



President Rodrigo Duterte delivers his 6th State of the Nation Address inside the Batasang Pambansa, July 26, 2021.

Photo courtesy of Michael Vargas/The Philippine STAR

illusions peddled by Duterte’s platitudes against corruption. The foul odor of the regime’s rotten core pervades the air.

No different than the dictator Marcos, Duterte has shamelessly justified the large-scale corruption of public funds at the hands of his cronies by defending and absolving them upfront. Impunity has, without a doubt, become this administration’s trademark, and it will be its legacy whether it be in prosecuting human rights violators or running after corrupt officials. As the 2022 national elections draw near, Duterte’s allies are positioning themselves, among them the unrepentant Marcos dynasty, to continue this regime’s legacy of abuse, corruption, incompetence, puppetry, impunity, and bloodshed.

All democratic forces from the political opposition to the grassroots people’s movements find it incumbent upon themselves to come up with a massive political wave that will not only rout Duterte’s electoral ambitions but also cement Duterte’s maleficent delusions of a Marcosian

dictatorship. Duterte will fail in his attempts to decimate any and all opposition to his despotic rule and to evade any accountability. The coming months will be crucial in the struggle to defend people’s rights, to hold Duterte to account, and to ensure that his reign of terror is ended once and for all.

A LEGACY OF KILLINGS AND VIOLENCE

Mere hours before Duterte — during his last SONA, no less — reiterated his marching order for the police and the military to “add another” dead body in their murderous campaigns, the orders were already being carried out.



The unfinished protest graffiti left behind where activists Jaymar Palero and Marlon Napire were reportedly gunned down by PNP in Bicol. Photo from Karren Canon/Bicol.PH

In Albay. In the evening of **July 25**, while spray-painting protest graffiti in time for SONA, activists **Jaymar Palero** of the Organisasyon ng mga Magsasaka sa Albay and **Marlon Napire** of the Albay People's Organization, an affiliate of Karapatan's regional chapter in Bicol, were gunned down in Guinobatan reportedly by elements of an overkill composite units of the Albay Provincial Mobile Force Company, Guinobatan Municipal Police, Regional Mobile Force Battalion 5, Criminal Investigation and Detection Group, Regional Intelligence Unit 5, 93rd Special Action Company of the Philippine National Police (PNP) Special Action Force, 97th Military Intelligence Company, and 49th Infantry Battalion of the Philippine Army.

The police and the military immediately peddled the “nanlaban” tale to justify the killings of Palero and Napire, whom they claimed possessed firearms and engaged in a firefight with them. However, according to the two other activists who were with them, a white Toyota Hilux pickup truck stopped by them at around 10 p.m. A man inside the vehicle pointed a .45-caliber gun at them. When they saw that there were other armed individuals inside, one of the activists was able to speed off on their motorcycle. The other was able to run and hide nearby. Both of them did not know what happened to Palero and Napire until they heard a news report on radio. They heard that in the morning of July 26 at around 1:00 a.m., the police allegedly engaged in a shootout and killed two armed men who were apprehended while supposedly spray painting “Duterte ibagsak” (Down with Duterte) on Banao Bridge along Maharlika Highway. The two men were identified as Palero and Napire. The graffiti was left unfinished as “Duterte ibags”.

Palero sustained three gunshot wounds: two in the back with one of them exiting the body, while another gunshot wound was found on his right hand. He also had a right black eye and three nails from his left foot were removed.

TABLE 1

Violations of Civil & Political Rights under the Rodrigo Duterte Government (July 2016 to August 2021)

Violation	Number of victims
Extrajudicial Killing	421
Frustrated Extrajudicial Killing	504
Enforced Disappearance	18
Torture	223
Illegal Arrest without Detention	2,758
Illegal Arrest and Detention	1,138
Illegal Search and Seizure	1,338
Physical Assault and Injury	523
Demolition	6,912
Violation of Domicile	1,811
Destruction of Property	7,315
Divestment of Property	966
Forced Evacuation	469,025
Threat/Harassment/Intimidation	572,752
Indiscriminate Firing	11,633
Bombing	372,749
Forced/Fake Surrender	3,423
Forced Labor/Involuntary Servitude	48
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	147
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	45,780
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	4,185

These are signs of torture before he was shot dead. On the other hand, Naperi's body bore two gunshot wounds in the back.

Such stories of individuals being defenselessly and mercilessly killed while the State forces justify the carnage through the “nanlaban” modus operandi is not new. This script has been repeated over and over in the mass murder of the urban poor in the Duterte administration's bogus yet brutal war on drugs. Tokhang-style tactics are now being increasingly used against activists and human rights defenders who are red-tagged and targeted in the government's vicious counterinsurgency campaigns.

In Masbate. On **June 7**, **Ailyn Ekit Bulalacao, Ramon Boy Valenzuela Brioso and Antonio Poligrates** were separately abducted from the municipalities of Aroroy, Milagros, and Cawayan by combined elements of the 2nd Infantry Battalion of the Philippine Army and the Masbate Police Provincial Police Office. They were later brought to Sitio Purang, Brgy. Anas, Masbate City, where they were killed by the police and military in a supposedly armed encounter on June 8 at around 5:30 a.m.

In Surigao del Sur. On **June 15**, three Lumad-Manobo — **12-year-old Angel Rivas, Lenie Rivas, and Willy Rodriguez** — were massacred by troops from the Philippine Army's 3rd Special Forces Battalion in Lianga. The military claimed that the three were armed rebels who engaged

in a firefight with them. However, their families and the residents in the village insisted that the three were farmers from the indigenous tribe harvesting abaca hemp when they were killed. According to reports from Karapatan – Caraga, soldiers and paramilitary groups harassed the victims' families and neighbors during wake to mourn the killing of the three.

This incident is the 25th massacre documented by Karapatan under the Duterte administration. There are a total of 121 individuals massacred in more than 22 locations all over the country such as Sumilao, Bukidnon; Palayan, Nueva Ecija; Masbate City and Cawayan, Mobo and Mandaon, Masbate; San Nicolas, Pangasinan; Gubat and Bulan, Sorsogon; Lake Sebu and Polomolok, South Cotabato; Siaton, Negros Oriental; Bato and Ragay, Camarines Sur; Matalam, Cotabato; Antique; Patikul, Sulu; Baguio City; Polomok, South Cotabato; Kabacan, North Cotabato; Baras, Rizal; Capiz; and Sta. Rosa City, Laguna.

In Surigao del Norte. On **July 12**, elements of the 30th Infantry Battalion indiscriminately fired at four copra farmers who were working in Sitio Pan-ukan, Brgy. Cambuayon, Bacuag. **Sagloy Destajo and Richard Lampad** were killed on the spot, while **Benjie Destajo and Julieta Madelo** were critically injured. The military claimed that the incident was an encounter between military troops and the New People's Army (NPA). They supposedly recovered



Willy Rodriguez, Angel Rivas and Lenie Rivas. Photos from Karapatan Caraga.



Former NUJP-Capiz chairperson John Heredia.

Photo from his Facebook account.

firearms from the injured Destajo and Madelo whom they later charged with false charges of attempted murder, illegal possession of firearms and ammunition, and illegal possession of explosives.

In Bukidnon. On **August 12**, two armed individuals in plainclothes fired at the house of Ricardo Guinanao. The men first tried to force those inside to open the door. When they refused, the men opened fired and **wounded Christian Guinanao and Ricardo Guinanao**. Afterwards, the men introduced themselves as policemen. **Veneranda Guinanao**, Ricardo's wife, was shot dead after she asked the policemen for a search warrant and shouted for help. Three days before the incident, someone who introduced himself as a member of the Philippine Army's 88th Infantry Battalion, called Ricardo and asked if they could talk. When Ricardo refused, the caller went to Ricardo's house along with four other men who identified themselves as intelligence agents. Photos were shown Ricardo who was asked if he knew them. They tried to convince Ricardo to "surrender," but he refused.

Along with these killings in police and military operations, activists are also being killed by unidentified perpetrators, especially after they have been publicly vilified and red-tagged.

In Capiz. On **May 2**, former National Union of Journalists of the Philippines (NUJP) - Capiz chapter chairperson **John**

TABLE 2

Victims of Extrajudicial Killing and Enforced Disappearance under the Rodrigo Duterte Government (July 2016 to August 2021)

Region	Extrajudicial Killing	Enforced Disappearance
Ilocos	5	-
Cordillera Administrative Region	4	-
Cagayan Valley	6	-
Central Luzon	13	1
National Capital Region	2	1
Southern Tagalog	34	3
Bicol	60	-
Western Visayas	53	-
Central Visayas	55	-
Eastern Visayas	9	1
Northern Mindanao	26	-
Caraga	35	1
SoCSKSargen	39	4
Western Mindanao	1	-
Southern Mindanao	56	1
ARMM	23	6
TOTAL	421	18
<i>Women</i>	62	3
<i>Rights defenders</i>	215	7

Heredia was gunned down by still-unidentified assailants in Roxas City. As he was waiting near his vehicle for purchases made at a hardware store, a man approached him and shot him several times with a handgun. The assailant was picked up by another man on a motorcycle. They rode away and fled. Emergency responders brought Heredia to a hospital where he was declared dead on arrival.

In Negros Oriental. On **May 4**, church worker **Briccio Nuevo Jr.** of the Iglesia Filipina Independiente (IFI) was killed by two riding-in-tandem men in Guihulngan City. Nuevo, also fondly known as "Tatay Sagor," was sitting outside a vulcanizing shop when he was shot dead. He suffered gunshot wounds to the head and other parts of his body. He was brought to the district hospital but was pronounced dead on arrival. He is the latest individual red-tagged in a hit list by the anti-communist vigilante group Kagubak to be killed in Negros following the killings of Dr. Mary Rose Sancelan and her husband Edwin last December 2020.



Church worker Briccio Nuevo, Jr.
Photo from Karapatan Central Visayas.



Peasant activist Gerald Ral. Photo from KMP.

In Misamis Oriental. On August 21, peasant activist **Gerald Ral** of the Balingasag Farmers Association (BAFA) and Hiniusang Mag-uuma sa Blanco was shot dead by riding-in-tandem men in Lagonglong. Ral and his brother Erwin were unloading bananas in their buyer's house when shot. The assailants first shot Ral in the back. After he fell to the ground, he was shot three times in the head. BAFA is a local affiliate of Kilusang Magbubukid ng Pilipinas (KMP) in Northern Mindanao region. Ral was previously red-tagged by the Philippine Army's 58th Infantry Battalion as an NPA supporter. He was told to report to the military camp several times by a certain Master Sgt. Nilo Wamelda during military operations in Ral's barangay. In February 2021, soldiers harassed and summoned Ral several times after he refused to sign a document saying that he was an NPA supporter surrendering to the government.

These incidents raise alarm about **Duterte's proposal to arm civilian force multipliers of the PNP** who are being mobilized in the government's sham drug war and bloody counterinsurgency war. The same alarm should be raised about the **Cordillera Regional Peace and Order Council's August 23 resolution to conduct tokhang**, slyly renamed "Dumanun Makitungtong," against "members of communist front organizations." The council had previously dropped a similar resolution last February 2021 against "left-leaning" personalities in the government, media and other entities.

Clearly, these efforts aim to institutionalize the targeting of activists and human rights defenders through red-tagging before setting them up for the kill. It is a repeat of Duterte's bloody drug war which has claimed and continues

TABLE 3

Victims of Extrajudicial Killing and Enforced Disappearance under the Rodrigo Duterte Government By Sector (July 2016 to August 2021)

Region	Extrajudicial Killing	Enforced Disappearance
Church	8	-
Entrepreneur	8	-
Environmentalist	16	-
Fisherfolk	3	-
Government Employee	42	1
Indigenous People	74	6
Peasant	327	14
Teacher	2	-
Urban Poor	3	-
Lawyer	2	-
Human Rights worker	19	1
Worker	19	-
Youth and Student	18	1
Cultural Worker	3	-
Moro	47	3
Transport	15	-
Minor	15	1
Health	4	-

to claim the lives of thousands with brazen impunity — with a death toll of 6,165 in anti-drug operations as of June 30 — even amid the COVID-19 pandemic. Duterte’s shoot-them-dead orders during his last SONA only put in plain and simple language the legacy he wants to leave behind: a legacy of carnage and violence.

CONTINUING ATTACKS ON PEOPLE’S RIGHTS

As the nation continues to suffer from the wave of one lockdown after another, Duterte and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) have intensified their campaign of Killings and fabrication of charges to back up arbitrary arrests, all to further their nefarious attacks against political dissenters, social activists, human rights defenders, and anyone who stands in the way of tyranny and State terror.

Illegal arrests and detention

In Capiz. On **May 9**, **Gary Catamin** was arrested by the police in Tapaz town. He was ridiculously served with an arrest warrant for eight counts of attempted murder. Catamin is the son of Garson Catamin, barangay captain of Brgy. Nawaya and one of those killed in the massacre of indigenous Tumandok leaders in Panay on December 30 last year.

In Surigao del Sur. On **May 14**, **Marcela “Silay” Diaz**, a member of the peasant organization Kapunungan sa mga Mag-uuma sa Surigao del Sur, was arrested by the police and military at her residence in Brgy. Bayan, Marihatag. She was temporarily released two weeks later after posting bail for the trumped-up charge of attempted homicide. An old multiple attempted murder charge filed against her was dismissed on May 19. She still faces several other trumped-up charges filed against her and other peasant leaders in the Caraga region.

In Quezon. On **May 29**, two coconut farmers were arrested in two separate incidents. **Pedrito Vasquez**, a barangay kagawad, was arrested at home in Brgy. Madulao, Catanauan. **Arvin Borrome**, a resident of Brgy. San Pablo, Catanauan, was also arrested. Vasquez and Borrome are

members of the formation, Coco Levy Fund Ibalik sa Amin. They were arrested by combined police and military elements which used as excuse search warrants for illegal firearms and explosives.

In Albay. On **May 30**, **Lakas ng Mangingisda sa Bicol** chairperson and barangay kagawad **Elwin Mangampo** was arrested by combined forces from the police and military in his residence in Pio Duran using once more a search warrant. They claimed to have recovered and seized a .45 caliber pistol, magazine, and a hand grenade in his house following the so-called search.

In Zamboanga del Norte. On **June 6**, United Church of Christ of the Philippines (UCCP) pastor **Benjie Gomez** was arrested by the police inside the UCCP Church in Mutia. He was served an arrest warrant issued by Liloy, Zamboanga del Norte Regional Trial Court Judge Reymay Lacaya on January 3, 2019 in relation to an alleged NPA attack against Citizen Armed Force Geographical Unit (CAFGU) members on October 15, 2012.

In Bohol. On **June 25**, another UCCP pastor, **Nathaniel Vallente Bernales**, was arrested by the police and military in Brgy. San Jose, Mabini after they “searched” the house of his father-in-law by virtue of a search warrant. Allegedly recovered in the house were four .45 caliber pistols, four magazines, live ammunition, and empty bullets. They also allegedly found a hand grenade and a bag which contained so-called “subversive documents.” Bernales is a program coordinator for the Farmers Development Center (FARDEC), which has been red-tagged as among the “communist terrorist group front organizations” by the military and the Department of Nation Defense in a congressional briefing in 2019.



UCCP Pastor Benjie Gomez. Photo from Lennin Mae Gomez.

On the same day, another FARDEC coordinator, **Carmilo Tabada**, was arrested by the police in his house in Trinidad. Around 40 police operatives forcibly entered their compound and conducted a search of his house without showing any warrant. They broke down their door and pointed high-powered firearms at him, his wife Jeodilyn, their daughter Marion, and nine-year-old son, Ethan. The search warrant was presented and read only after the two village councilmen arrived to accompany the operatives in the actual search. The police allegedly found a hand grenade, a .45 caliber pistol, one 9-millimeter machine pistol KG9 with live ammunition, and purported “subversive documents.” The search warrant against Tabada was issued on June 21 by Executive Judge Azucena Macalolot-Credo of the Regional Trial Court in Talibon, Bohol. The same judge issued the search warrant that led to the arrest of peasant leader Oscar Balonga on April 7. Tabada has been the subject of red-tagging and harassment due to his work with farmers and FARDEC.

In Laguna. On June 25, **Christian Relao** and **Dana Marie Marcellana**, provincial organizers of the Katipunan ng Samahang Magbubukid sa Timog Katagalugan, were arrested in San Pablo City. They were reportedly charged with trumped-up cases of kidnapping, murder, illegal possession of firearms, and rebellion.

In Quezon City. On July 16, Lumad-Manobo activists **Julieta Gomez** and **Niezelle Velasco**, who were staying in a rented house at Brgy. Pansol, Quezon City to conduct advocacy work on the human rights violations in the Caraga region, were arrested by combined police and military elements. The names in the arrest warrants served against them, however, did not indicate the names of either Gomez or Velasco. In a press conference, the PNP presented several firearms and bullets, a flag of the Communist Party of the Philippines (CPP), as well as several educational documents allegedly confiscated during their arrest.

Gomez is a Lumad-Manobo activist who has been at the forefront of defending their ancestral lands from plunder by mining and plantations. From July 2017 to June 2018, she was the Provincial Focal Person of the National Anti-Poverty Commission Local Affairs Coordinating and Monitoring Services (NAPC-LACMS) for Agusan del Sur.

From 2007 until 2017, Velasco was the project coordinator of the Bread for Emergency and Development Inc., a relief and rehabilitation institution in the Caraga region serving victims of calamities. She led the implementation of marine sanctuary protection and livelihood projects for the



Pastor Nathaniel Vallente. Photo from NCCP.



Carmilo Tabada. Photo from FARDEC.



Dana Marcellana. Photo from Bulatlat

TABLE 4

Victims of Extrajudicial Killing and Enforced Disappearance under the Rodrigo Duterte Government By Affiliation (July 2016 to August 2021)

Affiliation	Extrajudicial Killing	Enforced Disappearance
Anakpawis	29	1
Balatik	2	-
Bayan	3	-
Bayan Muna	8	1
CPA	1	-
Gabriela	1	-
Kadamay	2	-
Kaluhhamin	8	2
Kalumbay	6	-
Karapatan	15	-
Kasalo	5	-
Katribu	2	-
KMP	102	1
KMU	9	-
NDFP	15	1
NUPL	1	-

fisherfolk in coordination with the municipal government of General Luna, Surigao del Norte from 2007 until 2014. From July 2017 to June 2018, she was the Provincial Focal Person of NAPC-LACMS.

On **August 16**, elements of the 2nd Infantry Battalion of the Philippine Army arrested **Dante Sinadjan**, **Marvin Cuevas**, and an 11-year-old “**Jojo**” in Palanas.

In South Cotabato. On **August 16**, **Pamela Peñaranda** was arrested in Polomolok. Armed men in plainclothes, later revealed to be police and military personnel, flagged down the pedicab she was riding. She fainted after screaming for help. When she woke up, she noticed that a green sling bag was already beside her grocery bag. The sling bag contained a grenade, wirings, fake PhilHealth and tax identification card with her pictures. They took away her two cellphones, a wallet containing two thousand pesos, handkerchief, and medicine prescriptions. Peñaranda was presented as an intelligence officer, a secretary and finance officer of the NPA, and has a murder case filed against her since 2019. She is the widow of Ernie Peñaranda, or Parts Bagani.

Illegal searches, seizures, and damage to property

In Albay. On **May 2**, along with the arrests of Santa Rosa and Balucio, the police raided the house of Youth Act Now Against Tyranny – Bicol spokesperson **Justine Mesias** in Daraga. They also conducted an illegal search. At around 4 a.m. at least 40 police operatives forcibly entered the Mesias family residence, pointed their guns at them, and went through their belongings for two hours. A gun and explosives were allegedly found by the police and military. Mesias was not at home at the time of the incident.

In Bohol. On **June 27**, elements of the Philippine Army’s 47th Infantry Battalion and the police forcibly entered and illegally searched the houses of Trinidad-Talibon Integrated Farmers Association (TTIFA) members **Yolanda Polo**, **Lorenzo Abaniel** and **Conrado Abaniel**. They were supposedly looking for NPA guerrillas hiding in their houses. On June 28, the next day, state agents forcibly entered and illegally searched the houses of **Nonito Evardone**, **Cornelio Autida**, and **Catalina Cadorna**.

In Iloilo. On **August 2**, bombs were planted while phones, bolos, and money were stolen from farmers **Jesus Fariolan Sr.**, **Emelyn Fare**, and **Joemarie Pamintahon** of Sitio Anoy, Brgy. Cabalaunan, Miagao. This was done when their houses were ransacked by the 61st Infantry Battalion of the Philippine Army following an alleged encounter last August 1. The farmers reported that their possessions, including framing tools and the money intended for their production were taken. Two bombs were planted in one of the houses. The military threatened the farmers that they would be sued should they complain.



Justine Mesias. Photo from phkule.org

In South Cotabato. On August 4, unidentified men hurled molotov cocktails into the Koronadal Operation Center of community-based disaster management organization **Disaster Response Center's (DIRECT)**. Nearby parked vehicles were damaged. The DIRECT personnel and family feared for their lives and security of the during and after the incident. Days before, the DIRECT staff observed unidentified persons roaming around the vicinity of the center. The staff and management have experienced surveillance, stalking, and red-tagging in the past years.

Forced and fake surrenders

In La Union. On May 4, leaders and members of **Timpuyog ken Namnama dagiti Babassit a Manggalapiti (TIMEK) La Union** in Brgy. Pudoc, Bauang, were summoned by barangay officials at the request of Jeffrey Sanchez, acting police chief of the Bauang Municipal Station. They were suspected of having “links” to the CPP-NPA. Out of eight residents summoned, only **Johnny**

Alaba, Rosalina Calica and Marinette Calica appeared. During the meeting, the three were pressured by Sanchez to “surrender,” outrightly accusing TIMEK La Union as a front of the CPP-NPA.

In Nueva Ecija. On August 14, KMP reported that **25 members of Liga ng Manggagawang Bukid (LMB)** from Brgy. Nagpandayan, Guimba were forced to “surrender” by soldiers from the 3rd Civil Military Operations Company of the Philippine Army. Brgy. Captain Willy Gutierrez summoned LMB members and offered them PhP3,000 aid from the Department of Welfare and Social Development (DSWD). The LMB members who came were told by Gutierrez to sign a form and added that only the first 25 members will be eligible for the financial aid from DSWD and Department of Agriculture. After the signing, the farm workers were ordered to proceed to a nearby school for a meeting and were surprised to see soldiers. Those who attended the meeting were asked to sign a paper that would supposedly clear their name. Said document accused the LMB of having links to the CPP-NPA.

TABLE 5

Political Prisoners (as of August 2021)

Region of Detention	Total number of Political Prisoners	Women	NDFP	Arrested under Duterte
Cordillera	5	0	-	5
Ilocos	1	0	-	1
Cagayan Valley	29	4	-	27
Central Luzon	15	6	-	14
Southern Tagalog	62	11	-	45
National Capital Region	118	22	10	52
Bikol	43	10	-	29
Western Visayas	71	18	-	68
Central Visayas	53	10	-	52
Eastern Visayas	32	7	-	15
Western Mindanao Region	12	5	-	8
Northern Mindanao Region	61	8	1	44
Southern Mindanao Region	84	7	-	30
Socskargen	33	5	-	24
Caraga	90	20	-	72
TOTAL	709	133	11	486

Sick	92
Elderly	59
Arrested as Minor	6

Threats, harassment, and surveillance

In Negros Occidental. On **May 11**, **Felipe Levy Gelle Jr.** of the September 21 Movement was tailed then approached in Sipalay City by a military intelligence agent who introduced himself only as “Sergeant.” Gelle came from Kabankalan City after attending a court hearing on a trumped-up charge of robbery filed against him by a military intelligence operative in 2019. Gelle was also followed by a motorcycle-riding agent who approached him when he arrived home. He then asked for the man’s ID to which the agent refused and immediately sped away. The motorcycle had no plate number. Gelle is believed to be among the Negrosanon activists in a red-tagging text message sent to the Karapatan public information desk hours after the Bloody Sunday raids in Southern Tagalog on March 7.

On **August 12**, the family of political prisoner **Joel Guillero**, a member of the National Federation of Sugar Workers (NFSW), was harassed by military personnel. Around noon that day, soldiers in full battle gear arrived at the Guillero residence in Escalante City. They surrounded the house while some of the soldiers approached the family asking information about Guillero’s whereabouts. Guillero was among the nine activists and cultural workers who were unlawfully arrested in September 2019 while they were on their way to a cultural activity to commemorate the 1985 Escalante Massacre.

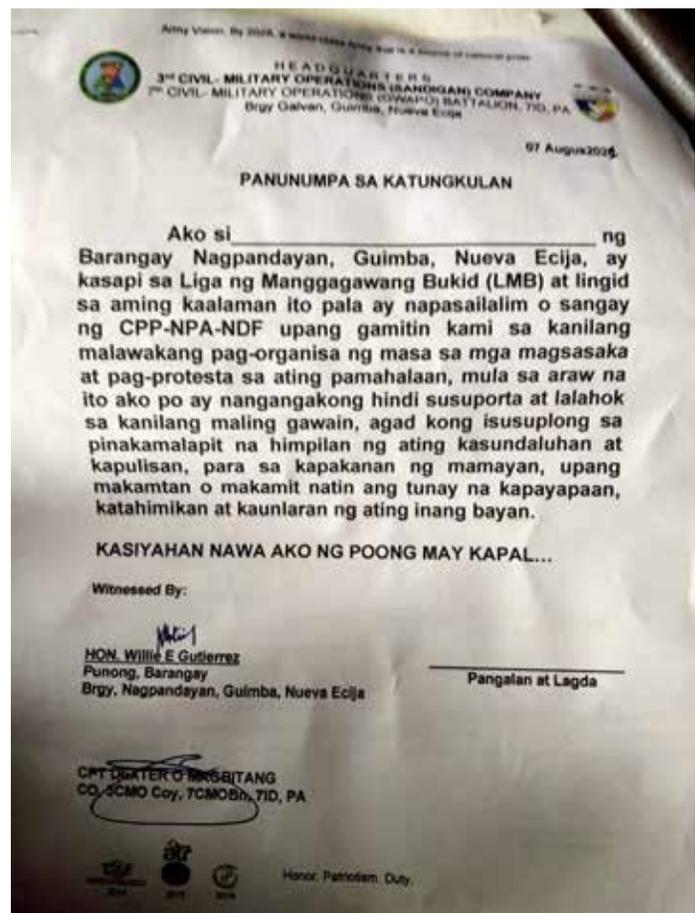
In Laguna. On **May 13**, **Domiguete Afaible**, vice president of the Pinag-isang Lakas sa Clarmil union at Clarmil Manufacturing Inc. in Cabuyao, received anonymous text messages threatening him not to cross paths with the texter and be cautious of people he confronts. After the text messages, a convoy of three vehicles passed by Afaible’s house. Afaible believes that this is in relation with his active involvement in their union.

In Cebu. On **May 19**, a certain Mark Rallos from the Armed Forces of the Philippines’ (AFP) Central Command along with two other unnamed military personnel went to the barangay hall of Brgy. Talamban, Cebu City looking for unionist **Cas Mahilum**, the coordinator of the National Federation of Labor Unions – Kilusang Mayo Uno for Cebu. Since Mahilum was not around, they left the cellphone number 09306890832 at the barangay hall with instructions for Mahilum to call the number. They also visited the barangay hall on May 17 looking for Mahilum.

In Mountain Province. On **June 25**, **Abraham Battawang** of the Movement for the Advancement of

Inter-Tribal Unity and Development and member of the Cordillera Peoples Alliance’s – Mountain Province Council of Leaders, was subjected to intimidation and coercion by State agents in his home in Sitio Abungo, Brgy. Bantey, Tadian. Military asset Nida Pading Gumangan, along with two companions claiming to be from the Department of National Defense, entered Battawang’s house. They asked him to avail of the government’s Enhanced Comprehensive Local Integration Program for rebel surrenderees. They visited him again last April 25 with the same agenda.

In Albay. On **July 22**, a day before he was scheduled to testify as witness for arrested youth activist Jesusa “Sasah” Santa Rosa, **John Robert Balino** received a text message containing death threats from the number 09398262534. He was also supposed to testify as witness for UCCP Pastor Dan Balucio, who was arrested in a raid on May 2, the same day as Santa Rosa. Balucio has been released from detention on August 13 after the trumped-up charges against him were dismissed.



A copy of the letter that LMB Nueva Ecija were coerced to sign as surrenderees in exchange of P3,000. assistance.

Photo from Radyo Guimba.

In Bohol. From **August 23 to 25**, Women's Development Center Inc. executive director **Ira Pamat** was subjected to surveillance and harassment by two suspected State agents, who were repeatedly seen at a nearby store asking for Pamat. The agents also stood nearby an office of a security agency, where they asked the guard whether they have regular guards on duty even at nighttime. This prompted the guard to ask for their identities. The men showed identification cards with the insignia of the AFP. The next day, Pamat saw the men still roaming the vicinity.

THEY TRIED TO BURY US; THEY DIDN'T KNOW WE ARE SEEDS

Despite the all-out fascist attacks of the Duterte government, people's resistance steadily gains ground. Getting louder are the calls to end Duterte's tyrannical rule. Growing stronger are the efforts to hold Duterte accountable for his crimes against the Filipino people.

On June 14, then-ICC Prosecutor Fatou Bensouda, a day before her retirement, reported that the preliminary examination into the human rights situation in the Philippines has concluded and that she has "determined that there is a reasonable basis to believe that the crime against humanity of murder has been committed" in the context of the Duterte administration's sham drug war. She requested judicial authorization from the ICC's Pre-Trial Chamber to open a formal investigation.

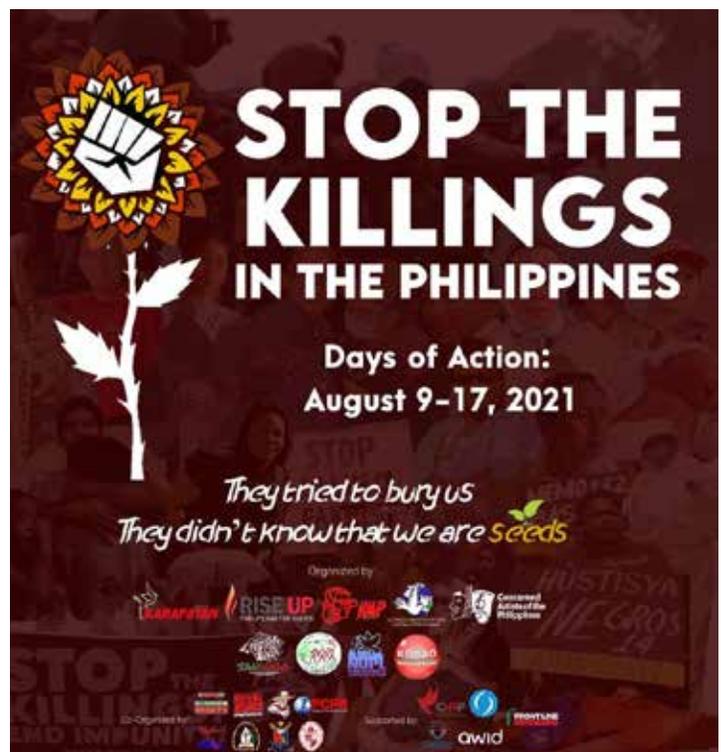
Families of drug war victims led by Rise Up for Life and for Rights together with their legal counsels from the National Union of Peoples' Lawyers (NUPL) submitted on August 13 their representations and views as part of the ICC's victim representation process ahead of the decision of the Pre-Trial Chamber, which formally approved the opening of an investigation into the Philippines on September 15, 2021.

On June 21 and 24, the Commission on Human Rights' (CHR) regional office in the Cordillera released resolutions reaffirming the basic rights of individuals and groups against the red-tagging of the police in the region and

the NTF-ELCAC against activists, journalists, indigenous leaders, and human rights defenders in the Cordillera. The regional CHR recommended that the police and the military desist from engaging in red-tagging.

In a resolution dated August 13, Presiding Judge Ferdinand Baylon of the Quezon City RTC Branch 77 moved for the quashal of two more search warrants issued by Judge Cecilyn Burgos-Villavert. The last ruling benefited Alexander and Winona Birondo, staff members of the NDFP peace negotiation panel, for lack of probable cause. This follows the quashal of the search warrants also issued by Judge Villavert which led to the arrest and detention of Manila Today editor Lady Ann Salem and trade unionist Rodrigo Esparago during the raids last year in Metro Manila, ironically on December 10 which is the International Human Rights Day.

In the United States Congress, Pennsylvania's 7th Congressional District Representative Susan Wild reintroduced House Resolution No. 3884 or the Philippine Human Rights Act to suspend military aid to the Philippines due to human rights violations perpetrated by State forces.



Online artist Kevin Eric Raymundo, known as Tarantadong Kalbo, sparked the #Tumindig (Stand) campaign as thousands joined in creating their own version of a clenched fist standing up amid a sea of fists bowing down.

In the commemoration of the first year anniversary of the killings of Karapatan human rights worker Zara Alvarez and NDFP peace consultant Randall Echanis as well as the killings of drug war victims Kian Loyd delos Santos, Carl Angelo Arnaiz, and Reynaldo De Guzman in August, human rights organizations and advocates all over the world rang the call #StopTheKillingsPH in an online solidarity campaign with a message of hopeful defiance: “They tried to bury us but they did not know we are seeds.”

Over 300 organizations and individuals, including religious leaders, artists and cultural workers, women’s rights organizations, youth activists, civil libertarians, lawyers, peace advocates, as well as environmental, land, and indigenous rights defenders signed a unity statement demanding an end to all the bloody campaigns and policies that have facilitated the extra-judicial and arbitrary killings.

In the #StopTheKillings PH online solidarity program on August 17, Rappler CEO Maria Ressa, Bishop Reuel Marigza, the International Coalition for Human Rights in the Philippines’s Peter Murphy, Commission on Human Rights Chair Chito Gascon, former Chief Justice Maria Lourdes Sereno, human rights lawyers Neri Colmenares and Chel Diokno, Bishop Gerardo Alminaza, as well as Senators Leila de Lima and Risa Hontiveros and families of victims of extrajudicial killings came together to deliver solidarity messages to demand justice for the victims of the killings in the country.

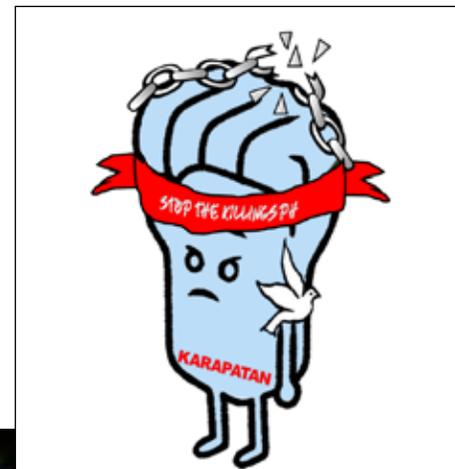
That same day, Sweden-based media foundation Qurium revealed a spate of cyberattacks against Karapatan’s website karapatan.org, which started on July 29. Qurium said that the attacks were composed of application layer web floods, a type of Distributed Denial of Service (DDoS), targeting the karapatan.org/resources folder, which contains the directory of Karapatan’s periodical monitors, year-end reports, policy position papers, and other public resources on human rights issues in the Philippines.



Despite these cowardly cyberattacks, the people's struggle for justice and calls for accountability remain undeterred — and these attacks, online or offline, only spell the need and urgency of resistance. These victories may be small, but they are nonetheless important in proving that only through our collective and painstaking efforts can justice be achieved.

At this critical juncture in our country's history, the coming months will be crucial in determining whether the Filipino people will suffer another six years of the same brand of morally bankrupt, heinously corrupt, and shamelessly murderous rule under Rodrigo Duterte, his anointed successors, and allies like the Marcoses of the martial law infamy, or if many more Filipinos will come together to say: "enough is enough!" The struggle to defend and advance people's rights is imperative now more than ever.

The task at hand is to consolidate and unite all democratic forces into a broad front to isolate Duterte and his most loyal lapdogs to ensure their defeat in all platforms — whether it be defeating him or his "chosen ones" in the coming national elections in 2022, impeaching him, calling for his resignation, or in building a mass movement that would oust him.



Activists say 'Never Again to Martial Law' as they marked the 49th year since its declaration, September 21, 2021.

Photo courtesy of Carlo Manalansan/Bulatlat

WHAT IS INVESTIGATE PH?



The alarming human rights situation in the Philippines is drawing international concern. In 2019, Iceland urged the United Nations Human Rights Council (HRC) to adopt a resolution calling on the Office of the UN High Commissioner for Human Rights (OHCHR) to write a comprehensive report on the Philippine situation. High Commissioner Michelle Bachelet's report released in June 2020 documented thousands of victims of extrajudicial killings and other human rights violations.

Following the OHCHR report, people's organisations and civil society clamoured for an independent international investigation of the Philippine rights situation during the 45th HRC session, amid a prevailing culture of impunity and inadequacy of the domestic justice system. However, the council instead prescribed technical assistance and capacity-building to the Philippine government for the promotion of human rights.

INVESTIGATE PH is an independent international investigation of the human rights situation in the Philippines conducted by people's organisations and civil society from all over the world. It aims to urge relevant UN bodies to make use of international mechanisms to hold perpetrators of human rights violations in the Philippines accountable and to deliver justice to victims.

INVESTIGATE PH is inspired by the international fact-finding and solidarity missions to the Philippines over the years since Martial Law, including the World Council of Churches' (WCC) and Christian Church of Asia's Pastoral Ecumenical Delegation Visit to the Philippines in 2005 and WCC Pilgrimage Team Visit in 2019. Both initiatives presented their findings and made evidence-based recommendations to relevant UN bodies. It also derives inspiration from the International Peoples Tribunals into Crimes against the Filipino People held in 2007, 2015 and 2018. **INVESTIGATE PH** relies on the formidable international community, including international non-governmental organizations, churches, trade unions, lawyers and human rights organizations, that have demonstrated their solidarity with the Filipino people for many decades.

Commissioners of INVESTIGATE PH

Dr. Agnes Aboum is the Moderator of the World Council of Churches Central Committee. She represents the Anglican Church of Kenya. She works for economic and social justice

with religious organizations and civil society in Kenya and abroad.

Lee Rhiannon is a former senator in Australia. She has been advocating for women's rights and climate justice during her term in public office and beyond. She was also a member of the parliament of the New South Wales (NSW) Legislative Council, the NSW Women's Advisory Council, and the NSW Secretary of the Union of Australian Women.

The **Rev. Dr. Susan Henry-Crowe** is the General Secretary of The United Methodist Church in the United States. She served as the first woman elected president of The United Methodist Church Judicial Council in 2008-2012. She is known for her work and commitment to social justice.

The Rev. **Dr. Chris Ferguson** is a minister of the United Church of Canada and the General Secretary of the World Communion of Reformed Churches. He supports victims of violence and promotes just peace and human rights as part of his ecumenical advocacy.

Atty. Jeanne Mirer is a lawyer specializing in employment and labor rights in the US. She is the president of the International Association of Democratic Lawyers and a co-chair of the National Lawyers Guild International Committee.

Dr. David Edwards is the General Secretary of Education International, a global union federation of teachers and education employees. He was a long-time public school teacher in the US. He also served as the Associate Director of the National Education Association of the United States and an Education Specialist at the Organization of American States.

Atty. Jan De Lien specializes in immigration law and international humanitarian law at the Progress Lawyers Network and Justis Lawyers Group in Belgium. He is the deputy chairman of the Antwerp Legal Aid Office.

Atty. Suzanne Adely is a lawyer based in the US. She is the co-chair of the International Committee of the National

Lawyers Guild. She works on campaigns against war and for Palestine solidarity.

The **Rev. Michael Blair** is the General Secretary, General Council of The United Church of Canada. He supports movements against gender-based violence and works closely with international organizations on advocacy campaigns.

Senator Janet Rice is a public servant in Australia. She is a scientist by training and an advocate of climate justice and LGBT+ rights.

Endorsers include the National Union of Public and General Employees, Mining Justice Alliance, KAIROS: Canadian Ecumenical Justice Initiatives, Anglican Church of Canada, Partera Peacebuilders International, Public Service Alliance of Canada, Canadian Foreign Policy Institute, United Church of Canada, Canadian Union of Public Employees, Ontario Committee for Human Rights in the Philippines, Beaconsfield Initiative, Babaylan Germany/Philippine Women's Forum e.V., Kairos BC-Yukon, Eco-Justice Unit of Anglican Diocese of New Westminster, Ontario Committee for Human Rights in the Philippines, Canada-Philippines Solidarity for Human Rights, Canada-Philippines Solidarity Organization - Toronto, Working Group of the Ecumenical Philippine Conference in Germany, Netherlands Philippine Solidarity, Indigenous People's Movement for Self-Determination and Liberation, Action Solidarité Tiers Monde (ASTM), Vancouver and District Labour Council (VDLC).

Individuals endorsing the initiative include The Very Rev. The Honourable Dr. Lois Wilson, European Member of Parliament, Hannah Neumann, Dr. Bernd Basting, Dagmar Eberhard, Mike Forschner, Julia Schatten, Dr. Bernard Hoepfer, Dr. Rainer WerningJörg Schwieger, Prof. Dr.-ing Prof. h.c. Josef Lutz, Lutz Drescher, Prof. Dr. Mohssen Massarrat, Clemens Jürgenmeyer, Dr. Arnold Schölzel, Karl Mertes, Dr. Ingo Wandelt, Licypriya Kangujam, Richard Graf, Antoniya Argirova, Tilly Metz, Mr. Jan Banning, Bridget Cabrera, Rev. Edgar De Jesus, and Dr. Bernd Basting.

INITIAL REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION OF INVESTIGATION INTO HUMAN RIGHTS VIOLATIONS IN THE PHILIPPINES

The Independent International Commission of Investigation into Human Rights Violations in the Philippines (INVESTIGATE PH) was established in response to the October 7, 2020, decision of the UN Human Rights Council 45th Session (Resolution No. 45/33), which was very disappointing to civil society. The initiative came from the International Coalition for Human Rights in the Philippines (ICHRP).

INVESTIGATE PH gained the commitment of seventeen eminent individuals with impeccable credentials for their independence and their commitment to human rights to be the Commissioners and Sub-Commissioners of INVESTIGATE PH.

This report of INVESTIGATE PH provides an update on the human rights situation in the Philippines since the June 4, 2020 report (A/HRC/44/22) of the UN Office of the High Commissioner for Human Rights (OHCHR). It focuses on violations of civil and political rights perpetrated by state forces.

Three concerns highlighted in the report:

1. **Political repression by state forces has intensified** and become more brazen since June 2020;
2. **The newly passed Anti-Terrorism Act (ATA)**, enacted July 2020, as well as the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) established by executive order in December 2018, have provided institutional mechanisms that facilitate these human rights violations; and

3. **Continued lack of domestic remedies and mechanisms** to address violations.

Method of Investigation

The report is based on a preliminary survey and examination of 49 illustrative cases that occurred largely during 2020 and 2021. Interviews were conducted directly with victims and witnesses by phone and online video, allowing INVESTIGATE PH's legal team of collators to amass and validate a repository of currently available evidence. The legal team also reviewed court records and other relevant documents. Two sessions of plenary hearings with Commission members, where victims and witnesses presented clarifying testimony on representative cases, were held.

This report is the first in a series of three by INVESTIGATE PH, to be followed by a second report in July and final report in September 2021.

Context

Already between 2015 and 2019, the UN Human Rights Office documented at least 248 extrajudicial killings of human rights defenders, legal professionals, journalists, and trade unionists, in relation to their work. Indigenous peoples asserting their right to self-determination and protection of their ancestral domains, as well as peasants asserting their land rights under an imperfect national land reform law, are also a primary target of killings. The Philippines had the most killings of environmental defenders in the world in 2018.

Key turning points for human rights in the Philippines during the Duterte Presidency have been Executive Order 70, in December 2018, creating the National Task Force to End Local Communist Armed Conflict (NTFELCAC); and the July 2020 enactment of the controversial Anti-Terrorism Act (ATA), significant elements of which contravene international standards.

The Philippines has ratified core international human rights instruments and passed domestic laws on indigenous people's rights, women's rights, and children in situations of armed conflict. However, implementation is not only lacking, but government actions have undermined these legal protections. Duterte has sought to obstruct past UN investigations, and threatened an International Criminal Court prosecutor probing the "War on Drugs" with arrest. In 2018, his administration's Department of Justice sought to place a UN special rapporteur on the rights of indigenous peoples on a "terrorist" watch list.

Conclusions

The evidence set out in this report demonstrates that serious violations of human rights have intensified since the June 2020 report (A/HRC/44/22) of the UN Office of the High Commissioner for Human Rights (OHCHR), and the October 2020 resolution of the UN Human Rights Council on technical and capacity-building assistance to the Philippine government regarding its human rights responsibilities.

A core claim of the Philippine government in the UN Human Rights Council in June and October 2020, and in February 2021 – that domestic accountability mechanisms are "functioning as they should" – cannot be sustained.

Recommendations

This Initial Report offers the following preliminary recommendations.

To the United Nations Human Rights Council:

- **Urge Member States, relevant United Nations agencies, and other stakeholders to make use of international mechanisms**, including the establishment of UNHRC commissions of inquiry, factfinding missions, or investigations, to help improve the human rights situation in the Philippines, exert accountability, and deliver measurable as well as reliable justice to victims.
- **Ensure the permanent protection of all witnesses in the INVESTIGATE PH process**, and all other investigations on cases of extrajudicial killings (EJKs) and other human rights violations, as well as protection of all individuals and organizations "red-tagged," against all acts of intimidation and reprisal; ensure that protection plans be made with independent international institutions for their safety and security.
- **Ensure the Philippine government's compliance with its obligation to provide adequate, effective and prompt reparation**, including indemnification, to victims of gross human rights violations and to their families.
- **Continue to exert pressure and/or use moral suasion on the Philippine authorities** to provide immediate and unhindered access to international human rights monitoring and investigative mechanisms, including UN bodies, the Universal Periodic Review and the Special Procedures of the Human Rights Council, investigators of the International Criminal Court, and to this Independent International Commission of Investigation.
- **Ensure that the human rights situation in the Philippines remains on the agenda of the Council**, and ensure robust monitoring, documentation and reporting on the situation at regular intervals to the Council.
- **Support the formal submission of this INVESTIGATE PH Initial Report to Member States**, through UNHRC

mechanisms, as well as the Second Report in June 2021, and the Final Report in September 2021.

To States in General, their respective Ministries of Foreign Affairs or Parliaments:

- Monitor the compliance of the Philippine government with international human rights treaties and obligations such as the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, as well as the other International Human Rights Covenants to which the Philippines is a signatory, and mobilize diplomatic tools to ensure that these obligations are observed and realized.
- Ensure that diplomatic guidelines on human rights and human rights defenders are observed and implemented in the Philippines.

To the International Criminal Court:

- Receive this Initial Report and the two succeeding Reports of INVESTIGATE PH.
- Expedite the process of bringing the preliminary examination to a conclusion and of reaching a decision on whether to seek authorization to open an investigation into the situation in the Philippines.

To the International Labor Organization:

- Expedite the ILO High Level Tripartite Mission to the Philippines, which was decided on in 2019.

To Civil Society:

- Promote this Report, its findings and conclusions to relevant state actors, civil society, and the international community.
- Mobilize the broadest array of support for the call for accountability and justice for the victims in the Philippines, along with calls to end military assistance to Philippine state actors.
- Become an Endorser of INVESTIGATE PH.

As this report goes to press, the local law enforcement committee that liaises with the NTF-ELCAC in Cordillera has ordered a “tokhang” against “left leaning personalities” – house-to-house police operations styled after the “War on Drugs.” Police raids in Southern Tagalog on March 7, 2021, resulting in their slaughter of nine trade unionists, indigenous leaders, and urban poor organizers in their homes and offices, suggests events are on the cusp of heightened bloodshed.

The human rights crisis in the Philippines springs from deep and long-standing economic, social and political conflicts in the society, including its international relations. Our investigation raised hopes among the victims that help – and justice – might come from the international community. This investigation itself is a product of decades of developing international solidarity relations. The United Nations, its Member States, the International Criminal Court, and international civil society all have vital roles to play in challenging the flagrant violations of human rights taking place in the Philippines – and in using all available international mechanisms to restrain these state abuses and hold the perpetrators accountable.

SECOND REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION OF INVESTIGATION INTO HUMAN RIGHTS VIOLATIONS IN THE PHILIPPINES

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

The report is the second in a series of three by INVESTIGATE PH. An Initial Report, released March 2021, documented intensifying political repression since the UN Office of the High Commissioner for Human Rights (OHCHR)'s June 2020 report (A/HRC/44/22); traced how the July 2020 Anti-Terrorism Act (ATA) and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) provided institutional mechanisms facilitating human rights violations; and raised alarm at the lack of domestic remedies to genuinely address abuses.

State-driven political violence has continued to escalate, yet communities and families refuse to be silenced. This report spotlights three aspects of State terror in the Philippines: a War on Poor People in the guise of anti-drug operations, a War on Dissent, and a War on the Moro People.

Three areas of concern highlighted:

1. **Lack of redress persists for abuses by State agents, and the Philippine National Police (PNP) continue to obstruct justice.** Police routinely coverup the circumstances of killings in anti-drug operations, intimidate families and potential witnesses, and obstruct the review of most killings by the Department of Justice.
2. **The armed forces are more emboldened in killing dissenters.** Police and soldiers are now executing political dissenters in a manner similar to extrajudicial

killings in anti-drug operations. Duterte's NTF-ELCAC, the July 2020 ATA, and increasingly the justice system have not only facilitated these killings, but are institutionalizing repression that broadly harms civil society, from alleged communists to churches to long-standing democratic institutions.

3. **Military action in Mindanao is perpetuating violence against and entrenching the marginalization of Moro communities, with steady military aid from the U.S.** Military operations in Mindanao, as part of the U.S.-backed "War on Terror," have failed to distinguish between civilians and combatants, and also caused mass displacement of Moro communities. Government policy neglects the needs of displaced people and undermines Moro communities' right to self-determination. U.S. military aid, as well as military support from other countries, is abetting human rights violations.

Method of Investigation

The Report is based on testimonies and verified information from resource persons who include survivors, relatives of victims, human rights advocates with personal knowledge of the impacts of state violence, and an expert witness on autopsies¹. A legal team reviewed court records and other relevant documents. Interviews were conducted directly through phone and online video, allowing INVESTIGATE PH's Commissioners, Sub-commissioners, and teams of collators and researchers to amass and analyze a repository of currently available evidence.

¹ Four sessions of Hearings with Commission and Sub Commission members were held on May 18, 20, 25 and 27, 2021.

A Final Report will be released in September 2021, to coincide with the 48th Regular Session of the UN Human Rights Council, at which High Commissioner Bachelet will present an oral update on the human rights situation in the Philippines.

Context

The Duterte administration's anti-drug operations have infamously resulted in killings of thousands of urban poor people by police. State repression of dissenters, including extrajudicial killings of human rights defenders, trade unionists, and indigenous leaders has intensified amidst the COVID-19 pandemic, with the government's military rather than public health response, and its passage of the aforementioned ATA. The judicial system is increasingly complicit in repressing government critics and human rights defenders. Moreover, Duterte has escalated the decades-long "War on Terror" in Mindanao, with dire consequences for Moro communities in particular.

On June 14, 2021, the outgoing Prosecutor of the International Criminal Court (ICC), Fatou Bensouda stated that police anti-drug operations in the Philippines may amount to a "crime against humanity of murder," and recommended an ICC investigation.

The OHCHR reported in June 2020 that, between 2015 and 2019, her office had documented at least 208 extrajudicial killings of human rights defenders, legal professionals, journalists, and trade unionists, in relation to their work². By December 2020, this number had increased to 376 cases of recorded extrajudicial political killings and a further 488 cases of attempted killings, according to Alliance for the Advancement of People's Rights (Karapatan)³.

Over 400,000 Marawi residents were displaced by military action in 2017, and 25,300 families — almost 127,000 individuals⁴ - have yet to be allowed to return. Since 2017, the US has committed over USD \$300 million in military

aid to support Duterte's counter-insurgency operations, particularly through aerial warfare and surveillance.⁵ Since 2015, the U.S. has donated over USD \$765 million in planes, ships, and other military equipment to the Philippine government, mostly used in Mindanao and domestic operations.⁶

Conclusions

Philippine security forces are perpetrating extrajudicial killings -- and obstructing justice. As of June 2021, the Philippine National Police (PNP) has agreed to hand over only 53 case records,⁷ out of over 7,000 officially acknowledged deaths during drug operations, to the Department of Justice for investigation, and are continuing to defy Supreme Court directives to do so.⁸

The killing machine perfected in the War on Poor People is now being turned on human rights defenders and political opponents of government policy. In "tokhang"-style raids, police and military in Negros, Panay, and Southern Tagalog have extrajudicially killed farmer leaders, city councillors, teachers, lawyers, doctors, peasant leaders, human rights defenders, trade unionists, indigenous leaders and urban poor organizers in their own homes or going to or from their work. Harmful impacts of repression are now widespread across civil society. The justice system participates in suppressing dissent both by weaponizing the law to facilitate human rights abuses, and by failing to enforce legal protections.

Military operations in Mindanao in the name of the "War on Terror" have not distinguished between civilians and

² <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 10.

³ <https://www.karapatan.org/2020-karapatan-year-end-report>, p.13.

⁴ <https://www.npr.org/2020/10/23/925316298/over-120-000-people-remain-displaced-3-years-after-philippine-s-marawi-battle>.

⁵ https://media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018_LIG_OCO_OIR_Q1_12222017_2.PDF, p. 13- 14; 97-106.

For sources on the \$300 million committed to Operation Pacific Eagle, see https://oig.usaid.gov/sites/default/files/2020-08/OPE-P_Q3_June2020.pdf. For FY2021, the

budget request for Operation Pacific Eagle is \$72,3 million. See https://www.stateoig.gov/system/files/operation_pacific_eagle-philippines_quarterly_report_to_congress_july_1_2020-september_30_2020.pdf, p. 34-35.

⁶ <https://ph.usembassy.gov/us-military-turns-over-c-130-hercules-aircraft-to-philippine-air-force/>

⁷ <https://www.rappler.com/nation/duterte-concern-gets-pnp-doj-narrow-drug-war-sharing>.

⁸ <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>.

combatants. Mortar fire, artillery fire and aerial bombing are by their very nature indiscriminate forms of warfare, particularly when they are used in areas densely populated by civilians. These are the primary weapons that were used in Marawi City in 2017 and continue to be the weapons of choice in the State's warfare in other Moro communities, with U.S. military support. Such actions are in breach of International Humanitarian Law. U.S. and other foreign governments who supply weapons, intelligence and training are also in breach of International Humanitarian Law. This War on the Moro People enables land seizures from the residents who remain displaced in camps and in relatives' homes, and denies the Moro people's right to self-determination.

Recommendations

To the United Nations Human Rights Council:

- Make the Government of the Republic of the Philippines responsible for the thousands of extrajudicial killings, abductions and disappearances, illegal arrests and detentions, harassments, and other forms of violations of human rights and humanitarian law as these violations were carried out based on official state policies.
- Ensure that government officials at various levels are held accountable for violations of human rights and international humanitarian law.
- Ensure that President Rodrigo Duterte is held criminally liable for official orders reinforced by his public statements to kill drug users and dissenters that have allowed designated state security agencies and other civilian government agencies to utilize government funds and networks to weaponize the law and stifle dissent.
- Ensure the permanent protection of all witnesses in the INVESTIGATE PH process, and all other investigations on cases of extrajudicial killings (EJKs) and other human rights violations, as well as protection of all individuals and organizations "red-tagged," against all acts of intimidation and reprisal; that protection plans be made with independent international institutions for their safety and security.
- Ensure that human rights defenders, journalists, members of the academe, government officials who are or are perceived to be in the opposition, and the exercise of pastoral duties of ministers and priests are protected at all times.
- Urge Member States, relevant United Nations agencies, and other stakeholders to conduct international factfinding and mercy missions to specific regions in the Philippines which have been heavily militarized and where wanton violations of human rights, and international humanitarian law have been documented.
- Ensure the safety of opposition candidates, groups, and their supporters, election officers and volunteers, voters and the general public, and cease militarization of communities to maintain the integrity of the May 2022 presidential elections.
- Endorse specific investigations on violations of the UN Declaration on the Rights of Indigenous Peoples related to mining and land rights.
- Endorse specific investigations on violations of the UN Declaration on the Rights of Indigenous Peoples related to mining and land rights.

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

- Suspend all military and police aid of all countries who have cooperation agreements with respect to military training, police training and arms and equipment sales until respect for human rights and international humanitarian law is restored and felt on the ground in the Philippines.
- Call upon the U.S. Congress to introduce and pass the Philippines Human Rights Act (PHRA). The PHRA would halt U.S. government Philippine military funding and assistance (including weapons sales and donations of

armaments) to the police until the U.S. Department of Defense and U.S. State Department certify a greatly improved human rights record. The government of the Philippines would have to guarantee the human rights of its citizens, establish a judicial system to prosecute members of its military and police responsible for human rights violations, and comply with audits and investigations to ensure that U.S. aid is not used for human rights violations.

To the International Criminal Court:

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

To the International Labor Organization:

- Expedite the ILO High Level Tripartite Mission to the Philippines, which was decided on in 2019.

To Civil Society:

- Promote this Report, its findings and conclusions to relevant state actors, civil society, and the international community.

- Mobilize the broadest array of support for the call for accountability and justice for the victims in the Philippines, along with calls to end military and police assistance to the Philippines.
- Continue to methodically and systematically document and preserve evidence of violations of human rights and International Humanitarian Law.
- Mobilize the broadest array of support in monitoring the May 2022 elections and send delegations as International Observers.
- Become an Endorser of INVESTIGATE PH.

The human rights crisis in the Philippines springs from deep and long-standing economic, social and political conflicts in the society, including its international relations. Our investigation raised hopes among the victims that help – and justice – might come from the international community. This investigation itself is a product of decades of developing international solidarity relations. The United Nations, its Member States, the International Criminal Court, and international civil society all have vital roles to play in challenging the flagrant violations of human rights taking place in the Philippines – and in using all available international mechanisms to restrain these state abuses, channel resources towards people's needs rather than militarization, and hold perpetrators of state violence accountable.

THIRD REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION OF INVESTIGATION INTO HUMAN RIGHTS VIOLATIONS IN THE PHILIPPINES

The Third Report of INVESTIGATE PH¹ examines the violations of collective human rights to development, self-determination and peace in the Philippines, enforced by State violations of civil and political rights, and the harsh impact of the COVID-19 pandemic.

The report is the third and final by INVESTIGATE PH. *The Initial Report*², released March 2021, documented intensifying political repression since the UN Office of the High Commissioner for Human Rights (OHCHR)'s June 2020 report (A/HRC/44/22),³ and raised alarm at the lack of domestic remedies to address abuses. *The Second Report*⁴ spotlighted State terror in the Philippines: a War on Poor People in the guise of anti-drug operations, a War on Dissent, and a War on the Moro People. This Third Report focuses on violations of economic, social and cultural rights, the right to development, self-determination and peace:

1. **The right to livelihoods of peasants, workers, migrant workers and women has been violated by the neoliberal economic policies of the Duterte government.** Land reform has stalled, real wages have fallen, labor export continues due to lack of jobs in the domestic economy, demolitions of urban poor communities are accelerating, inequality is deepening. At least 50 per cent of Filipinos live in poverty
2. **The Duterte government's military rather than public health response to the COVID-19 pandemic only exacerbated these severe economic hardships. Hunger and thirst became widespread and continues.**
3. **The rights of children, the right to education, and freedom of religion have all been attacked by the Duterte government as his budget priorities continue to favour the security forces and cutspending on welfare, housing, education and health.** Duterte has red-tagged advocates for children, the Lumad schools, teachers, universities, Christians working for the poor, and Islamic communities in Mindanao.
4. **Duterte has a new machinery for repression.** The 2020 Anti-Terrorism Act (ATA), the National TaskForce to End Local Communist Armed Conflict (NTF-ELCAC) of 2018, and the Joint Industrial Peace Concerns Office (JIPCO) of 2018 orchestrate attacks on workers, peasants, women, church people, indigenous people, urban poor, teachers and students, trade unions in export processing zones, children, human rights defenders, and peace advocates.
5. **The Philippines remains subservient to U.S. interests in economic, military and geo-political policy, which continually undermines the people's right to self-determination, development and peace, provoking protest and repression.**
6. **By terminating peace talks with the National Democratic Front of the Philippines (NDFP), the Duterte government blocked agreement on genuine land reform and national industrial development in the draft Comprehensive Agreement on Social and Economic Reforms.**

Method of Investigation

The Report is based on testimonies and verified information from resource persons who include leaders of national people's organizations, a Congress Representative, a

1 <https://www.investigate.ph/>.

2 <https://www.investigate.ph/media/first-report>.

3 <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

4 <https://www.investigate.ph/media/second-report>.

former Secretary of the Department of Social Welfare and Development, a former Secretary of the Department of Agrarian Reform, an economist, a Catholic Bishop, and a Senior Adviser to the NDFP Negotiating Panel.⁵

Context

Despite claims that the Philippine economy has experienced outstanding growth from 2010-19, this growth has been jobless.⁶ The huge inequalities and grinding poverty of over half of the people have continued, as has the sustained large-scale export of labor because of the lack of economic and social development in the Philippines.

The U.S. sees the Philippines as a strategic base for its containment of China strategy.⁷ Soon after US President Trump visited Manila for the Association of Southeast Asian Nations (ASEAN) Summit in November 2017,⁸ Duterte terminated the peace talks with the NDFP and declared the *Communist Party of the Philippines (CPP)* and the *New People's Army (NPA)* as terrorist organizations.⁹ More intense repression ensued as reported in the INVESTIGATE PH *Initial* and *Second Reports*. While Duterte had made concessions to China in the Philippine Exclusive Economic Zone, the U.S. remains the dominant influence on Philippine policy.

President Duterte himself encourages extrajudicial killing, repeatedly calling for the murder of “drug personalities” and exhorting the police and military to kill all communist rebels and to “forget about human rights.”¹⁰

The NTF-ELCAC and the ATA institutionalize, legitimize and increase the practice of “red-tagging” - labelling unarmed

civilians and groups as members, supporters or affiliates of the CPP and NPA in the context of the ongoing armed conflict in the country. This practice is a form of state terror to repress dissent, and often results in extrajudicial execution.

Conclusions

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

Landlessness, unemployment and poverty have widened, and extrajudicial killings of civilians by state forces in these five-and-a-half years have long surpassed those during the sixteen years of the notorious Marcos Dictatorship. Women, children and Indigenous People have especially suffered. People’s collective rights to self-determination, development and peace are grievously violated.

Duterte’s War on Poor People, War on Dissent and War on the Moro People radically violate the 1987 Philippine Constitution, many laws enacted to implement the Constitution, and the international human rights instruments which underpin that Constitution. President Duterte has repeatedly and brazenly threatened national and international human rights organizations and institutions.

There is a viable political alternative to the narrow military policy chosen by Duterte, and that is the longstanding peace process between the government of the Philippines and the NDFP, which at present is facilitated by the Royal Norwegian Government.

Recommendations

To the UN Human Rights Council

1. Authorize an independent investigation of human rights violations in the Philippines since the June 4,

5 Four online Hearings by Commissioners and Sub Commissioners, with a total of 11 Resource Persons, were held on July 29, August 3, August 5

and August 10, 2021

6 <https://www.forbes.com/sites/panosmourdukoutas/2019/02/10/dutertes-jobless-economic-boom/?sh=3f312ed83ed3>.

7 <https://media.defense.gov/2020/Aug/31/2002488087/-1/-1/1/BUR-GESS.PDF>, p. 114

8 <https://www.dw.com/en/donald-trump-meets-philippine-president-duterte-as-asean-summit-kicks-off-in-manila/a-41351485>.

9 <https://www.officialgazette.gov.ph/downloads/2017/11nov/20171123-PROC-360-RRD.pdf>; <https://www.officialgazette.gov.ph/downloads/2017/12dec/20171205-PROC-374-RRD.pdf>.

10 <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>.

2020, report by the High Commissioner for Human rights.

2. Hold the Government of the Republic of the Philippines and its officials accountable for the thousands of violations of human rights and IHL carried out as official state policies.
3. Member States to conduct study tours with labor unions and peasant communities in the Philippines and report on their conditions to the international community.
4. Convey all three INVESTIGATE PH *Reports* to the Working Group on Communications to assess all the violations of human rights alleged in them, noting in particular the violations by the Philippine Government

of the UN Declaration on the Rights of Indigenous Peoples related to mining and land rights, the seizure of land in Marawi City, and the ongoing military operations against civilian communities in the Moro territories.

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

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

To the Committee on Elimination of Discrimination Against Women

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

To the Committee on Economic Social and Cultural Rights

- I. Investigate the Philippine government for its subservience to U.S. economic and military policies, and its failure to provide the majority of its budget resources to progressively improve the living standards of all Filipino people; and in particular its failure to uphold:
 - the right to employment on fair terms, to form trade unions and collectively bargain, and to strike;
 - to the rights of OFW;
 - the right of peasant farmers to fair distribution of land;\the right of all children to free primary education, and progressively free secondary and university education;
 - the right to adequate nutrition and progressively free health services;
 - the right to an adequate standard of living including food, clothing and shelter, and to the continuous improvement of living conditions.

To the Committee on the Rights of the Child

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

To the International Criminal Court

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

To the International Labor Organization

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

To Philippine Civil Society

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

To International Civil Society

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

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

1. Provide support for the resumption of the peace negotiations between the Government of the Philippines and the National Democratic Front of the Philippines.
2. Suspend all military and police aid of all countries who have cooperation agreements for military and police training and arms and equipment sales until respect for human rights and international humanitarian law is restored and felt on the ground in the Philippines.

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

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

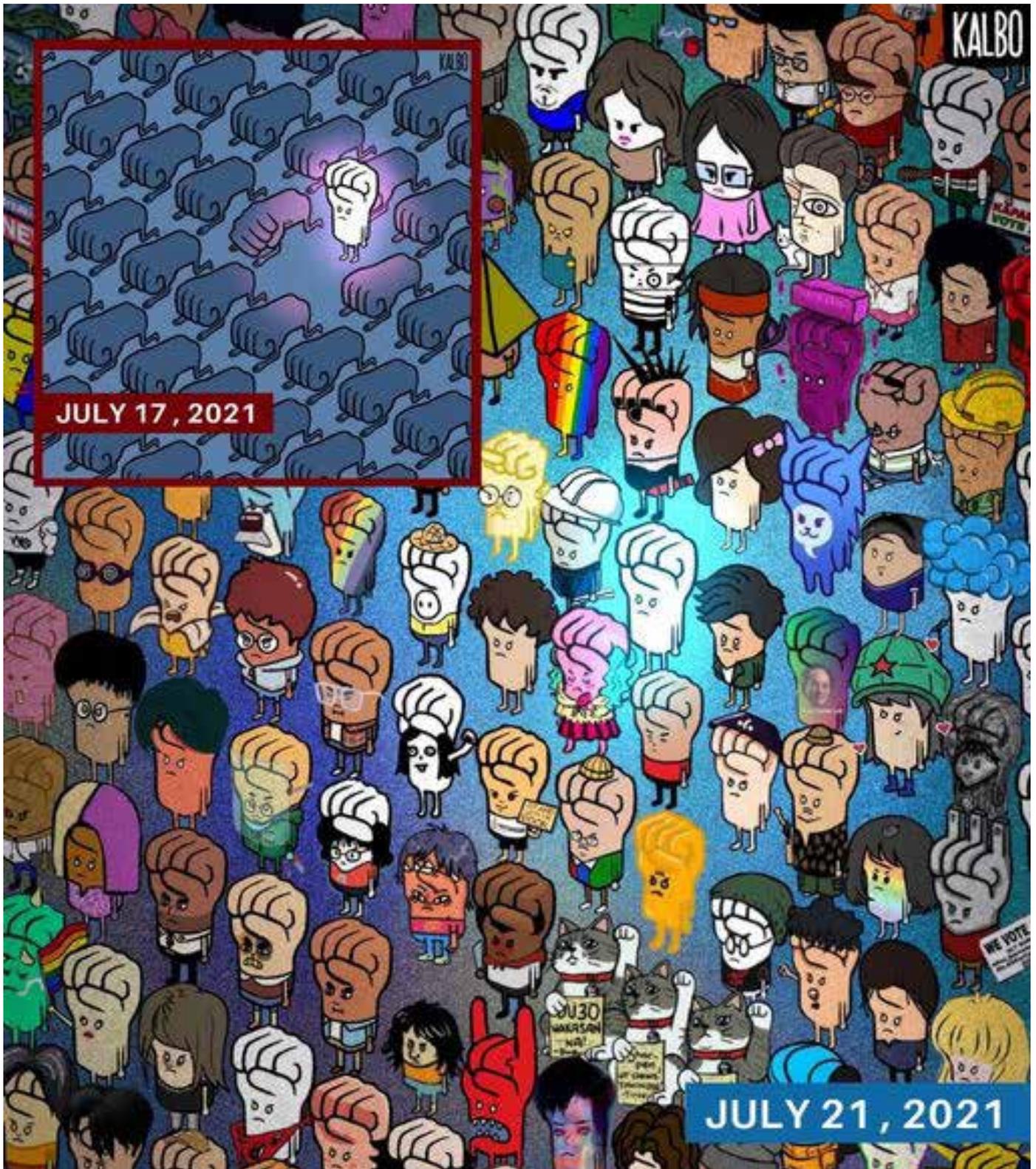
On the 2022 Elections

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

On the COVID-19 Pandemic

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

Our Reports demonstrate that far more decisive action is needed by the UNHRC and by the international community as a whole, to uphold the fundamental human rights of the Filipino people. Their rights are the rights of all people, and they are under attack.



Artist Kevin Kalbo posts a protest art called #Tumindig. Photo courtesy of Kevin Kalbo/Twitter

