REPORT ON INVESTIGATIONS RELATED TO THE ANTI-ILLEGAL DRUG CAMPAIGN
(with Analysis on Regions NCR, III, and IV-A)

September 2021
EXECUTIVE SUMMARY

This report covers investigations by the Commission on Human Rights (CHR) on incidents of killings and violence reported in relation to the administration’s anti-illegal drug campaign. It presents an overview of investigations across all regions and an analysis of investigated killings in the National Capital Region (NCR), Region III, and Region IV-A.

Drug-related killings and violence began to be reported in 2016 after the election of President Rodrigo Duterte, who primarily ran on an anti-illegal drug platform. Citing the President’s pronouncements, the Philippine National Police (PNP) institutionalized the anti-drug campaign as a policy through Project Double Barrel on 01 July 2016. Since then, the CHR has documented a high number of killings and violence in relation to the campaign.

In its documentation and investigation, the CHR has observed that the killings in relation to the anti-illegal drug campaign have been widespread, spanning across almost all administrative regions of the country. The CHR recorded the highest number of these killings in NCR, Region III, and Region IV-A.

For the purpose of this report, a total of 579 incidents from NCR, Region III, and Region IV-A were analyzed. These incidents involve 870 victims, at least 71 of whom are women, and at least 24 were minors. From the 579 incidents analyzed, 451 were alleged operations by law enforcers, 104 were committed by unidentified perpetrators, while the remaining 24 did not have sufficient information as to the circumstances.

In the 451 operations by law enforcers, a total of 705 victims were recorded. Out of these victims, 538 were killed. The other 167 victims survived or had unknown conditions. It was observed that police accounts claimed that 466 (out of 705) victims initiated aggression or resisted arrest during such operations. Police records showed that only two (2) percent or 11 persons survived the officers’ alleged attempt to quell such aggression or resistance. Police protocol prescribes the employment only of necessary and reasonable force in order to subdue resistance put up by an aggressor. Excessive use of force, especially when law enforcement outnumbers a lone aggressor, could indicate possible abuse of strength and intent to kill.

An analysis of witness accounts of alleged operations by law enforcers surfaced patterns of discrepancies, including: that the alleged operations might have not actually been conducted; that alleged nanlaban victims could not have initiated a shootout; that some victims were already under police custody when they were killed; that unjustified violence was prevalent in the conduct of alleged operations; that planting of evidence was observed by witnesses in some incidents; and that some victims killed might not have been the intended target of the operations.
Denial of access to police documents has contributed to the dearth of information vital in identifying patterns and trends involving drug-related killings. Across the three regions, only 48% of the case records contained police documents. The denial is often attributed to the Inventory of Exceptions to Executive Order No. 02, s.2016.¹ The same Inventory of Exceptions and a "presidential directive" were cited as legal bases in the Advisory on the Granting of Notices, Summons, Interviews, and Request for Documents from Human Rights Activists/Bodies, issued by the PNP Human Rights Affairs Office.

Extrajudicial killings also encompass killings by any other groups or individuals which the Government fails to investigate, prosecute, and punish when it is in a position to do so.² However, the denial of access to police documents, as discussed above, severely limits the ability of the CHR to determine whether such killings are being investigated and prosecuted by the State. Across the three regions, drug-related killings committed by unidentified perpetrators are also being reported and investigated. The brutal way by which killings are carried out and the means adopted to foster anonymity contribute to the climate of criminality in the regions. The observable pattern from this class of killings is their brazen method, possibly encouraging repetitions of emboldened attacks.

¹Executive Order (E.O.) No. 02 or “Operationalizing in the Executive Branch of the People’s Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines” signed on 23 July 2016.

CONCLUSIONS and RECOMMENDATIONS

In its documentation and investigation, the CHR has observed that the killings in relation to the anti-illegal drug campaign have been widespread, spanning across almost all administrative regions of the country. It is notable that the killings involved victims who had actual or perceived links to illegal drugs, including those who were in the government’s several drug lists. The CHR also notes an increase in the number of drug-related killings shortly after pronouncements of the President supporting the anti-illegal drug campaign and the institutionalization of the Project Double Barrel.

The CHR finds that the Government’s campaign against illegal drugs particularly on the investigation and prosecution of drug-related cases, does not measure up to the international standards set by the United Nations in the so-called Minnesota Protocol.\(^{126}\)

This Minnesota Protocol outlines States’ legal obligations and common standards and guidelines relating to the investigation of potentially unlawful deaths, which may have been caused by any of the following:

a. Acts or omissions of the State, its organs or agents, or may otherwise be attributable to the State, in violation of its duty to respect the right to life;

b. Deaths in custody or detention;

c. Where a state fails to exercise due diligence to protect an individual from foreseeable external threats or violence by non-State actors such as vigilante-style killings;

d. Failure of the State to investigate any suspicious death, even where it is not alleged or suspected that the State caused the death or unlawfully failed to prevent it.

The Minnesota Protocol requires the State to investigate a potentially unlawful death **promptly, effectively and thoroughly, with independence, impartiality and transparency.** Sadly, the Philippine Government has failed to perform this duty. Requests by the CHR for access to police records on drug-related extrajudicial killings are often denied. Likewise, subpoenas issued by the CHR are often ignored. Such refusal is attributed to the Inventory of Exceptions to Executive Order No. 02, s.2016, and the Memorandum, dated 25 September 2017, issued by the PNP Human Rights Affairs Office requiring clearance from the PNP National Headquarters before granting any invitation for interview, summons, notices, and/or requests for documents from the CHR and other human rights activists/bodies. An independent and concurrent investigation by the CHR is necessary to ensure impartial and transparent investigations.

Further, the CHR finds that the Government encourages a culture of impunity among offenders, who are both State and non-State actors. Public pronouncements from President Rodrigo Duterte, whether official or made in jest, carry a certain weight that impacts on national policy. In several occasions, the President has intimated to the public that his so-called “war on drugs” will be deadly. He also assured the police officers facing criminal and/or administrative charges arising from the former’s campaign against illegal drugs, that he will prevent government forces from going to prison. It is worth reminding that the rule of law must always prevail.

In the available police records, the CHR observes insufficient and ineffective measures taken by the PNP to investigate and punish contraventions of police protocols. The CHR had noted possible violations of police protocols on the use of force by law enforcement in repelling aggression and resistance by suspects. Available records had suggested unreasonableness and disproportionality in the actions taken by law enforcers in defending themselves. And, in some instances, the nature and locations of wounds sustained by the alleged aggressors even implied the presence of intent to kill.

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Pursuant to the State’s obligation to respect, protect and fulfill the human rights of all individuals within its territory and subject to its jurisdiction, the Commission recommends the following:

Office of the President

1. That the Office of the President revise or remove the exceptions stated in Executive Order No. 2 which has been used as a basis for the denial of CHR subpoenas requesting for documents. Based on the CHR findings, this “presidential directive” has resulted in limited access to police documents relating to the drug-related killings, thus, curtailing its investigations.

2. That the Office of the President desist from making pronouncements that tend to encourage or endorse the killing of drug personalities, distort public perception of due process and human rights, and abdicate state responsibility and accountability.

3. That the Office of the President spearhead the eradication of a “culture of impunity” by directing the concerned agencies to conduct full and transparent investigations into drug-related extrajudicial killings and identify the perpetrators against whom proper charges may be filed.

4. That the Office of the President, in its exercise of supervision and control over local government units and executive departments, direct the latter to fully cooperate with independent investigations conducted by the Commission and other foreign-led bodies. This will show the current administration’s impartiality and commitment to international human rights standards and the rule of law.

5. That the Office of the President, through its programs and issuances, institute a culture of respect for human rights through continuous mandatory trainings and seminars on international human rights instruments and relevant domestic laws, for all law enforcement authorities, government officers and employees.
Philippine National Police (PNP)

1. That the PNP conduct full, immediate, thorough, and impartial investigations of drug-related extrajudicial killings particularly deaths during anti-drug operations, and deaths while in custody/detention. Particularly, the PNP should review its internal investigation processes to guarantee accountability for transgressions of existing laws and standard operating protocols on arrest and the use of force. If warranted, initiation of administrative, civil, or criminal proceedings against police officers must be prompt and effective.

2. That the PNP strengthen the implementation of the laws and policies, including the 2013 PNP Operational Procedures, in holding police officers accountable for any irregularities. Superior officials, in the exercise of their command responsibility, should automatically review the anti-drug operations that necessitated the use of force or firearms. A full and detailed report of the incident should be provided. Pursuant to Executive Order No. 226, s. 1995, which institutionalized the doctrine of “command responsibility” in all government offices, superior officials at the PNP should be held responsible for the actions of their subordinates if the former knew or should have known of abuses but failed to take concrete action.

3. That the PNP promptly implement and faithfully comply with the Supreme Court’s rules on the use of body-worn cameras during arrests and searches.

4. That the PNP Internal Affairs Service ensure transparency and impartiality in resolving administrative cases pending before them. It must be underscored that respondent police officers have the burden of proof to justify self-defense and regularity in the performance of official duties. They must prove that the use of force to subdue resistance on the part of the aggressor was necessary and reasonable.

5. That the PNP repeal or revise Command Memorandum Circular No. 16-2016 on Project: Double Barrel. The double barrel approach Project: Tokhang, which involves the conduct of house to house visitations to persuade suspected illegal drug personalities to stop their illegal drug activities violates human rights.

Department of Interior and Local Government (DILG)

1. That the DILG review their Memorandum Circular No. 2015-63, dated 16 June 2015 on the revitalization of the Barangay Anti-Drug Council (BADAC) and their particular role in preparing and maintaining a confidential list of suspected users, financiers, and/or protectors of illegal drug trade found in their respective area of jurisdiction. There should be measures for vetting and fact-checking to ensure the accuracy of the information in the said list. Further, a clear mechanism, in delisting the name of a suspected pusher, user, financier and/or protector which was erroneously included in the drug watchlist should be put in place.

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129Ibid
130Ibid
Department of Justice (DOJ)

1. That the DOJ expedite the resolution of cases involving drug-related extra-judicial killings.

2. That pursuant to a Memorandum of Agreement signed on 16 April 2012, the DOJ furnish the Commission with case records/files on drug-related extra-judicial killings after promising a judicious review of the 5,655 anti-illegal drug operations where deaths occurred.\(^\text{131}\)

3. That the DOJ and the Office of the Solicitor General motu proprio review and recommend the revision of the Inventory of Exceptions to Executive Order No. 02, s.2016.

Philippine Drug Enforcement Agency (PDEA)

1. That PDEA inculcate to its personnel the policy of full respect and protection of human rights of all persons in the fulfillment of their duties as provided in the PDEA Code of Professional Conduct and Ethical Standards.

2. That PDEA provide regular trainings and seminars to its personnel on international human rights instruments and relevant domestic laws which emphasize their responsibility, as state agents, to uphold and respect the human rights of all persons.

3. That PDEA conduct regular evaluation and analysis of drug operations conducted by their agents or other law enforcement agencies with their participation. It is also suggested that the agency should provide an in-depth report on its observations of these operations and provide recommendations to further improve the conduct of such operations.

4. That PDEA combat impunity by preventing abuses in law enforcement drug operations, investigating all allegations of misconduct in drug operations, and assisting in the prosecution and punishment of all erring PDEA personnel.

Dangerous Drug Board (DDB)

1. That the DDB review and revise Board Regulation No. 1, s.2016 on Guidelines in the Implementation of Operation Lawmen. The monetary award should not be given pending resolution of any criminal and/or administrative complaint arising from the anti-illegal drug operation. Further, decisions of the Operation Lawmen Committees should be subject to review by the Inter-Agency Committee on Anti-Illlegal Drugs (ICAD) pursuant to its functions provided under Section 2 of Executive Order No. 15.

Congress

1. That Congress enact a bill that defines and punishes extra-judicial killing; reiterates the Philippines’ commitment to adhere to international human rights laws and standards; provides for reparations to the victim’s family; and impartial, effective, and efficient investigations of extra-judicial killings.

Office of the Ombudsman

1. That the Office of the Ombudsman conscientiously fulfill its duty to investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. Administrative proceedings, at the very least, should be initiated against law enforcers who employed unnecessary and unjustified force resulting in the death of the victims.

2. That the Office of the Ombudsman undergo continuous training and education about human rights and fundamental freedoms to ensure that duty-bearers or state actors are held accountable for human rights violations committed.

3. That the Office of the Ombudsman expedite resolution of cases involving drug-related extra-judicial killings that were filed before them.

Judiciary

1. In dispensing justice in relation to the anti-illegal drug campaign of the current administration, the courts should continue to uphold its duty to guarantee equality before the law; the presumption of innocence unless proven guilty; the right to a fair and public trial by a competent and impartial tribunal; and to be tried without undue delay.

2. That the Supreme Court “develop a body of jurisprudence that adheres to the principle of stare decisis to prevent the courts from flip-flopping in their decisions. A consistent body of jurisprudence with a strong adherence to the guaranteed Bill of Rights in the Constitution will protect the integrity and independence of the courts.”132

3. That the Supreme Court “implement Rules of Procedure for Human Rights Violations Cases that provide for:
   a. Expedited procedural processes that facilitate the immediate disposition of human rights cases;
   b. Immediate issuance of protective orders;
   c. Limited appeals and allowable motions;
   d. A prohibition on delayed promulgation of judgments; and
   e. An effective mechanism for the execution of judgments.”

4. That the Supreme Court conduct “continuous training and education programs for judges, court attorneys, court officers, and law practitioners about human rights and fundamental freedoms.”

Civil Society Organizations

1. That civil society organizations develop and/or strengthen programs that identify and provide psycho-socio-economic support to the families of EJK victims.

2. That civil society organizations foster initiatives that will enable comprehensive documentation of EJK cases and allow for successful prosecution in the future, in cooperation with the Department of Justice and the CHR.

3. That civil society organizations broaden their civic space by developing and sharing good practices; and recognizing gaps in preventing and prosecuting drug-related extra-judicial killings.

International Organizations

1. That the UN Human Rights Council, through the UN Office of the High Commissioner for Human Rights (OHCHR) continuously remind the Philippine Government to fully and consistently comply with its international human rights obligations.
**ANNEX A**

Selected Tabulated Data

### Total Drug-Related Figures from ROIII, ROIV-A, NCR RO

<table>
<thead>
<tr>
<th>Case Dockets</th>
<th>Victims</th>
<th>Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total (Drug-Related)</td>
<td>585</td>
<td>870</td>
</tr>
</tbody>
</table>

### Drug-Related Incidents Categorized into Types of Operations

<table>
<thead>
<tr>
<th>Type of Operation</th>
<th>Incidents with Killed Victim</th>
<th>Incidents with no Killed Victim</th>
<th>Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement Operations</td>
<td>409</td>
<td>42</td>
<td>451</td>
</tr>
<tr>
<td>Non-law Enforcement Operations</td>
<td>102</td>
<td>2</td>
<td>104</td>
</tr>
<tr>
<td>No Information re: Type of Operation</td>
<td>19</td>
<td>5</td>
<td>24</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>530</strong></td>
<td><strong>49</strong></td>
<td><strong>579</strong></td>
</tr>
</tbody>
</table>

### Victims in Drug-Related Incidents from RO III, RO IV-A, NCR RO Categorized into Types of Operations

<table>
<thead>
<tr>
<th>Type of Operation</th>
<th>Killed Victims</th>
<th>Alive Victims</th>
<th>Victims with Unknown Condition</th>
<th>Total Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement Operations</td>
<td>538</td>
<td>164</td>
<td>3</td>
<td>705</td>
</tr>
<tr>
<td>Non-law Enforcement Operations</td>
<td>121</td>
<td>10</td>
<td>1</td>
<td>132</td>
</tr>
<tr>
<td>No Information re: Type of Operation</td>
<td>25</td>
<td>7</td>
<td>1</td>
<td>33</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>684</strong></td>
<td><strong>181</strong></td>
<td><strong>5</strong></td>
<td><strong>870</strong></td>
</tr>
</tbody>
</table>

### Total Nanlaban Figures from ROIII, ROIV-A, NCR RO

<table>
<thead>
<tr>
<th>Type of Operation</th>
<th>Killed Victims</th>
<th>Alive Victims</th>
<th>Victims with Unknown Condition</th>
<th>Total Nanlaban Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nanlaban Victims</td>
<td>455</td>
<td>11</td>
<td>0</td>
<td>466</td>
</tr>
<tr>
<td>Not Nanlaban Victims</td>
<td>83</td>
<td>153</td>
<td>3</td>
<td>239</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>538</strong></td>
<td><strong>164</strong></td>
<td><strong>3</strong></td>
<td><strong>705</strong></td>
</tr>
</tbody>
</table>

### Victims’ Prior Link to Illegal Drug Trade from ROIII, ROIV-A, NCR RO

<table>
<thead>
<tr>
<th>Type of Operation</th>
<th>Victims with Prior Link</th>
<th>No Prior Link</th>
<th>Total Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Victims</strong></td>
<td><strong>743</strong></td>
<td><strong>127</strong></td>
<td><strong>870</strong></td>
</tr>
</tbody>
</table>

### Incidents’ Link to Drug-Related Operations from ROIII, ROIV-A, NCR RO

<table>
<thead>
<tr>
<th>Type of Operation</th>
<th>Linked to Drug-Related Operations</th>
<th>Not Linked to Drug-Related Operations</th>
<th>Total Incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Incidents</strong></td>
<td><strong>475</strong></td>
<td><strong>104</strong></td>
<td><strong>579</strong></td>
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REPORT ON INVESTIGATED HUMAN RIGHTS VIOLATIONS REPORTED IN RELATION TO THE ANTI-ILLEGAL DRUG CAMPAIGN