

Extrajudicial killings in the Philippines:

Letter by the Civil Society Forum on Drugs requesting the European Union to take urgent action

11th August 2016,

Dear Members of the Presidency of Slovakia of the EU,
Dear Secretariat of the EU Council,
Dear members of the European Commission,

We are writing to you on behalf of the EU Civil Society Forum (CSF) on drugs, a broad platform for a structured dialogue between the European Commission and the European civil society which supports drug policy formulation and implementation through practical advice.¹ The CSF on drugs is composed of 45 NGOs, networks, civil society organisations and grass-roots service providers from across Europe, representing a diversity of views on drug policy.

We request that the European Union (EU) takes action to condemn the extrajudicial killing of people suspected of using or dealing drugs in the Philippines, and to call for an immediate halt to these killings.

More than 700 people have been killed between the 10th of May to the end of July 2016.² These killings have reportedly taken place in several parts of the country, including Manila, Bulacan, Cebu, Rizal, Abra, Bataan, Pangasinan and Cavite, and carried out by police or “unidentified hitmen”.³ The rapidly rising number of deaths occurring on a daily basis is the direct result of President Duterte’s campaign to eliminate drug-related problems in the country. In the past few days, more than 125,000 suspected drug dealers and users have surrendered to the police, most of them to protect their own safety. This has contributed to a major prison crisis in the country.⁴

Mr. Rodrigo Duterte won the presidential election held in the Philippines on 9th May 2016, and was inaugurated as president on 30th June 2016. Since his election campaign, Mr. Duterte has repeatedly urged law enforcement agencies and the public at large to kill people suspected of dealing or trafficking drugs as well as people who use drugs, as part of his pledge to end criminal activity within three to six months in the Philippines.

As a result, instead of ensuring the protection and rights of people who use drugs, including the right to health and provision of voluntary, evidence-based drug treatment and harm reduction services, President Duterte has called for them to be killed, claiming that “Rehabilitation is no longer viable”.⁵ Instead of ensuring the rights of people suspected of committing drug-related crimes to due process and to a fair trial, the President has called for them to be executed on the spot and with absolute impunity.⁶

The EU has a historical relationship with the Philippines, which has not solely been based on trade agreements, but also on important European financial support, in particular in the area of criminal justice and human rights. Over the past 40 years, the EU gave more than EUR 1 billion to the Philippines to combat poverty. Today, the EU and its member states constitute the largest donor in the Philippines, as well as a key development partner in the health sector. In addition, within the framework of the EU-Philippines Partnership and Cooperation Agreement,⁷ the EU and the Philippines have been engaged in close discussions around the need to respect human rights, including “justice sector reform, the fight against impunity for extra-judicial killings and enforced disappearances”.⁸

The approach taken by President Duterte clearly deviates from the Philippines' international obligations, both relating to human rights and drug control.

The outcome document of the United Nations General Assembly Special Session (UNGASS) on the world drug problem⁹ that took place in April 2016, stated:

4. (b) bis. Promote effective supervision of drug treatment and rehabilitation facilities by competent domestic authorities to ensure adequate quality of drug treatment and rehabilitation services and to prevent any possible acts of cruel, inhuman or degrading treatment or punishment, in accordance with domestic legislation and applicable international law;

4. (o) Promote and implement effective criminal justice responses to drug-related crimes to bring perpetrators to justice that ensure legal guarantees and due process safeguards pertaining to criminal justice proceedings, including practical measures to uphold the prohibition of arbitrary arrest and detention and of torture and other cruel, inhuman or degrading treatment or punishment and to eliminate impunity, in accordance with relevant and applicable international law and taking into account United Nations standards and norms on crime prevention and criminal justice, and ensure timely access to legal aid and the right to a fair trial;

In addition, on 3rd August both the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB) condemned Duterte's strategy, stating that the killings "do not serve the cause of justice"¹⁰ and "constitute a serious breach of the legal obligations to which the Philippines is held by the three UN drug control conventions and by the corpus of international legal instruments to which the country has adhered".¹¹

As an important international donor and a strong proponent of human rights, it is the EU's responsibility to condemn these severe violations of human rights in the name of drug control, and to impose diplomatic pressure on the Philippines to end such atrocities.

We call on the EU to communicate strongly with the Philippines government the following messages:

1. Request that President Duterte put an immediate end to incitements to kill people suspected of committing drug-related offences
2. Ensure that perpetrators of such acts are immediately brought to justice, in full observance of due process and the rule of law¹²
3. Encourage President Duterte to uphold the rule of law and ensure that the right to due process and a fair trial is guaranteed to all people suspected of committing drug-related crimes
4. Promote an evidence-based and health-focused approach to people who use drugs, including evidence-based prevention, risk and harm reduction, treatment and care, recovery and rehabilitation, instead of compulsory detention, in line with the EU Drug Strategy for 2013-2020¹³
5. In line with the international human rights obligations of the Philippines – and with the official position of the EU – call on the Philippines not to re-impose the death penalty for drug offences.

We look forward to your urgent response and action.

Yours sincerely,

The EU Civil Society Forum on Drugs:

1. Ana Liffey Drug Project (ALDP)
2. Association Diogenis – Drug Policy Dialogue in South Eastern Europe
3. Association Française pour la réduction des Risques (AFR)
4. Beckley Foundation
5. Celebrate Recovery
6. Citywide
7. Coalition Internationale Sida (CIS) – Coalition PLUS
8. De Regenboog Groep – Correlation Network
9. Deutsche Hauptstelle fuer Suchtfrage (DHS)
10. Eurasian Harm Reduction Network (EHRN)
11. Europe Against Drugs (EURAD)
12. European AIDS Treatment Group (EATG)
13. European Association for Palliative Care (EAPC)
14. European Association of Professionals working in the Drug Field (Itaca)
15. European Cities Against Drugs (ECAD)
16. European Forum for Urban Security (EFUS)
17. European Institute of Studies on Prevention (IREFREA)
18. European Treatment Centers for Drug Addiction Euro-TC
19. Federación Andaluza ENLACE
20. Fédération Addiction
21. Fédération Bruxelloise des Institutions pour Toxicomanes – FEDITO BXL
22. Forum Droghe
23. Foundation for a Drug-Free Europe (FD FE)
24. Fundación Atenea
25. Healthy Options Project Skopje (HOPS)
26. Hungarian Civil Liberties Union (HCLU)
27. I Can Live Coalition (ICL)
28. Icelandic Centre for Social Research and Analysis (ICSRA)
29. Institute for Research and Development "Utrip"
30. International Drug Policy Consortium (IDPC)
31. International Harm Reduction Association (IHRA)
32. Norwegian Policy Network on Alcohol and Drugs
33. Organisation Internationale Dianova
34. PARSEC Consortium
35. Piaget Agency for Development (APDES)
36. Polish Drug Policy Network
37. Romanian Harm Reduction Network (RHRN)
38. San Patrignano Community
39. Scottish Drug Forum Ltd
40. Stichting AIDS Foundation East West (AFEW)
41. Stichting European Council of Drug Helplines (FESAT)
42. Union of Entities, Associations and Institutions related to Drugs Use Care (UNAD)
43. Women's Organisations Committee on Alcohol and Drug Issues, WOCAD
44. World Federation Against Drugs (WFAD)
45. Youth Organisations for Drug Action (YODA)

Endnotes

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http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/civil-society-forum-drugs/index_en.htm

² 13 July 2016 (first published) "Maps, chart: the death toll of the war on drugs" *ABS-CBN news*, <http://news.abs-cbn.com/focus/v2/07/13/16/map-charts-the-death-toll-of-the-war-on-drugs>

³ 18 July 2016 "The Kill List" *The Inquirer*, <http://newsinfo.inquirer.net/794598/kill-list-drugs-duterte>

⁴ Human Rights Watch (2 August 2016), *Dispatches: Philippines' 'ear on drugs' worsens jail miseries*, <https://www.hrw.org/news/2016/08/02/dispatches-philippines-war-drugs-worsens-jail-miseries>

⁵ Speech given on 3rd August 2016

⁶ 19 July 2016, "Duterte to pardon cops in drug killings", *Philstar*, <http://www.philstar.com/headlines/2016/07/19/1604381/duterte-pardon-cops-drug-killings>; 12 July 2016 "Philippines' top lawyer urges police to embrace Rodrigo Duterte's calls and kill more criminals" *ABC News*, <http://www.abc.net.au/news/2016-07-12/philippines-top-lawyer-urges-more-killings/7588234>; 14 July, "Drug Syndicates killing each other", *Rappler*, <http://www.rappler.com/nation/139683-dela-rosa-summary-killings-vigilante-pnp>; 11 July

“PNP legally harassed by Senator de Lima, *Rappler*, <http://www.rappler.com/nation/139327-dela-rosa-pnp-harassed-by-de-lima>

⁷ European Union (11 July 2012), *The EU and the Philippines sign Partnership and Cooperation Agreement*, A/325/12, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/131696.pdf

⁸ See: http://eeas.europa.eu/human_rights/docs/2014-hr-annual-report_en.pdf

⁹ United Nations General Assembly (2016), *Our joint commitment to effectively addressing and countering the world drug problem*, A/S-30/L.1, <http://www.un.org/Docs/journal/asp/ws.asp?m=A/S-30/L.1>

¹⁰ <http://www.unis.unvienna.org/unis/en/pressrels/2016/unisnar1291.html>

¹¹ http://www.incb.org/incb/en/news/press-releases/2016/press_release030816.html

¹² http://www.incb.org/incb/en/news/press-releases/2016/press_release030816.html

¹³ <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2017547%202012%20INIT>