

**The following statement will continue to accept endorsements until Saturday, November 11<sup>th</sup>, after which it will be sent to the UN, heads of state and other officials of the US and other major foreign aid donors, and heads of state and other officials in the ASEAN group.**

Since the Philippines escalated its "drug war" in June of last year, over 3,900 people have been killed in anti-drug operations<sup>1</sup>, with nearly 2,300 more drug-related murders<sup>2</sup> and thousands still "unexplained,"<sup>3</sup> according to police reports. Estimates by media and human rights groups for the total drug war killings have ranged from 7,000 up to 14,000.<sup>4</sup> Though the Duterte administration recently suspended most police participation in its drug war,<sup>5</sup> it has done so before, with unclear impact.<sup>6</sup>

Appearance suggests there may be a deliberate policy of extrajudicial killing.

Officials insist drug suspects get killed from resisting arrest, and that other drug-related killings are from criminal gang fights.<sup>7</sup> But authorities have opened investigations into just 1% of the acknowledged police killings<sup>8</sup>, and initiated no prosecutions from them. Many believe government-linked vigilantes or police account for some of the drug-related and unexplained killings.<sup>9</sup>

Additional facts raise questions. The Philippines saw a 50% increase in the official homicide rate starting that June.<sup>10</sup> Video shows police killing Kian delos Santos, an unarmed, cooperating 17-year old<sup>11</sup> – one of 54 known cases of children under 18 killed in the Philippine drug war, including an infant.<sup>12</sup> International NGOs and the Philippines' own human rights defenders have documented many abuses, including incentive payments for killing.<sup>13</sup>

We call for a process of accountability, starting with a UN-led investigation.

The first venue for justice is a nation's own courts. If a government is unwilling or unable to seek justice, treaties allow for intervention by the International Criminal Court, or a similar body chartered for the situation.<sup>14</sup> But the road to international justice is lengthy.

In the immediate present, the most feasible step forward is an investigation led by the UN.<sup>15</sup> Such an investigation would probe the nature and scale of the alleged crimes, while giving priority to protecting witnesses and investigators. Should the Philippine government not allow this to proceed, a UN Commission of Inquiry could be formed to gather facts.<sup>16</sup>

An investigation would look for the mid-level organizers and the individuals implementing policies or practices on the ground. But it would also seek out the leaders. In that context, it is impossible to ignore words publicly spoken by Duterte himself. The president has repeatedly called for mass killings, and promised to protect police from prosecution.<sup>17</sup> He has even threatened to kill human rights activists.<sup>18</sup> **Even in the absence of known official orders, international law considers inducement to commit murder a basis to hold individuals criminally responsible for that crime.**<sup>19</sup>

It is similarly impossible to ignore Duterte's reputed ties as mayor to the infamous Davao Death Squad.<sup>20</sup> Investigators would likewise probe the possible roles of key administration officials such as Police Chief Ronald dela Rosa and Justice Secretary Vitaliano Aguirre.<sup>21</sup>

The situation in the Philippines makes a purely internal solution unlikely, at least for now.

Human rights defenders, attorneys and journalists have attempted to respond to the crisis, but faced retaliation.<sup>22</sup> The list of incidents in which political leaders who have criticized the administration's drug policies have been targeted is long enough to raise questions about the motivation for the attacks.

After Senator Leila de Lima organized testimony in the Justice Committee from a confessed former member of the Davao Death Squad, Edgar Matobato, she was jailed based primarily on accounts from

drug traffickers she'd helped incarcerate.<sup>23</sup> Vice President Leni Robredo has faced the threat of impeachment since providing a video criticizing the killings for an event at the UN.<sup>24</sup> The Supreme Court Chief Justice and the Ombudsman, both critics of the killings, are facing impeachments.<sup>25</sup>

After Senator Risa Hontiveros arranged protective custody for witnesses to the delos Santos killing, a legislator accused her of kidnapping because they are minors, and administration prosecutors have treated the spurious argument with credence.<sup>26</sup> Duterte has threatened to "destroy" Senator Antonio Trillanes, a critic of the killings who has accused the president as well as his son of additional crimes.<sup>27</sup>

By contrast, an impeachment filing against the president was quickly dismissed by a committee of the House of Representatives, ostensibly for its reliance on news reports.<sup>28</sup> Aguirre's response to Matobato, and to similar testimony by retired officer Arturo Lascañas, was to seek their arrest.<sup>29</sup> But Aguirre took no action against the president, whom they'd also implicated.

We call on the world to take decisive actions to stop the killings and encourage better policies.

A statement of concern by 39 countries at the Human Rights Council underlines the seriousness of this situation.<sup>30</sup> So does the rejection or non-commitment by the Philippine government to many of the Council's recommendations. The world should act with the urgency this suggests.

We therefore call on the UN, international donors – including the US, EU, Canada, western European states, Japan, and Australia – and other governments or organizations with ties to the Philippines, to bring their financial and diplomatic leverage to bear on this. **At a minimum, donor states should condition most law enforcement assistance on upholding human rights norms.**<sup>31</sup>

**We likewise call on world leaders attending the ASEAN Summit to unequivocally call for an end to the killings and for human rights to be respected.** ASEAN itself should end its silence on this matter. Leaders should warn other countries against adopting similar tactics.<sup>32</sup>

The international community should promote the right to health, by funding evidence-based alternatives to the drug war in the Philippines.

We finally urge the international community to fund Philippine human rights defenders, at a level matching the crisis. In September the House voted to defund the nation's Commission on Human Rights – later reinstating funds, but at a lower level and with conditions.<sup>33</sup> The future of rule of law in the Philippines may depend on the work of the CHR and its allies.

The world is at a crossroads.

The UN Charter, supreme among treaties, lists human rights among the few supreme obligations of states.<sup>34</sup> But support for this global system of responsibilities and rights has become uncertain. At this uncertain time, lawlessness and extrajudicial violence must not become a model for more countries.

When human rights are attacked, all are called on to act – by individual conscience, age-old moral principles, and the global agreements seeking peace and security for all. The time for action is now.

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## **ENDORSER LIST IN PROGRESS – AS OF 11/9/17:**

### NGOs:

A New PATH (Parents for Addiction Treatment & Healing)  
Access to Rights and Knowledge (ARK) Foundation, Nagaland (India)  
Acción Técnica Social (ATS) (Colombia – Bogotá)  
Action for Health Initiatives (ACHIEVE), Inc. (Philippines – Quezon City)  
AFEW International  
AIDES (France)  
akzept e.V., Bundesverband für akzeptierende Drogenarbeit und humane Drogenpolitik (Germany)  
Alliance for Public Health (Ukraine)  
Americans for Safe Access (US)  
Amitiel Welfare Society (Pakistan)  
Andean Information Network (Bolivia)  
APCASO (Asia-Pacific)  
APDES - Agência Piaget para o Desenvolvimento (Portugal)  
ASEAN Youth Forum-Philippines  
Asia Catalyst  
Asian Network of People Who Use Drugs (ANPUD)  
Asia Pacific Transgender Network  
Asociación Costarricense para el Estudio e Intervención en Drogas (ACEID) - Costa Rica  
Association Guyanaise de Réduction des Risques (Harm Reduction Guianan Association) (French Guyana, Latin America)  
Association for Humane Drug Policies (Norway)  
Association for Safer Drug Policies (Norway -- Foreningen Tryggere Ruspolitikk)  
Associazione Antigone (Italy)  
Assonabis a cannabis society (Spain – Valencia)  
Australian Drug Law Reform Foundation  
The Beckley Foundation (UK)  
Belangenvereniging Druggebruikers MDHG, Amsterdam  
Black and Pink (US)  
BOOM!Health, providing Harm Reduction and other services in New York City (Bronx)  
Brazilian Drug Policy Center – Psicotropicus  
Broken No More  
CAN-DO Foundation (US)  
Canadian Drug Policy Coalition  
Canadian HIV/AIDS Legal Network  
Canadian Students for Sensible Drug Policy  
The Cannabis Alliance (US – Washington State)  
Caribbean Vulnerable Communities (CVC)  
The Center for Harm Reduction Therapy (US – California)  
Center for Living and Learning (US – California)  
The CHOW Project  
Chicago Recovery Alliance  
CIDDD Centro de Investigación Drogas y Derechos Humanos (Drugs and Human Rights Center) (Peru)  
Citywide Drugs Crisis Campaign (Ireland)

Civil Survival (US)  
Clergy for a New Drug Policy (US)  
Clondalkin Addiction Support Group (CASP) (Ireland)  
Clondalkin Tus Nua, Addiction Support Service (Ireland)  
Coalition of Drug Users in Nepal (CDUN)  
Corporación Humanas - Colombia  
Correlation Network – European Network Social Inclusion & Health  
Collectif Urgence Toxida (CUT) (Mauritius)  
DC Cannabis Campaign, DCMJ.org (US)  
Death Penalty Focus (US)  
Deutscher Hanfverband (DHV) - German Cannabis Association  
Diogenis, Drug Policy Dialogue (Greece)  
Drug Policy Advocacy Group (DPAG) - Myanmar  
Drug Policy Alliance (US)  
Drug Policy Forum of Hawai'i  
Drug Policy and Harm Reduction Platform in Malawi  
Drug Truth Network (US)  
Drugs & Democracy programme of the Transnational Institute  
EADUMC (Ethio Africa Diaspora Union Millennium Council)  
ECHO (Expertises Citoyennes Horizontales) (France)  
Ecuador Cannábico  
El Centro de Orientación e Investigación Integral (COIN) (Dominican Republic)  
Empire State NORML (New York State Chapter of the National Organization for the Reform of Marijuana Laws)  
Equis Justicia para las Mujeres (Mexico City)  
FAAAT Foundation for Alternative Approaches to Addiction – Think & do tank (France, Spain)  
Families for Justice as Healing (US)  
Family Council on Drug Awareness (US)  
Federación Andaluza Enlace (Spain)  
Fedito Bxl - Drugs & Addictions Brussels  
Fettercairn Drug Rehabilitation Programme (Ireland – West Dublin)  
Fields of Green for ALL NPC (South Africa)  
Filipino American Human Rights Alliance (FAHRA)  
Forum Droghe (Italy)  
Free Hearts (US)  
Free Legal Assistance Group (FLAG) (Philippines)  
From Life to Life (US)  
Fuoriluogo.it (Italy)  
GAT - Grupo de Ativistas em Tratamentos (Portugal)  
Global Network of People Living with HIV (GNP+)  
GRASP: Grief Recovery After a Substance Passing  
The Grassrooted Trust (Sri Lanka)  
GREA - Groupement Romand d'Etudes des Addictions (Switzerland)  
Harm Reduction Coalition (US)  
Harm Reduction Foundation (Warsaw, Poland – Warsaw)  
Harm Reduction International

Harm Reduction Michigan (US)  
Health GAP (US)  
Health Poverty Action  
Hep Free Hawaii  
HIV Ireland  
Housing Works (US)  
Human Rights Defense Center (US)  
Human Rights and the Drug War (US)  
IDHDP (International Doctors for Healthier Drug Policies)  
In Defense of Human Rights and Dignity Movement (iDEFEND) (Philippines)  
Indian Drug Users Forum (IDUF)  
Institute for Inner Balance (Slovenia)  
Institute for Research and Development "Utrip" (Slovenia)  
Institute for Policy Studies, Drug Policy Project (US)  
Intercambios Civil Association (Argentina)  
Intercambios Puerto Rico  
International Center for Ethnobotanical Education Research & Service, ICEERS Foundation (Spain, Uruguay)  
International Centre for Science in Drug Policy  
International Drug Policy Consortium  
International Network of People Who Use Drugs  
International Union of Socialist Youth (IUSY)  
Italian Coalition for Civil Liberties and Rights  
The John Mordant Trust (United Kingdom)  
Just Say No Nepal  
Justice Strategies (US)  
Juventud País Solidario (Paraguay)  
Katal Center for Health, Equity, and Justice (US)  
KIPAS (Indonesia – Bengkulu)  
Kopenham (Indonesia – Mojokerto, East Java)  
Kripa Foundation Nagaland (India)  
KULDESAK (Indonesia – Depok, West Java)  
The Ladies of Hope Ministries (US)  
LatinoJustice PRLDEF (US)  
Law Enforcement Action Partnership (LEAP)  
Lawyers Collective (India)  
LBH Masyarakat (Community Legal Aid Institute, Indonesia)  
Legalizziamo.it (Italy)  
Life for Pot (US)  
Luca Coscioni Association for Freedom of Scientific Research (Italy)  
Mainline Foundation (Netherlands)  
Marijuana Policy Project (US)  
Médecins du Monde (Mdm – Doctors of the World)  
Menteng Matraman Community (Indonesia – Jakarta)  
México Unido Contra la Delincuencia  
Middle East and North Africa Network of/for People who use Drugs

Mommieactivist and Sons (US)  
Moms Stop The Harm (Canada)  
Moms United to End the War on drugs international campaign  
mumsDU -- moms united and mandated to saving the lives of Drug Users (Canada)  
National Alliance for Medication Assisted Recovery (US)  
National Coalition of PLHIV in India (NCPI +)  
The National Council for Incarcerated and Formerly Incarcerated Women and Girls (US)  
National Lawyers Guild, Drug Policy Committee (US)  
National Organization for Women (US)  
National Urban Survivors Union (US – California, North Carolina, Washington)  
Nepal for Public Health (working for the rights of drug users of Nepal)  
Network of Maharashtra by people living with HIV/AIDS (NMP +)  
Network of Young Democratic Asians (NOYDA)  
New Beginnings Reentry Services, Inc. (US – Boston, Massachusetts)  
New Zealand Drug Foundation  
newsweed.fr (France)  
No Peace Without Justice  
NORML France  
Normal Norge (Norway)  
Pedro José Arenas García, Director del Observatorio de Cultivos y Cultivadores Declarados Ilícitos (OCCDI Global)  
One Million Americans, LTD  
PCA UNICO (Union contre la co-infection VIH/Hépatites/Tuberculose) (Cote D'Ivoire)  
Penington Institute (Australia)  
PERBAN SAKTI (Indonesia – East Kalimantan)  
PESONA (Indonesia – Bengkulu, Sumatera)  
Philippine Alliance of Human Rights Advocates (PAHRA)  
Physicians for Responsible Opioid Prescribing (PROP) (US)  
PILOT (Indonesia – East Lombok, NTB)  
PKN (Indonesia – Bandung, West Java)  
PKN (Indonesia – Bogor, West Java)  
PKN (Indonesia – Bukittinggi, West Sumatera)  
PKN (Indonesia – Jambi, Jambi)  
PKN (Indonesia – Kepri, Riau Islands)  
PKNI (Persaudaraan Korban Napza Indonesia/Indonesian Drug User Network)  
PKNL (Indonesia – Lampung)  
Kevin Zeese, co-director, Popular Resistance  
PREKURSOR Foundation for Social Policy (Poland – Warsaw)  
PRERANA, First Organization Established by & for PLHIV in Nepal  
Preventivna platforma (Prevention Platform) (Slovenia)  
The Prison Consultants (US)  
Project Inform (US)  
proLAR Nasjonalt Forbund For Folk I Lar (Norway)  
Prospective Jeunesse asbl (Belgium)  
Quad Cities Harm Reduction (US-Iowa)  
Recovering Nepal, National Federation of people who use drugs and drug service organizations

REDUC - Brazilian Harm Reduction and Human Rights Network  
Reentry Central (US)  
Release (UK)  
Restore Her (US)  
Rights Reporter Foundation  
Romanian Harm Reduction Network  
RTCOI (Reverse The Cycle Of Incarceration) (US)  
Safe Streets Arts Foundation (US – Washington, DC)  
St. Ann's Corner of Harm Reduction, Inc. (Bronx, NY)  
San Francisco Drug Users Union (US)  
San Francisco Safety and Wellness Coalition (US)  
Sangram Sewa Sadan (Mauritius)  
SAOL Project (Ireland)  
SATHI SAMUHA, Community-led Organization of Positive People Who Use Drugs in Nepal  
Seattle Hempfest  
Sex Workers and Allies Network (SWAN)  
La Società della Ragione (Italy)  
Sonoran Prevention Works (US – Arizona)  
StoptheDrugWar.org (US)estres  
Students for Sensible Drug Policy  
Students for Sensible Drug Policy Australia  
SUPER PM (Indonesia – North Sumatera)  
Supernova Women (US – Oakland, California)  
Rajesh Didiya, Director, SURUWAT (Nepal)  
TASKON Padang (Indonesia – West Sumatera)  
TLF Share Collective (Philippines)  
Transform Drug Policy Foundation (UK)  
Treatment Action Group (US)  
Treatment Communities of America  
Trung tâm Hỗ trợ Sáng kiến Phát triển Cộng đồng | Centre for Supporting Community Development Initiatives (Vietnam)  
UDK Consultancy (Malawi)  
Uganda Harm Reduction Network  
UNAD (Spain)  
Union C (Nepal)  
US Filipinos for Good Governance (US)  
Virginia CAN (Change Addiction Now) (US)  
Rubem César Fernandes, Executive Director of Viva Rio (Brazil)  
Vocal-NY  
Walkinstown Greenhills Resource Centre (Ireland – Dublin)  
West Borneo Action (Indonesia – Pontianak, West Borneo)  
William C. Velasquez Institute (US)  
Witness to Mass Incarceration (US)  
Women Who Never Give Up, Inc. (US)  
Women With A Vision (US – New Orleans)  
Women's Coalition Against Cancer in Malawi



Young Women's Freedom Center (US)  
Youth RISE  
Zimbabwe Civil Liberties and Drug Network

Celebrities:

Mike Farrell, Actor, Human Rights and Social Justice Advocate

Legal Community:

Scott Bernstein, Lawyer, Vancouver, British Columbia, Canada  
Jon Boersma, Lawyer, Vancouver, British Columbia, Canada  
Greenbridge Corporate Counsel (US – California)  
Khurshid Khoja, Founder and Principal, Greenbridge Corporate Counsel  
Jesse Stout, Of Counsel, Greenbridge Corporate Counsel  
Raynov Tumorang Pamintori, SEA Fellow, Death Penalty Team, Reprieve (UK)  
Vicente Sederberg LLC

Religious Community:

Ecumenical Advocacy Network on the Philippines

Business Leaders:

David Bronner, President, Dr. Bronner's Magic Soaps  
Kayvan S.T. Khalatbari, Founding Partner, Denver Relief Consulting  
Ean Seeb, Founding Partner, Denver Relief Consulting

Health Professionals:

Sunil Kumar Aggarwal, MD, Ph.D., Clinical Instructor and Affiliate Associate Professor, University of Washington  
Denise Cullen, LCSW  
Patt Denning, Ph.D., Director of Clinical Services & Training, The Center for Harm Reduction Therapy (San Francisco)  
Philip D. Harvey, Chairman, DKT International  
Robert Heimer, Ph.D., Professor of Epidemiology, Yale School of Public Health  
T. Stephen Jones, MD (Centers for Disease Control and Prevention, retired)  
Sam Snodgrass, Ph.D., Board Member Broken No More/GRASP  
Dr. Alex Wodak AM (Australia)

Law Enforcement:

Stephen Downing  
Deputy Chief, LAPD (Ret.)

Jay Fisher  
Former prosecutor, Denver, Colorado

James E. Gierach  
Former Assistant State's Attorney, Cook County, Illinois

Diane Goldstein  
Lieutenant Commander, Redondo Beach PD (Ret.)

Michael Hilliard  
Police Major, Baltimore PD (Ret.)

Gordon D. McAllister  
District Court Judge, Oklahoma (Ret.)

Norm Stamper, Ph.D.  
Seattle Chief of Police (Ret.)

Paul Steigleder II  
Sheriff's Lieutenant, Portland, Oregon (Ret.)

Ray Strack  
Special Agent, Immigration and Customs Enforcement (Ret.)

Jack Wilborn  
Retired Police Reserve Officer, Glendale PD

Political and Governmental Officials:

Silvana Amati  
Member of Senate of Italy since 2014

Nathanial Erskine-Smith  
Member of Parliament of Canada since 2015

Representative Roger Goodman  
Chair, House Public Safety Committee  
Washington State Legislature

Dr. Chee Soon Juan  
Secretary General, Singapore Democratic Party

Donald Macpherson  
Drug Policy Coordinator, City of Vancouver, Canada, 2000-2009

Andrea Maestri  
Member of Chamber of Deputies, Italy since 2013

Marco Perduca  
Member of Senate of Italy, 2008-2013

Mardi Seng  
Member of Senate of Cambodia

Antonella Soldo  
President, Radicali italiani

Mike Trace  
Former UK Drug Czar

Loves Ones of People Deceased Due to Substance Issues

Marie Agioritis for her son Kelly, who died in 2015 at age 19.

Deb Hale Bailey for her daughter Izzy, who died in 2015 at age 21.

Louise Cameron for her son who died.

Laura Cash for her son Mark, who died in 2014.

Denise Cullen for her son Jeff, who died in 2008 at age 27.

Catherine Maxwell Day for her brother who died.

Chris Dobs for her son Adam, who died in 2016 at age 27.

Lois Fridfinnson for her son Keith who died in 2010 at age 23 and her daughter Bricey who died in 2017 at age 26.

Faye Gray for her daughter Lindsey who died in 2015 at age 33.

Helen Jennens for her sons Rian and Tyler, who died in 2011 and 2016.

Niki Brooks Lukas for her son Dustin, who died in 2016 at age 27.

Donna May for her daughter Jac, who died in 2012 at age 34.

Sylvia Mennear for her son Aaron James who died in 2017 at age 30.

Shannon O'Sullivan for her son Patrick Norris Colby who died in 2017 at age 38.

Kym Porter for her son Neil Balmer who died in 2016 at age 32.

Petra Schulz for her son Danny, who died in 2014 at age 25.

Lorna Thomas for her son Alex, who died in 2012 at age 24.

Kari Ursulescu for her partner who died in 2016 at age 31.

Ruth Verkerk for her son who died in 2016 at age 54.

Lisa Wilkins for her son Chip Wilkins who died in 2011.

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## END NOTES

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- <sup>1</sup> #REALNUMBERSPH Social Cards (Philippine Info. Agency 2017) (click on "Operations as of September 26"), <http://pia.gov.ph/realnumbers/socialcards> (last visited Oct. 22, 2017) [hereinafter Social Cards].
- <sup>2</sup> Gaea Katreena Cabico, *PNP: 6,225 Drug-related Deaths, No Extrajudicial Killings*, *The Philippine Star*, Oct. 7, 2017 at (Philippine National Police Reports, inclusive dates: July 1, 2016-September 29,2017), <http://www.philstar.com/headlines/2017/10/07/1746112/pnp-6225-drug-related-deaths-no-extrajudicial-killings> (last visited Oct. 22, 2017) [hereinafter PNP Says No EJKs].
- <sup>3</sup> Social Cards (click on "Homicide Cases as of June 30, 2017").
- <sup>4</sup> One recent estimate of 13,000 is cited in: *Thousands Demand End to Killings in Duterte's Drug War*, *Al Jazeera*, Aug. 21, 2017 at <http://www.aljazeera.com/news/2017/08/thousands-demand-killings-duterte-drug-war-170821124440845.html> (last visited Oct. 30, 2017).
- <sup>5</sup> Oliver Holmes & Reuters in Manila, *Rodrigo Duterte Pulls Philippine Police Out of Brutal War on Drugs*, *The Guardian*, Oct. 11, 2017 at <https://www.theguardian.com/world/2017/oct/12/philippines-rodrigo-duterte-police-war-drugs> (last visited Oct. 22, 2017).
- <sup>6</sup> Phelim Kine, *Abusive Philippine 'Drug War' Gets Military Reinforcements* (Human Rights Watch Feb. 1, 2017), <https://www.hrw.org/news/2017/02/01/abusive-philippine-drug-war-gets-military-reinforcements> (last visited Oct. 22, 2017).
- <sup>7</sup> *SWS: 54% of Filipinos Reject PNP Tales of 'nanlaban'*, *Inquirer*, Sept. 28, 2017 at <http://newsinfo.inquirer.net/933923/sws-54-of-filipinos-reject-pnp-tales-of-nanlaban> (last visited Oct. 22, 2017); *'Bato' Stops Drug War, Starts Fight Vs Rogue Cops*, *ABS-CBN News*, Jan. 30, 2017 at ("Police say many of those so far unsolved could be the work of vigilantes or inter-gang drugs violence."), <http://news.abs-cbn.com/news/01/30/17/bato-stops-drug-war-starts-fight-vs-rogue-cops> (last visited Oct. 22, 2017).
- <sup>8</sup> *PNP Says No EJKs*, (the article notes that a Philippine National Police statement claimed, "[T]here is only one case of extrajudicial killing or EJK for the period July 1, 2016 to September 30, 2017." However, PNP spokesman Dionardo Carlos later said, "[w]e dont have cases considered as EJK as of now, so I stand corrected."); *Presentation of Chito Gascon, Chairperson, Commission on Human Rights of the Republic of the Philippines*, in *Human Rights Challenge: Responding to Extrajudicial Killings in the Drug War*, side event at the UN Commission on Narcotic Drugs annual meeting, Vienna (Mar. 16, 2017) ("[T]he reality is not a single police officer that has already admitted is being held accountable."), <https://www.youtube.com/watch?v=50JlaFBZP6c> (last visited Oct. 22, 2017).
- <sup>9</sup> Lara Tan, *Duterte Encourages Vigilante Killings, Tolerates Police Modus – Human Rights Watch*, *CNN Phil.*, Mar. 3, 2017 at <http://cnnphilippines.com/news/2017/03/02/Duterte-PNP-war-on-drugs-Human-Rights-Watch.html> (last visited Oct. 22, 2017).
- <sup>10</sup> Leila B. Salaverria, *Crime 32% Down, but Murder Is Up 50%*, *Inquirer*, Dec. 21, 2016 at <http://newsinfo.inquirer.net/855251/crime-32-down-but-murder-is-up-50> (last visited Oct. 22, 2017).
- <sup>11</sup> Euan McKirdy & Jinky Jorgio, *Could Teenager's Shooting Be a Turning Point in Duterte's War on Drugs?*, *CNN*, Aug. 24, 2017 at <http://www.cnn.com/2017/08/24/asia/kian-delos-santos-duterte-war-on-drugs/> (last visited Oct. 22, 2017).
- <sup>12</sup> David Gilbert, *Duterte's Drug War Has Now Killed at Least 54 Children*, *Vice*, Oct. 3, 2017 at [https://www.vice.com/en\\_id/article/yw3kzy/dutertes-drug-war-has-now-killed-at-least-54-children](https://www.vice.com/en_id/article/yw3kzy/dutertes-drug-war-has-now-killed-at-least-54-children) (last visited Oct. 24, 2017); Jodesz Gavilan, *LIST: Minors, College Students Killed in Duterte's Drug War*, *Rappler*, Aug. 19, 2017 at <https://www.rappler.com/newsbreak/iq/179234-minors-college-students-victims-war-on-drugs-duterte> (last visited Oct. 24, 2017).
- <sup>13</sup> Human rights NGOs have documented accounts of incentive payments to killers, "kill lists" and planting evidence among other abuses. A few of the major reports are the following: "If You Are Poor, You Are Killed": Extrajudicial Killings in the Philippines "War on Drugs" (Amnesty Int'l 2017), <https://www.amnesty.org/en/documents/asa35/5517/2017/en/> (last visited Oct. 22, 2017); Peter Bouckaert, "License to Kill" Philippine Police Killings in Duterte's "War on Drugs" (Human Rights Watch 2017), [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) (last visited Oct. 22, 2017); Summary & Extrajudicial Killings in the Philippines: A Submission to the United Nations Human Rights Council for the Universal Periodic Review of the Philippines (3rd Cycle, 27th Session, 2017) (Ateneo Human Rights Ctr. 2017), <https://www.ateneo.edu/sites/default/files/attached-files/Summary%20and%20Extrajudicial%20Killings%20in%20the%20Philippines%20%28AHR%29%20-%20UPR%203rd%20Cycle.pdf> (last visited Oct. 22, 2017).
- <sup>14</sup> Understanding the International Criminal Court 2, Pub. Info. & Documentation Section, Int'l Criminal Court ("According to the Rome Statute, it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes. The International Criminal Court can only intervene where a State is unable or unwilling genuinely to

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carry out the investigation and prosecute the perpetrators." ), <https://www.icc-cpi.int/iccdocs/PIDS/publications/UICCEng.pdf> (last visited Oct. 23, 2017); Examples of temporary international criminal tribunals including the Nuremberg Military Tribunals, the Tokyo War Crimes Tribunal, the International Criminal Tribunal for Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone: International Criminal Tribunals, Legal Info. Institute, Cornell Law School, [https://www.law.cornell.edu/wex/international\\_criminal\\_tribunals](https://www.law.cornell.edu/wex/international_criminal_tribunals) (last visited Oct. 23, 2017).

<sup>15</sup> In 1982 the UN Economic and Social Council established the mandate of the Special Rapporteur on summary or arbitrary executions, in 1992 widening it to extrajudicial executions. It includes "country visits to examine the situation of extrajudicial, summary or arbitrary executions...": Overview of the Mandate, Office of the United Nations High Comm'r for Human Rights (OHCHR) , <http://www.ohchr.org/EN/Issues/Executions/Pages/Overview.aspx> (last visited Oct. 23, 2017).

<sup>16</sup> International Commissions of Inquiry, Commissions on Human Rights, Fact-Finding Missions and Other Investigations, OHCHR , <http://www.ohchr.org/EN/HRBodies/HRC/Pages/COIs.aspx> (last visited Oct. 23, 2017).

<sup>17</sup> Antonio L. Colina IV, *Duterte: 'Manila Bay Will Be Dumping Ground of Criminals'*, SunStar Davao, May 24, 2015 at ("If by chance that God will [make me president], watch out because the 1,000 [people reportedly executed while Duterte was mayor of Davao City] will become 100,000. You will see the fish in Manila Bay getting fat. That is where I will dump you."), <http://www.sunstar.com.ph/davao/local-news/2015/05/24/duterte-manila-bay-will-be-dumping-ground-criminals-409246> (last visited Oct. 22, 2017); Karlos Manlupig, *Duterte: 'Am I the Death Squad? True'*, Rappler, May 25, 2015 at <https://www.rappler.com/nation/politics/elections/2016/94302-rodrigo-duterte-davao-death-squad> (last visited Oct. 22, 2017); *Philippines President Rodrigo Duterte in Quotes*, BBC, Sept. 30, 2016 ("Forget the laws on human rights. If I make it to the presidential palace, I will do just what I did as mayor. You drug pushers, hold-up men and do-nothings, you better go out. Because I'd kill you," [Duterte] said at his final campaign rally."), at <http://www.bbc.com/news/world-asia-36251094> (last visited Oct. 22, 2017) [hereinafter Duterte Quotes]; Duterte Quotes ("[Duterte] also said he would give himself and members of the security forces immunity from prosecution when they leave office, saying: 'Pardon given to Rodrigo Duterte for the crime of multiple murder, signed Rodrigo Duterte.'"); Duterte Quotes ("Hitler massacred three million Jews. Now, there is three million drug addicts. I'd be happy to slaughter them."); *Duterte Endorses Killing Corrupt Journalists*, Agence France-Presse, June 1, 2016 ("Just because you're a journalist you are not exempted from assassination, if you're a son of a bitch, Duterte said when asked how he would address the problem of media killings in the Philippines after a reporter was shot dead in Manila last week."), at <http://newsinfo.inquirer.net/788543/duterte-endorses-killing-corrupt-journalists> (last visited Oct. 22, 2017) [hereinafter Duterte Threatens Journalists]; Melissa Chan, *Philippine President-Elect Urges Citizens to Shoot and Kill Drug Dealers*, TIME, June 5, 2016 ("[F]eel free to call us, the police, or do it yourself if you have the gun—you have my support'... 'You can kill him,' [Duterte] said of drug dealers who show violent resistance. Shoot him and I'll give you a medal."), at <http://time.com/4357763/rodrigo-duterte-reward-kill-drug-dealers/> (last visited Oct. 22, 2017); *Philippines Leader Duterte Attacks EU 'crazies' Over Drugs War Criticism*, Sky News, Mar. 20, 2017 ("More people will die. I said I will not stop... I will continue until the last drug lord in the Philippines is killed and the pushers (are) out of the streets."), at <http://news.sky.com/story/philippines-leader-duterte-attacks-eu-crazies-over-drugs-war-criticism-10808661> (last visited Oct. 22, 2017).

<sup>18</sup> Duterte Threatens Human Rights Activists.

<sup>19</sup> Article 25 of the Rome Statute states that individuals who solicit or induce crimes within the jurisdiction of the International Criminal Court are criminally liable for crimes that others commit. Duterte's repeated public calls for mass killings may therefore demonstrate criminal liability for murder, because of his demonstrated ability to influence people's behavior as a popular head of state; Rome Statute of the International Criminal Court (1998) ("In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person... [o]rders, solicits or induces the commission of such a crime which in fact occurs or is attempted..."), [http://legal.un.org/icc/statute/99\\_corr/cstatute.htm](http://legal.un.org/icc/statute/99_corr/cstatute.htm) (last visited Oct. 22, 2017).

<sup>20</sup> Fr. Amado Picardal, CSsR, *The Victims of the Davao Death Squad: Consolidated Report 1998-2015*, <http://www.cbcpnews.com/cbcpnews/?p=76531> (last visited Oct. 23, 2017).

<sup>21</sup> Phelim Kine, *The Philippines' 'Drug War' Deaths Denial Complex* (Human Rights Watch May 9, 2017), <https://www.hrw.org/news/2017/05/09/philippines-drug-war-deaths-denial-complex> (last visited Oct. 23, 2017).

<sup>22</sup> Cecilia Yap & Norman P. Aquino, *Duterte Accused of Silencing Critics After Senator's Drug Arrest*, Inquirer, Feb. 24, 2017 at <https://www.bloomberg.com/news/articles/2017-02-24/one-of-duterte-s-biggest-critics-arrested-on-drug-charges> (last visited Oct. 22, 2017); *Philippines: Duterte Should Disavow Threat to Lawyers Drug Suspects' Legal Counsel* (Human Rights Watch Dec. 21, 2016), at <https://www.hrw.org/news/2016/12/12/philippines-duterte-should-disavow-threat-lawyers> (last visited Oct. 22, 2017); Marlon Ramos, *Duterte Threatens to Kill Rights Activists if Drug Problem Worsens*, Inquirer, Nov. 29, 2016 at <http://newsinfo.inquirer.net/848933/duterte-threatens-to-kill-human-rights-activists-if-drug-problem-worsens> (last visited Oct. 22, 2017) [hereinafter Duterte Threatens Human Rights Activists]; Duterte Threatens Journalists.

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- <sup>23</sup> Two Supreme Court justices accused a colleague of contradicting himself vs. past rulings, in his majority opinion allowing the de Lima case to move forward: Marlon Ramos, SC: *De Lima Faces Probe on Hearsay Evidence*, Inquirer, Oct. 23, 2017 at <http://newsinfo.inquirer.net/939888/sc-de-lima-faces-probe-on-hearsay-evidence> (last visited Oct. 23, 2017); Jocelyn R. Uy & Leila B. Salaverria, *Palace Slams Inter-Parliamentary Union for 'meddling' in De Lima Case*, Inquirer, Oct. 22, 2017 at ("In its 16-page report last July, following a three-day mission in the Philippines in May, the [Inter-Parliamentary Union] cast doubt on the evidence presented in each of the three drug charges filed against De Lima... 'There are general concerns about the over-reliance on testimonies by convicted drug lords, not only because they are proven criminals but because these individuals have an axe to grind with Sen. de Lima,' stated the report."), <http://globalnation.inquirer.net/161018/inter-parliamentary-union-leila-de-lima-martin-andanar-war-on-drugs> (last visited Oct. 22, 2017).
- <sup>24</sup> *VP Robredo Faces Impeachment Over UN Video Message*, ABS-CBN News, Mar. 2, 2017 at <http://news.abs-cbn.com/news/05/02/17/vp-robredo-faces-impeachment-over-un-video-message> (last visited Oct. 22, 2017).
- <sup>25</sup> Trisha Macas, *Duterte to File Impeachment Case Vs. Ombudsman, CJ Sereno*, GMA News Online, Oct. 4, 2017 at <http://www.gmanetwork.com/news/news/nation/628281/duterte-to-file-impeachment-case-vs-ombudsman-cj-sereno/story/> (last visited Oct. 22, 2017).
- <sup>26</sup> The legislator, Jing Paras, also accused Hontiveros of wiretapping for presenting a photograph in the Senate showing the justice minister texting with an advocacy group about plans to discredit her: Lian Buan, *Jing Paras Files Kidnapping Complaint Vs Hontiveros for Taking Kian Witnesses*, Rappler, Sept. 25, 2017 at <https://www.rappler.com/nation/183271-jing-paras-risa-hontiveros-complaint-kian-delos-santos-case-witnesses> (last visited Oct. 22, 2017).
- <sup>27</sup> Margaret Claire Layug, *Duterte on Trillanes: I Destroy Him or He Will Destroy Me*, GMA News Online, Sept. 10, 2017 at <http://www.gmanetwork.com/news/news/nation/625288/duterte-on-trillanes-i-destroy-him-or-he-will-destroy-me/story/> (last visited Oct. 23, 2017).
- <sup>28</sup> *House Committee Effectively Dismisses Impeachment Complaint Vs. Duterte*, CNN Phil., May 16, 2017 at <http://cnnphilippines.com/news/2017/05/15/Duterte-impeachment-complaint-dismissed-House-Alejano-Magdalo.html> (last visited Oct. 23, 2017).
- <sup>29</sup> Edu Punay, *Interpol asked to arrest DDS whistleblower Lascañas*, The Philippine Star, June 14, 2017 at <http://www.philstar.com/headlines/2017/06/14/1709857/interpol-asked-arrest-dds-whistleblower-lascañas> (last visited Oct. 23, 2017).
- <sup>30</sup> Human Rights Council 36th Session (September 11-29, 2017), Joint Statement, Item 10 (2017) (The 39 countries wrote: "Since the Philippines underwent its [Universal Periodic Review] this year, the human rights situation continues to be of serious concern... We remain concerned about the thousands of killings and climate of impunity... [and] We share concerns of the High Commissioner regarding intimidations against [human rights defenders]..."), [https://www.hrw.org/sites/default/files/supporting\\_resources/statement\\_unhrc\\_philippines\\_201709.pdf](https://www.hrw.org/sites/default/files/supporting_resources/statement_unhrc_philippines_201709.pdf) (last visited Oct. 23, 2017).
- <sup>31</sup> An example of national legislation is the Philippines Human Rights Accountability and Counternarcotics Act of 2017, currently in the US Senate: Cardin, Rubio Introduce Philippines Security, Human Rights Assistance Legislation (United States Senate Comm. of Foreign Relations May 4, 2017), <https://www.foreign.senate.gov/press/ranking/release/cardin-rubio-introduce-philippines-security-human-rights-assistance-legislation> (last visited Oct. 23, 2017).
- <sup>32</sup> There is already evidence of a "Duterte effect" in nearby Indonesia: Vincent Bevins, *Indonesia Might Be Copying the Vigilante Violence of Duterte's Drug War*, Wash. Post, Aug. 4, 2017 at <https://www.washingtonpost.com/news/worldviews/wp/2017/08/04/indonesia-might-be-copying-the-vigilante-violence-of-dutertes-drug-war/> (last visited Oct. 23, 2017).
- <sup>33</sup> *Philippine Congress Agrees to Restore Rights Commission Budget from \$20*, Reuters, Sept. 20, 2017 at <http://www.reuters.com/article/us-philippines-duterte-rights/philippine-congress-agrees-to-restore-rights-commission-budget-from-20-idUSKCN1BV28J> (last visited Oct. 23, 2017); APF Welcomes Decision to Restore Budget of Philippines' NHRI (Asia Pac. Forum of Nat'l Human Rights Institutions Sep. 25, 2017), <http://www.asiapacificforum.net/news/apf-welcomes-decision-restore-budget-philippines-nhri/> (last visited Oct. 24, 2017).
- <sup>34</sup> Article 103 of the UN Charter states, "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.": Charter of the United Nations, Chapter XVI — Miscellaneous Provisions, Codification Div. Publications, United Nations, <http://legal.un.org/repertory/art103.shtml> (last visited Oct. 23, 2017); Article I of the UN Charter includes "promoting and encouraging respect for human rights and for fundamental freedoms for all" among the fundamental purposes of the UN system: United Nations, Charter of the United Nations and Statute of the International Court of Justice 3 (1945), <http://treaties.un.org/doc/publication/ctc/uncharter.pdf>.