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SENATE

PROPOSED SENATE RESOLUTION NO. 153 RECEIVED BY: WST

Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

URGING THE EXECUTIVE DEPARTMENT, THROUGH THE DEPARTMENT OF FOREIGN AFFAIRS, TO EXTEND AN INVITATION TO THE UNITED NATIONS SPECIAL RAPPOREUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS TO VISIT THE COUNTRY TO LOOK INTO THE EXTRAJUDICIAL KILLINGS AND SUMMARY EXECUTIONS AMIDST THE ADMINISTRATION'S WAR ON DRUGS

WHEREAS, based on the official data from the Philippine National Police (PNP), as of 14 September 2016, there are 3,173 total number of persons killed in relation to the so-called war on drugs since July 1, 2016. Of this number, there are 1,138 drug personalities killed in police operations, while there are 2,035 victims of extrajudicial or vigilante killings¹. The average number of persons killed daily for the past two and a half (2 ½) months is 42.3. By any standard, the statistics are alarming and staggering. And, judging from both official and media sources, there is no showing that we will soon experience a downtrend in the figures.

WHEREAS, local and international media report mounting criticisms about how the so-called war on drugs is being carried out, especially in light of this phenomenon of extrajudicial killings and summary executions. On 15 September 2016, in a resolution of the European Parliament (EP), the said body emphasized that while it agrees that drug trafficking and abuse in the Philippines "remains a serious and national concern," it is likewise alarmed "by the high numbers killed during police operations in the context of an intensified anti-crime and anti-drug campaign." The EP urged the Philippine government to put an end to the current wave of extrajudicial executions and killings, launch an immediate investigation into them and adopt specific, comprehensive policies and programs, in full compliance with national and international obligations and respect for human rights². On the part of the United States of America (USA), at the end of the recent ASEAN Summit, President Barack Obama said that the US will not back down on its opposition against waging a war on

¹ How to seek drug treatment and rehabilitation in the Philippines published on September 17, 2016
[<http://www.rappler.com/newsbreak/iq/146198-steps-drug-treatment-rehabilitation-philippines>]

² <http://www.europarl.europa.eu/>

drugs that is not consistent with the rule of law and respect for human rights³. Much earlier, in June 2016, no less than UN Secretary General Ban Ki-moon condemned the Administration's apparent support for extrajudicial killings, saying these were "illegal and a breach of fundamental rights and freedoms⁴." On 13 September 2016, at the opening of the 33rd session of the UN Human Rights Council in Geneva, Switzerland, the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein even went further by stating that "[t]he President of the Philippines' statements of scorn for international human rights law display a striking lack of understanding of our human rights institutions and the principles which societies safe."⁵

WHEREAS, on 15 September 2015, a self-confessed henchman and a member of the so-called Davao Death Squad, Edgar Matobato, testified at the Senate Justice and Human Rights Committee hearing about the alleged extrajudicial killings of about 1,000 persons in Davao City that implicated the current the highest official in the land, who was Davao City's Mayor for more than two (2) decades. Considering the serious allegations in the Matobato testimony and their grave implications that impinge on the pursuit of truth and the administration of justice in light of the cases of extrajudicial killings, various sectors, notably those engaged in human rights advocacy, clamor for an independent, swift and thorough investigation of the killings.

WHEREAS, this call for a speedy and impartial investigation is justified by the perception that our local institutions of law enforcement and justice, including domestic mechanisms of accountability of public officials, appear to be either inadequate, compromised, or weak. Agencies and organs within the Executive Department, such as the PNP and the National Bureau of Investigation (NBI), cannot be expected to even initiate -- much more sustain -- an independent investigation into the killings. The Commission on Human Rights (CHR), our national human rights institution tasked by the Constitution to conduct investigations of human rights violations, is under-equipped both in resources and manpower to conduct such a massive investigation. At the same time, the CHR has been pilloried by no less than the current Chief Executive, who was joined in chorus by other officials in both the Executive Department and the legislature. Thus, against this backdrop, and unless a third-party investigator comes in, there is reason to believe that we may not be able to ferret out the whole truth behind the killings, and to serve complete justice to the victims and the Filipino people.

WHEREAS, several pronouncements from officials of the Executive Department, including the President himself in his inaugural speech and the State of the Nation Address (SONA), indicate the seemingly unwavering commitment of the Philippine government to uphold treaty obligations, including those that uphold

³ **Obama to Duterte: Do war on drugs 'the right way'** published on September 8, 2016 [<http://news.abs-cbn.com/news/09/08/16/obama-to-duterte-do-war-on-drugs-the-right-way>]

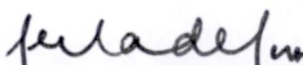
⁴ **U.N. chief condemns Duterte's 'apparent endorsement' of killings** [<http://cnnphilippines.com/>]

⁵ **Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, at the 33rd session of the Human Rights Council** [<http://www.ohchr.org>]

human rights. One such duty is the general obligation to respect and guarantee human rights, enshrined in Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee, in its General Comment No. 31, has stated that the ICCPR imposes on State Parties (which includes the Philippines) the "general obligation to investigate allegations of violations promptly and effectively through independent and impartial bodies." The UN General Assembly and the UN Human Rights Council have likewise repeatedly highlighted in a number of resolutions the obligation of States under international law to conduct prompt, impartial and independent investigations into all extrajudicial investigations. Based on the UN Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions, it is stated that "[i]n cases in which the established investigative procedures are inadequate because of lack of expertise of impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse, and in cases where there are complaints from the family of the victim about these inadequacies or other substantial reasons, Governments shall pursue investigations through an independent commission of inquiry or similar procedure." One such procedure is a country visit, investigation or inquiry to be conducted by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions ("Special Rapporteur") whose mandate was spelled out in Resolution 26/12 of the UN Human Rights Council. To carry out her mandate, the Special Rapporteur "undertakes visits to examine the situation of extrajudicial, summary or arbitrary execution in the respective country, and to formulate recommendations to the Government and other actors on upholding the right to life." Such on-site visits by the Special Rapporteur can be initiated by an official invitation from a concerned government, such as the Philippines.

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, in view of the foregoing reasons and circumstances, the Senate respectfully urges the Executive Department, through the Department of Foreign Affairs, to extend an invitation to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Ms. Agnes Callamard, to conduct a visit to the country and perform inquiries or investigation on the unprecedented phenomenon of extrajudicial killings and summary executions that has arisen during the aggressive enforcement of the Administration's war on drugs.

Adopted,


LEILA M. DE LIMA