,^{xiii} have not been implemented. The same holds true for China's recommendation (133.51) to address the roots of illegal drugs through development.^{xiv}

9. Rise Up notes that a new administration is presumably in place by the time of the UPR in October/November which can potentially impact on the pursuit for justice of the victims' families. At this writing, the Philippines faces the spectre of further erosion of human rights and democracy as the son and namesake of the late dictator Ferdinand Marcos Sr. and Pres. Duterte's daughter Sara seek the Presidency and Vice-Presidency respectively. Marcos Jr., along with Duterte's scion, has vowed to continue the WoD, if elected into office.^{xv}

10. During the 2017 UPR, several states provided recommendations to put an end to extrajudicial killings, to hold perpetrators accountable, and to put in place all measures to foster an enabling environment for human rights to prevail. At least 19 states have categorically expressed concern on HRVs committed in relation to the WoD and issued various recommendations.^{xvi} Five years hence, hardly any of the recommendations have been seriously implemented, demonstrating the lack of sincerity of the state in upholding and promoting human rights especially of drug war suspects.

11. Despite recent pronouncements of the new PNP chief that government's WoD will shift attention to the rehabilitation of drug users and dependents,^{xvii} its Command Memorandum Circular on the WoD has remained in place since the Duterte government in June 2016. Some of the victims, apart from being members of urban poor communities, are young.

12. Among the most emblematic cases is the killing of student **Kian delos Santos**^{xviii}, 17, on August 16, 2017. The boy was attesting to his innocence, begging for his life and even saying that he was going to have exams in school the following day. This was caught on video only because local officials forgot to turn off the CCTV. Many others were not captured on camera but were not any less brutal, as in the cases of 19-year old **Carl Arnaiz**^{xix} and 14-year old **Reynaldo "Kulot" de Guzman**^{xx}, whose mangled bodies were found two days after delos Santos' killing.

13. **Joshua Laxamana**^{xxi} was killed in a police operation on August 17, 2018 at 3:00 am in Pangasinan, Northern Luzon. Two days earlier, Joshua and two friends -- all minors -- had hitchhiked their way further north in Baguio City to play online game Defense of the Ancients (DoTA). After this, they parted ways but two never made it home. Laxamana was later found in a morgue in Pangasinan, shot dead by police in an anti-drug operation because he allegedly fought back with a gun. This generated public attention which compelled the police to conduct an internal investigation that cleared them of charges. Laxamana's mother filed criminal charge of murder. But without object evidence and an eyewitness courageous enough to controvert the evidence, these were dismissed. Julius, 17, remains missing. None of them are drug users.

14. **Myca Ulpina**^{xxii}, 3, is the youngest known WoD victim. Ulpina died from a gunshot wound in her head on June 29, 2019 when armed masked men -- some of whom were later on identified

as police officers Conrado Cabigao and Mark Jherson Olano – stormed their house in Rizal province, Southern Luzon in search for her father Renato Ulpina during a drug operation. The family of seven was asleep upstairs when they were awakened with noise of glass windows being broken. Upon seeing armed men breaking into their house, Renato removed their glass windows upstairs to escape. The mother Ldyjay Acopio marshalled her children to get out of the house as armed men ordered them at gun point to go down and lie on the floor. As they were going down, Lydjay heard shooting and Renato screaming. It turned out that toddler Myca followed her father and was shot instead.

15. **Edmond Pajersa Sedorio^{xxiii}**, 25, was a pedicab driver in Navotas, Metro Manila and expectant father. On the night of September 22, 2019, police forces conducted a drug raid and forcibly entered Sedorio's house. He was able to run away. He then returned some 30 minutes later, and this time was pursued by the police. He was shot several times and died at 12:40 midnight. Witnesses attest police wrapped his body in a blanket, threw it inside the police car and brought to two hospitals but expired. Money saved for the birth of his child was also missing. A neighbor who videotaped the incident has been fraught with fear and eventually deleted the material. Police would justify Sedorio's killing by stating that Sedorio fired shots at them with a .45 firearm and that eight sachets of illegal substance called "shabu" were retrieved from the victim.

16. Recommendations of Czechia (133.4; 133.146), Argentina (133.139) on justice, remedy and reparations for victims and their families, among others, are not implemented.^{xxiv} Victims' families have not received assistance from government, and they face stigma and harassment. Rise Up member Amy Jane Lee, widow of victim Michael who was killed last March 2017 in Metro Manila and a mother of three, recounts that her children were bullied in school and eventually lost interest in studying. Michael was the family breadwinner. Their lack of resources prevents them from moving to another community and had to endure all the hardships with no support at all from the state. Other Rise Up members^{xxv} get frequent visits from the police: one is a mother whose two sons were victims and yet the police still looks for her one of her sons, saying he is in a drug watch list; the other, who filed charges, is dissuaded from pursuing it.

17. Several states have recommended immediate steps to stop the killings and conduct an independent and impartial inquiry, including the Netherlands (133.06), Hungary (133.113), Denmark (133.158), Ghana (133.154) but these have not been implemented.^{xxvi}

18. Rise-Up's own experiences^{xxvii} demonstrate that families face a brick wall when availing domestic legal remedies, even the most basic like accessing police reports. One family member^{xxviii}, after repeated efforts of requesting for a police report, was even asked to come to the police station at 12 midnight to get it. The family member did not do so for fear of getting harmed herself. Of six cases filed before the Ombudsman of kin of victims assisted by our organization, three have been dismissed after reconsideration; two have been directed to local court and one remain pending. Three has been brought to the Supreme Court for *cerciorari*. The obstacles from the police, Ombudsman and courts discourage families who already have no resources to file cases (but get to do so with support from people's lawyers and human rights advocates), let alone having to muster courage to seek remedies and overcome fear of state retaliation. In this regard, the recommendations of Ireland (133.177) on enabling environment for civil society and human rights defenders, as well as Sweden (133.145) on proper investigations of extrajudicial killings and persons held to account in accordance with due process and rule of law, are not implemented.^{xxix}

19. Recommendations on administration of justice and fair trial have not been implemented, including from New Zealand (133.147) and United Kingdom of Great Britain and Northern Ireland (133.143)^{xxx}. A 2021 report by the Commission on Human Rights^{xxxi} cited 451 operations of law enforcers involving 705 victims, with police accounts claiming 466 initiated aggression or resisted arrest. But an analysis of witness accounts of alleged operations surfaced patterns of discrepancies such as: *“the alleged operations might have not actually been conducted; that alleged nanlaban^{xxxii} victims could not have initiated a shootout; that some victims were already under police custody when they were killed...”*

20. Mounting domestic and international pressure compelled Philippine authorities to review a mere 52 cases^{xxxiii} where administrative liability was found on the part of law enforcement officers. The cases, already a pittance, are treated separately and ignore the widespread and systematic nature of the crimes as state policy.

21. The state policy, coupled with lack of effective domestic redress mechanisms, contribute to the prevailing impunity. Several states explicitly recommended an end to impunity in the killings, including Luxembourg (133.141), Austria (133.148), Croatia (133.137), and Slovenia (133.142)^{xxxiv} but this is not at all done.

22. If any, that the drug killings continue is certainly not lost on the international community. On February 17, 2022, the European Parliament issued a resolution^{xxxv} on the human rights developments in the Philippines which strongly condemned the extrajudicial killings and other serious human rights violations related to the drug war and called for a robust response from the Philippine government.

23. In view of the foregoing, Rise Up recommends the following:

a) Conduct a thorough, impartial, independent investigation into the drug war killings to put an end to the killings, hold perpetrators accountable and end impunity. In this regard, officially invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and other relevant agencies to the country;

b) Rescind PNP, DILG memoranda related to the drug war; Executive Order 70 on Whole of Nation Approach;

c) Repeal Republic Act 11479 or Anti-Terrorism Law of 2020;

d) Render justice to the victims of human rights violations by providing adequate compensation, indemnification, restitution and rehabilitation, and establishing mechanisms for this purpose and the non-repetition of the human rights violations committed in this campaign;

e) Institute special laws, procedures, remedies and courts that would effectively and swiftly prosecute cases of extrajudicial killings carried out by state forces;

f) Halt all military aid and other forms of support to the government that are used for anti-drug campaigns resulting in extrajudicial killings and other rights violations;

g) Implement the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL);

i) Reform the criminal justice system to provide for a speedy, just and fair process to bring perpetrators to justice and protect victims' families; and

j) Reform the drug rehabilitation system towards human rights measures that are rehabilitative rather than punitive.

End Notes

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- i September 27, 2018 Speech in Malacanang before Career Service Officers
- ii <https://didm.pnp.gov.ph/index.php/memoranda/command-memorandum-circulars>
- iii <https://www.theguardian.com/world/2020/sep/01/if-its-drugs-you-shoot-and-kill-duterte-orders-philippine-custom-chief>
- iv <https://www.ohchr.org/en/hr-bodies/upr/ph-index>
- v <https://newsinfo.inquirer.net/1400268/45-cordillera-officials-ok-tokhang>
- vi https://www.icc-cpi.int/CourtRecords/CR2021_08044.PDF
- vii https://chr.gov.ph/wpcontent/uploads/2021/10/National_Report_with_Analysis_on_Regions_NCR_III_and_IV_A_20211021.pdf
- viii <https://www.investigate.ph/>
<https://www.hrw.org/report/2017/03/02/license-kill/philippine-police-killings-dutertes-war-drugs>
- ix https://www.icc-cpi.int/CourtRecords/CR2021_08044.PDF
- x <https://pdea.gov.ph/2-uncategorised/279-realnumbersph>
- xi Altermidya, 10 March 2022
- xii <https://www.ibon.org/duterte-most-unemployment-post-marcos/>
- xiii <https://www.ohchr.org/en/hr-bodies/upr/ph-index>
- xiv <https://www.ohchr.org/en/hr-bodies/upr/ph-index>
- xv <https://mb.com.ph/2022/01/26/marcos-to-continue-war-on-drugs/>
- xvi Austria, Australia, Botswana, Chile, Costa Rica, Denmark, Egypt, France, Germany, Ghana, Hungary, Iceland, Luxembourg, Montenegro, Netherlands, Portugal, Slovenia, United Kingdom, USA
- xvii <https://www.philstar.com/headlines/2022/03/14/2167222/obosen-adore-anti-drug-campaign-emphasizes-treatment-support>
- xviii <https://www.gmanetwork.com/news/specials/content/24/the-kian-delos-santos-case-a-timeline/>
- xix <https://www.philstar.com/headlines/2017/09/04/1735729/what-we-know-so-far-killing-carl-arnaiz-19>
- xx <https://newsinfo.inquirer.net/930286/kulot-reynaldo-de-guzman-laid-to-rest>
- xxi <https://interaksyon.philstar.com/breaking-news/2018/09/05/133370/killing-of-dota-player-joshua-laxamana-in-police-shootout-sparks-outcry/>
- xxii <https://www.reuters.com/article/us-philippines-drugs/calls-for-justice-intervention-as-philippines-buries-drug-wars-youngest-known-victim-idUSKCN1U41FQ>

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- xxiii <https://mb.com.ph/2019/10/13/friends-killed-just-days-apart-in-navotas/>
- xxiv <https://www.ohchr.org/en/hr-bodies/upr/ph-index>
- xxv Names withheld for security reasons
- xxvi <https://www.ohchr.org/en/hr-bodies/upr/ph-index>
- xxvii <https://www.investigate.ph/> 2nd Report
- xxviii Name withheld for security reasons
- xxix <https://www.ohchr.org/en/hr-bodies/upr/ph-index>
- xxx Name withheld for security reasons
<https://www.ohchr.org/en/hr-bodies/upr/ph-index>
- xxxi https://chr.gov.ph/wpcontent/uploads/2021/10/National_Report_with_Analysis_on_Regions_NCR_III_and_IV_A_20211021.pdf
- xxxii allegedly resisted arrest
- xxxiii <https://www.bulatlat.com/2021/10/20/groups-on-doj-review-of-52-drug-war-deaths-paltry-late-tentative/>
- xxxiv https://www.uprinfo.org/sites/default/files/document/philippines/session_27__may_2017/matricerecommendationsphilippines.pdf
- xxxv https://www.europarl.europa.eu/doceo/document/TA-9-2020-0233_EN.pdf