■ **PROGRAM ON SOCIAL AND POLITICAL CHANGE**

ADDRESSING THE PATTERN OF VIOLENCE

Under the Duterte Administration's "War on Drugs"

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INTRODUCTION

Rodrigo Duterte, former president of the Philippines, was arrested in Manila on March 11, 2025. Philippine police arrested Duterte after receiving an International Criminal Court (ICC) warrant accusing him of crimes against humanity, for the national "war on drugs" when he was president as well as killings attributed to the Davao Death Squad, linked to him when he was a local mayor.

Mr. Duterte's "war on drugs" may have resulted in 6,201 killed, according to official police numbers; meanwhile, ICC prosecutor estimates between 12,000 to 30,000 killed. Duterte first appeared as a resource person in the Senate on 28 October 2024. A little over two weeks later on 13 November, he appeared again in the House of Representatives, in inquiries into his administration's "war on drugs." Hearings of the sub-committee of the Senate Blue Ribbon Committee and the House Committees on Dangerous Drugs, Public Order and Safety, Human Rights and Public Accounts (known as

the "Quad" Committee) demonstrate an acceleration and unprecedented political focus in domestic investigations of possible crimes and violence in anti-crime campaigns linked to Duterte both as president (particularly on the Tokhang campaign) and as Davao City mayor.

The central argument of this policy brief is that the president's culpability could also be established if there is evidence that the violence was centrally controlled. The implications of the author's prior research project analyzing the patterns of violence in the "war on drugs" are laid out.[2] The policy brief is organized as follows: (1) a review of domestic accountability measures; (2) analysis of the drug war's pattern of violence; and, (3) recommendations.

DOMESTIC ACCOUNTABILITY

Parallel to ICC investigations, domestic processes to hold Duterte and other perpetrators of the "war on drugs" accountable have been sporadic and ineffective. In March 2009, then Commission on Human Rights (CHR)

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[2] This policy brief is also based on the author's testimony at the invitation of the Committee on Human Rights of the House of Representatives to briefings, in relation to "alleged extrajudicial killings committed during the Duterte Administration" on the 15th and 24th of May 2024. Such briefings led in part to the on-going Quad Committee hearings in Congress.

chairperson Leila de Lima opened a public inquiry into the unexplained killings of more than 800 people in Davao City since 1998. This resulted in a 2012 Resolution that recommended the Office of the Ombudsman investigate the possible administrative and criminal liability of then mayor Duterte. Subsequently, the Department of Justice under de Lima investigated Duterte. However, within days of Duterte's official proclamation as the winner of the 2016 presidential election, de Lima's successor, Emmanuel Caparas, announced that the government would discontinue its investigation into the death squad, citing the lack of evidence after a key witness disappeared.

At the height of the national "war on drugs," the Senate Human Rights Committee began hearings on the campaign on August 18, 2016, eliciting key (albeit controversial) confessions from confessed members of the Davao City Death Squad, Edgar Matobato and former Davao City police senior officer Arthur Lascañas, linking Duterte to specific murders. The Senate hearings were aborted; Senator de Lima, the investigating committee chair, was arrested on bogus drug crime-related corruption charges. The Commission on Human Rights 2022 report into the drug war found that the Philippine government's own investigations of related killings have been deficient, perpetuating impunity.

Meanwhile, the few successful investigations seem to be the exceptions that prove the rule. For example, the Senate investigation into the 2017 killing of 17-year-old Kian delos Santos enjoyed support from both opposition and administration senators. Yielding the first convictions of police officers in a drug war murder case, it was the only one resolved during the Duterte presidency. In 2021, the Department of Justice (DOJ) published information on merely 52 cases that the Internal Affairs Services (IAS) of the Philippine National Police (PNP) considered to involve police officers, with direct liability for "war on drugs" operations resulting in deaths.

During the Duterte administration, the incumbent constrained independent investigations. In contrast, the

Quad Comm hearings have elicited testimonies that are credible insofar as they confirm key features of the "war on drugs" long suspected by independent observers like journalists, human rights non-government organizations, and researchers.[3] With respect to the logistics of the national anti-crime campaign, such elements include the strategic deployment of police officials from Davao (placement of the "Davao Boys" to scale up the "Davao model" or the Davao Death Squad linked to Duterte, a longtime Davao City mayor), as well as financial incentives and "kill" quotas for the police.[4]

PATTERNS IN THE VIOLENCE

As the literature on mass violence against civilians suggests, perpetrators pursue such programs for strategic reasons.[5] While we tend to focus on the commission of such violence, the termination or de-escalation of violence is also pivotal in establishing perpetrator culpability.[6] The testimonies regarding individual cases are crucial in establishing legal responsibility of police officers and government officials, and other individuals involved. However, that does not establish the degree to which the violence was centrally controlled.

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[3]   See, for instance: Iglesias 2022; Jensen and Hapal 2022.

[4]   Baldwin and Marshall 2017. See also, You Can Die Any Time: Death Squad Killings in Mindanao, Human Rights Watch 2009; Mogato and Baldwin 2017; Coronel 2017.

[5]   See Valentino 2014.

[6]   See Conley-Zilkic 2016.

Figure 1. Civilian Fatalities vs. Model-Predicted Civilian Fatalities per week
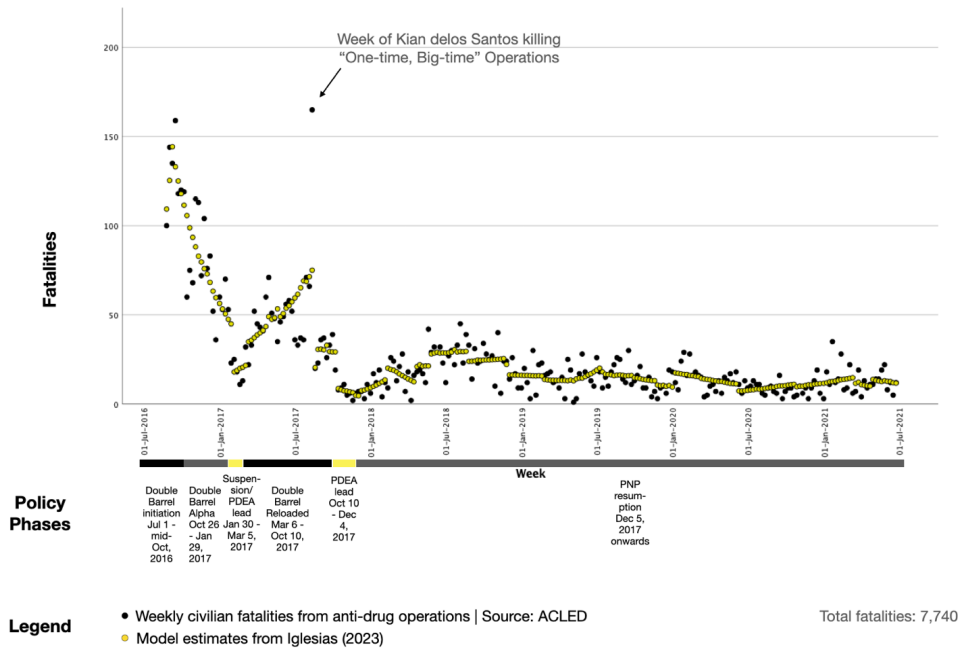

Figure 1 is based on the author's analysis of drug war data, a model predicting violence escalation and de-escalation using Poisson regression, i.e., a count model, to estimate the weekly number of fatalities related to anti-drug operations from 1 July 2016 to 30 June 2021 (See Figure 1).[7]

The model predicts the probability of the number of killings given how often killings actually occurred, per week, during the Duterte administration. This also tells us which predictors in the model—key events related to the "war on drugs," including policies or decisions, as well as pronouncements—change the rate of killings.[8] This allows us to estimate the effect of such key events on either increasing or decreasing the rate of violence. Based on that model, there were three arcs of escalation and de-escalation:

Shock Tactics

Duterte directed the violence as the Philippines' chief executive, vowing to rid the country of crime and corruption by killing millions of criminals without regard to human rights, similar to what he did as mayor of Davao City.[9] Project Tokhang, launched on 1 July 2016 under Project Double Barrel outlined in PNP Command Memorandum Circular No. 16-2016, was an anti-drug campaign by the Philippine National Police. As the "lower barrel," Tokhang (portmanteau of "toktok," or knock, and "hangyo" or plead) involved house visits to persuade suspected drug offenders to cease their activities, while Project HVT, the "upper barrel," targeted high-value drug personalities and syndicates. The house visits often resulted in the killing of alleged drug criminals. Later, Project Double Barrel Alpha extended Operation Tokhang to schools, businesses, and drug suspects' residences.

The model shows that Rodrigo Duterte's presidency is correlated to an increase in drug crime-related killings in the Philippines. These findings are statistically significant—in other words, the chances that these

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[7] The study had utilized a Poisson regression to estimate the weekly number of killings. The nature of the dependent variable is a count variable, tallying the number of killings during each week of the timeline for the analysis. The Poisson distribution helps predict the probability of the number of events happening, given how often the event has actually occurred in the dataset. This gives us an estimate of the number of events happening within the fixed interval of time (i.e., weekly) and changes to this rate given the predictors in the model; Iglesias 2023.

[8] Policy phases are adapted from International Criminal Court Pre-Trial Chamber I, Situation in the Republic of the Philippines: Public redacted version of "Request for authorisation of an investigation pursuant to article 15 (3)," 24 May 2021, ICC-01/21-7-SECRET-Exp, para. 15 (14 June 2021).

[9] Tejada 2016; BBC 2016.

killings were somehow naturally occurring or just a coincidence is very small, less than 5 out of 100.

The arc ends with the drug war suspension on 30 January 2017, over a kidnap-murder corruption scandal. Duterte's order to stop Tokhang after the discovery of South Korean businessman Jee Ick Joo's body in Camp Crame is also significantly correlated to a sudden drop in killings, including vigilante killings. The chances that this was merely a coincidence are even smaller: 1 out of 1,000. As we have seen in other violence studies, the ability to turn violence on or off like a faucet of water is an indication of the former President's control over the violence.[10] Notably, Duterte temporarily shifted responsibility of the drug war to the civilian-led Philippine Drug Enforcement Agency (PDEA), with the assistance of the Armed Forces of the Philippines (AFP).

Re-initialization

On 6 March 2017, police operations were relaunched under the Project Double Barrel Reloaded campaign, and violence began to re-escalate. On 16 August 2017, teenager Kian delos Santos was killed in Caloocan City, Metro Manila. His death was only one of over a hundred killings that week in urban areas throughout the country. Described by the President and police officials in press conferences as their "one-time, big-time" operations that August, such operations refer to the simultaneous, large-scale police raids targeting drug suspects in the Philippines, aiming to "shock and awe" drug offenders into halting their activities, to recapture the disruptive effect at the start of the drug war.[11] That same week in Bulacan, 32 people were killed in a single night, while similar raids in Manila left 26 people dead.[12]

According to the police, Kian delos Santos was another drug crime suspect who was allegedly armed and nanlaban (put up a fight) against arresting police officers. However, the killing of delos Santos was captured on CCTV; the evidence, as well as witness testimony, contradicted the police account. This sparked public outrage, Senate inquiries, and the first major protests against Duterte's drug war.

The model shows that this public outrage over the controversy was likely to be a key reason for the de-escalation of drug war violence after September 2017, which never returned to its earlier intensity. Why was the level of violence during the "one time, big time" week not predicted by the model in Figure 1? The delos Santos controversy averted a re-escalation to the levels during the worst period of the state-sponsored killings. The violence was instead scaled back. Likewise, the shift of responsibility from the PNP to PDEA, from October to December that year, had an immediate effect of lessening the violence.[13]

Dissipation

With the PNP back in the lead, the violence continued. The model reveals that the "long tail" of persistent but relatively low levels of violence could have been affected by early attempts at seeking accountability—for example, in the Senate, the United Nations (UN), and the ICC. However, the results are mixed, and the impact is unclear. This could perhaps also indicate the lessening of centralized control over the violence, particularly if financial incentives eventually dried up. Future research could explain some initial accounts of local escalations in urban areas outside Manila like in Central Luzon regions during this period,[14] as well as moderate re-escalation of violence during the COVID-19 pandemic lockdowns.[15]

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[10] See, for instance: Robinson, 59.

[11] Holmes 2017.

[12] Villamor 2017.

[13] Iglesias 2023.

[14] Kishi and Buenaventura 2021.

[15] Human Rights Watch 2021.

RECOMMENDATIONS

The pattern of violence and the statistical evidence of central control reinforces the common-sense notion that if the policy is to start violence, it will start, and if the policy is to stop violence, it will stop. Control implies responsibility.

1. Open a line of inquiry into the circumstances around big shifts upwards or downwards in the pattern of violence.

There may still be opportunities to question former president Duterte and his staff, former PNP chief Ronaldo dela Rosa, and former PDEA chief Aaron Aquino, as well as other officials of the Duterte administration in the Quad Committee, the Senate, or on other avenues domestically and internationally. Potential whistleblowers may yet emerge to offer vital testimony. The main recommendation here is to open a new a line of questioning that establishes the facts to explain, from their perspective, the pattern of violence. Some questions may include:

■ In the first months of the drug war, many of the killings were linked to vigilantes "riding in tandem." How did the violence immediately stop after then President Duterte ordered the drug war suspension on 30 January 2017? Who was controlling the actions of the vigilantes, and how?

■ What was the "one-time, big-time operation" that the PNP carried out in August 2017? What documents refer to this operation? What guidelines, if any, were set to direct this particular action?

■ During this time, there was a practice of identifying a young male in poor urban areas, shooting them in cold blood, planting evidence, etc., as in the case of Kian delos Santos, as well as Carl Arnaiz and Reynaldo de Guzman—three cases where there were convicted police offenders. How prevalent was this pattern of faked armed encounters between police and alleged drug criminals?

■ How did the president and the government react to the protests around the death of Kian delos Santos?

■ Why was PDEA given the leadership of the drug war in response to the Jee and delos Santos controversies, and what was the difference in instruction to PDEA vs. the PNP? Why was the leadership of the drug war reverted to the PNP each time?

■ Did the financial incentives for the drug war continue at the same level throughout the years of the drug war, or did the practice end (if so, when)? Was there a shift in priorities?

2. Establish the relationship between specific policies and pronouncements with such escalations and declines in the pattern of violence.

It has been difficult to question Duterte on his frequent yet contradictory statements about the drug war. However, it is possible to focus on the first 15 months of the campaign when central control was most apparent and the arcs in the violence were quite distinct. Investigators can leverage on known policy phases and corresponding rises and falls of the number of actual recorded killings, particularly the sharp distinctions between periods when the conduct of the drug war shifted from the PNP to PDEA.

CONCLUSION

This policy brief demonstrated that establishing responsibility for the drug war partly relies on evidence of centralized control over the violence. This brief also examined domestic accountability mechanisms, highlighting a pattern of constraint and obfuscation, and incorporated findings from the author's prior research on the rises and drops of violence in the drug war. An analysis of the patterns of violence during the drug war from 2016 to 2021 could guide productive lines of inquiry in future efforts to establish culpability in the Philippine "war on drugs" under Duterte considering the coming ICC trial and possible cases that may filed in the Philippines.

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