



International Monterrey Model United Nations Simulation

American School Foundation of Monterrey



Human Rights Council

Topic: Addressing the Philippine Drug War

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I. Committee Background

The United Nations Human Rights Council is an intergovernmental organization within the UN, based in Geneva, Switzerland. The Council was created by the United Nations General Assembly on March 15th, 2006 through resolution 60/251. The purpose of the Council is to strengthen the promotion and protection of human rights across the globe. The Human Rights Council, which replaced the former Commission on Human Rights, is a subsidiary body of the General Assembly. Currently, the Human Rights Council is composed of forty-seven-member states, which are elected by the General Assembly through both direct and secretive voting. The Human Rights Council's member states are based on equal geographical distribution; thirteen seats for African states, thirteen for Asian states, eight for Latin American & Caribbean states, seven for Western Europe & Other states, and six for Eastern European states. The Council's members are elected to three-year terms; member states can only serve for two consecutive terms. Each year, one-third of the Council's member states are newly elected by the General Assembly. The Human Rights Council holds three sessions each per year throughout the months of March, June and September, and it is currently presided by Remigiusz Achilles Henczel.

The United Nations Human Rights Council reports its resolutions directly to the General Assembly. The Council's resolutions are not binding; hence, the Council solely has the ability to issue recommendations. Voting procedure within the Council consists as follows; a simple majority is required for any resolution to pass. A major innovation of the Human Rights Council was the formation of the Universal Periodic Review. The Universal Periodic Review involves a revision of every single member state's human rights record once every four years. The United Nations Human Rights Council supervises the Universal Periodic Review during its three annual sessions. (OCHR, 2013; ICNL, 2013)

II. Introduction

Description and Definition of the Topic

The term "drug war" consists of the conflict between a country's corresponding law enforcement and those who deal with illegal drugs. The Philippine Drug War refers to President Rodrigo Duterte's drug policy, which was implemented when he took office on June 30th, 2016. The protocol is aimed at "the neutralization of illegal drug personalities nationwide" (Tubeza), but Duterte has taken a violent approach to the situation. Although authorities deny his behavior, research by media organizations show that the Philippine police force often execute suspected, unarmed drug lords along with anyone they believe is involved with the illegal drug trade and deem appropriate to kill. Thus, it is estimated that over 12,000 civilians have died

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because of this issue ("Philippines' 'War on Drugs'"). In the past three years, representatives from Japan, China, and the United States have voiced support for the president's decisions. In fact, government officials have stated that the anti-drug campaign has "significantly improved the peace and stability of the Philippines" and decreased crime rates up to 30% since Duterte came to power (Austin 16). Due to this ongoing crisis, the Philippines has become the fourth most dangerous country in the entire world. It is the United Nations Human Rights Council's (UNHRC) duty to protect and promote every nation's human rights, which is why it is imperative that its members address the circumstance.

The Problem

Rodrigo Duterte's presidential candidacy in 2016 was primarily based on his promise to eradicate all drug dealers of the Philippines. On the day of his election victory he threatened all drug dealers by stating, "If I make it to the presidential palace I will do just what I did as mayor. You drug pushers, holdup men, and do-nothings, you better get out because I'll kill you." (Human Rights Watch) Although it seemed as if the president had the country's best interests in mind, the repercussions of his actions have led to the extreme increase in violence and crime, affecting not only those involved in the drug business, rather the entire country as well.

The creation of Duterte's drug policy has caused over 12,000 deaths across the Philippines. A large allotment of this deaths, at least 2,555, have been attributed to the country's national police which has been responsible for extrajudicial killings, targeting Filipinos in urban and low-income communities (Human Rights Watch). Most of the victims include children, criminals, and even innocent people that are not involved in drug activity. Although their orders indicate to only arrest suspects, the country's police force ignores such remarks and often resorts to murder taking extreme measures such as suffocation among other violent methods (CBC News, 2017). This constant violence, which in many cases is not necessary, affects the whole country, especially those in impoverished areas. Ironically, the people who are supposed to be protecting civilians are causing the most harm in the situation.

Although death tolls show staggering numbers, the policy continues to be supported by international leaders and a portion of the Philippine population (Human Rights Watch). Thus, even though thousands of people's human rights are constantly violated, there is not much being done to protect them.

It seems as if this issue may not come to an end any time soon. Since the policy still stands in place, the police force continues implementing excessive amounts of force, and the government remains ignorant to the damage being caused by the drug policy. Therefore, it is crucial to find a solution that addresses both parts of the conflict, the drug situation that led to the implementation of the policy, as well as the repercussions of the policy itself.

III. History of the Topic

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Chronological History of the Topic

Philippines has had a long history of drug use and addiction. Before the arrival of the Spanish, the native Phillipino tribes used to consume “alcoholic beverages” made from rice, sugar cane, and coconut palms. Nonetheless, everything changed in 1521, when the Spanish introduced opium poppy, marijuana, and the coca leaf. Following the Spanish rule, opium became a widespread drug used by the Filipinos for pleasure or for gathering courage in preparation of wars, suicidal attacks, or ambushes against the Spanish colonials.

Beginning in the early 1600’s, through the establishment of both the British East India Company and the Dutch East India Company, the Philippines saw an increase in the amount of opium being consumed and exported inside the country. This was particularly because the Philippines had become a major stopping point for many ships who were carrying opium and were headed towards China. This continued for over two centuries, until eventually the Spanish governor general, Jose de Gardoqui, passed a law which prohibited the use of opium inside the island in December 1, 1814 . Eventually, through a long history of events, opium production was legalized in 1828, yet, it could only be used for exports and could not be consumed.

In the early 1840’s, reports of opium addiction increased amongst the native population and the Chinese settlers inside the island. Eventually an opium monopoly was established in January 1, 1844 when the number of opium addicts was at its highest. This monopoly established joints where Chinese settlers could go and smoke opium, however, the natives and the mestizo population were still prohibited from entering these areas. Nonetheless, the continuous addiction of the Chinese settlers increased the habit among the Filipinos who were living near or among the Chinese. This opium addiction was aided by the defeat of the Chinese government in the Opium War and the establishment of Hong Kong as a British trade center in 1845. With a British port next to mainland China, opium exports to both China and the Philippines increased, which resulted in a greater amount of opium entering the Philippines, especially through Manila, for Chinese use.

Subsequently, in 1898, when the United States took over the Philippines after their victory in the Phillipine-American War they found out that in Manila alone there were over 190 opium dens, this was where people went to smoke and sell opium. The U.S. government decided to maintain the dens and it generated a substantial portion of the government's revenue. However the proposal was shut down within two weeks by a last-minute campaign from Manila’s missionaries. The campaign contacted the International Reform Bureau, which immediately dispatched some two thousand telegraphic petitions calling on President Theodore Roosevelt to block the move. President Roosevelt was impressed by the outburst and ordered the Philippines government to withdraw the legislation for further study (Human Rights Watch 2017).

In 1903 an Opium Committee for the Philippines was appointed. The committee concluded that a government monopoly would be the best idea to have opium under control. However as the years passed, the Filipinos’s drug preferences changed. In the 1950’s most users

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started favoring morphine injections over opium due to the fact that it takes a shorter time and is more private. Currently the drug war is affecting millions of individuals inside and outside of the Philippines. Ever since President Rodrigo Duterte took office on June 30, 2016, he has been carrying out a “War on Drugs” in hope to stop the endless amount of drug trafficking in the Philippines. This “War on Drugs” has led to over 27,000 Filipino deaths where only a little over 5,500 were actual drug personalities. (BBC News, 2019) The National Police accounts for more than 2,500 of these killings due to the fact that President Duterte has given a “shoot to kill” order, meaning police can shoot and try to kill any person suspected of having ties to the underground drug world. (Human Rights Watch, 2019) The Human Rights Watch, a non-governmental organization reported that the killings done by the police and Duterte’s campaign could amount to serious human rights violations. (Human Rights Watch, 2019) However, Duterte has shown no sign of stopping his campaign. Other NGO’s such as Amnesty International has called Duterte’s campaign a “large-scale murder enterprise”.

Historical Case Studies

Infant Deaths in Drug Raids

Amongst Philippine impoverished communities, policemen “drug raids” have become a normality. The term drug raids has been used to describe the act in which policemen search individuals’ homes with the purpose of finding illegal substances; however, it is often the case that innocent civilians are targeted. Police officials use nothing but a mere amount of evidence regarding people’s involvement in drug consumption and trade to conduct extrajudicial killings (Gomez, 2019). Death is often the outcome of these drug raids and many instances have led to innocent children being victims of this violence. On June 30th 2019, a three-year-old girl, Myca, was killed when police were conducting a drug raid with the purpose of capturing Renato Dolofrina (Myca’s father), an alleged drug user. Policemen at the scene claim that Dolofrina used his daughter as a “shield”, leaving her exposed to the firing bullets (Conde, 2019). According to the Human Rights Watch, it was discovered that manufactured evidence has been used to justify the murder (Conde, 2019). The death of Myca led to protests around the community seeking to bring attention to the event. Like her, other children have died because of the violence caused by the Philippine National Police. Some of these other children who have been murdered include four-year-old Skyler Abatayo in July 2018 and Danica May Gracia of five years old in August of 2016. In fact, the Human Rights Watch claims that at least 100 children have died as a result of the war on drugs since 2016. The Philippine community has responded furiously to these casualties and yet they keep occurring (Conde, 2019).

Ozamiz Police Raid

Ozamiz is a third class city in Northern Mindanao, Philippines. The mayor, Reynaldo "Aldong" Parojinog, was one of the government officials named when Duterte revealed 46 alleged drug personalities on nationwide TV (Domonoske, 2017). Although Parojinog denied

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participating in the illegal drug trade, some citizens were not convinced. As a result, on July 30th, 2017, members of Misamis Occidental Police Provincial Office, working together with the Regional Criminal Investigation and Detection Group (CIDG) and the Ozamiz City Police, raided the Parojinog residence. According to Superintendent Lemuel Gonda, the mayor's security team fired at the police force, so they were bound to retaliate. In the armed conflict, at least eleven civilians died, as well as the mayor and three of his family members (Navales, 2018). Jaysen de Guzman, the police provincial chief, stated that grenades, ammunition, and illegal drugs were found in Parojinog's residence (Domonoske, 2017). The fact that some of the country's political leaders are involved in the drug trade raises concern towards the reliability of the Philippines' political figures.

Marawi City

In May of 2017, the Maute Group, a Philippine terrorist organization, along with other extremist groups, ambushed the city of Marawi on the southern island of Mindanao. As a result, President Duterte, whose Presidential term began on June 30, 2016, declared martial law to the Mindanao island, meaning that the law was now controlled by The Armed Forces of the Philippines (AFP) rather than a regular government system. As of October 23rd of 2017, the AFP managed to take over the city, bringing "control" to Marawi. Due to this conflict, around 360,000 people were displaced from the city and over 14,000 have filed complaints "over the loss of their homes and livelihood because of the armed conflict" (Janvic 3). Extrajudicial killings, abuse of prisoners, and other human rights have been violated because of the issue. Investigations have been carried out by government officials but the Filipino citizens are still affected by the atrocities committed by the AFP.

Duterte Doesn't Care About Human Rights

In August of 2016, the president of the Philippines Rodrigo Duterte acknowledged that there have been several human right abuses on the war on drugs. (Press 2016) Since the beginning of 2016, the war on drugs has caused the deaths of around 400 people per month. However, the government has refused to back down on their shoot-to-kill order. (Press 2016) Netanyahu even went as far as saying "I don't care about human rights, you better believe me." Making it clear that he has no intentions of stopping the recurrent killings. The shoot-to-kill order was granted to all police against anyone suspected to deal drugs whether it be a politician or a regular civilian. (Press 2016) During the first months of the war on drugs, more than 4,400 people have been arrested and more than 400 drug suspects have died. Most of the deaths occurred either in fights with the police, or under suspect circumstances. However Duterte's shoot-to-kill order has been legally questioned. There are safeguards in the legal systems that require court warrants for arrests in order to protect citizens and ensure that law enforcers are not abusing their power. The order however does not account for warrants when arresting or killing, meaning that all policemen can kill whomever they want whenever they want. (Press 2016)

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Mexican Drug War

The Mexican Drug War, which began in 2006 is an ongoing conflict between the Mexican government and various drug trafficking cartels. When the war began, the military's main objective was to reduce drug related violence, yet the outcome was quite the contrary. The drug war has already claimed thousands of lives in Mexico and the violence has spread across the border into the United States. In 2018 alone, there were 33,000 murders in Mexico because of the war on drugs and that number is expected increase in 2019 (Maxouris, 2019). The international community has already deemed the war a failure, since it not only has taken countless lives, but it has negatively affected the Mexican economy, it has increased violence in Mexico, and it has barely reduced the amount of drug trafficking in the country. Consequently, security measures such as increase border security between Mexico and the United States have been taken (Wells, 2019). Additionally, the Mexican government has been discussing possible laws that may decrease drug use such as enforcing medical treatments like detoxification programs to break addictions after drug possession arrests (Reid, 2019). Like Mexico, the Philippines is facing a similar problem. The Mexican Drug War serves as an example of the actions other nations have taken to handle circumstances of violence and drug use.

Past UN Actions

Three years after the Philippine drug war first emerged, the United Nations Human Rights Council began to investigate the human rights violations occurring in the country. This included killings, enforced disappearances, arbitrary arrests, and persecution of rights activists. Three months ago, it was authorized for the UNHRC chief, Michelle Bachelet to proceed with such investigations, and is expected to present a final report of the situation in exactly one year (Cumming-Bruce, 2019). These investigations, are the toughest "punishment" that the UNHRC has applied to Duterte and can produce serious consequences to the Philippine government. However, Philippine UN delegates have constantly refused and voted against the proceeding of such actions. Duterte has publically ordered state-run firms and all governmental departments to halt all negotiations with member-states that have shown support to the UN investigations. Some of which include Britain, Australia, Spain, Denmark, Iceland and Ukraine (Lema, 2019). Philippine protestors and activists understand that an investigation on the Philippines is a big step towards a resolution; however, are not satisfied quite yet and insist on receiving further international help.

Other UN organs and non-governmental organizations have expressed their concern toward the situation similar to the Human Rights Council. During 2018, the International Criminal Court announced that it would be conducting preliminary examinations on countries who are suspected to be violating human rights. After this announcement, the Philippines withdrew from the court and Duterte even threatened to pull the country out of the United Nations. (Lema, 2019) Additionally, Nicholas Bequelin, Amnesty International's regional director for East and Southeast Asia, pressured the UN to take further action when he stated, "It

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is time for the United Nations, starting with its Human Rights Council, to act decisively to hold President Duterte and his government accountable.” (Cumming-Bruce, 2019) Clearly, the UN has taken the initial steps needed to solve this issue, however, additional measures from the international community must be made in order to stop this crisis.

IV. Key Players and Points of View

‘Ninja Cops’

The term ‘ninja cops’ is often used when discussing the Phillipine Drug War. Ninja cops are described as corrupt policemen who seize drugs in order to go into business themselves, taking advantage of their authoritative position (Robles, 2019). On October 7th 2019, thirteen policemen from Pampanga were fired without notice after they were accused of making millions of dollars through drug confiscations (CNN Philippines Staff, 2019). Their involvement in drug trafficking dates all the way back to 2013, when the team raided the home of a Chinese drug trafficker, in which they allegedly confiscated vehicles, drug supply, and cash (Macairan, 2019). Amid controversy, Chief General of the Phillipine National Police, Oscar Albayalde, has stepped down from his position and has not declared a reason for this decision (Talabong, 2019). This has only brought more suspicions on whether Albayalde was an accomplice to the the ‘ninja cops’ in Pampanga. Like him, lots of policemen across the Philippines are suspected to be ‘ninja cops’. In fact, former chief of the Philippines National Police, General Ronald de la Rosa stated that more than 300 of his officers are involved in the drug business and that ‘ninja cops’ across the Philippines are suspected to have sold over 160 kilos of methamphetamine to Chinese drug lords (Hilotin, 2019). Furthermore, ‘ninja cops’ have the authority to kill anyone who comes in their way and are justified by the shoot-to-kill order of President Duterte which leaves citizens in danger and unprotected (Hiloitin 2019).

Japan

In January of 2017 the vice-Minister of Defense for International Affairs, Ro Manabe, announced that Japan would aid the Philippines “promote economic and infrastructure developments”, the Japanese government planned on doing this by sending 800 million US dollars over a span of 5 years (Kine 2017). However, since Ro Manabe publicly announced this, Japan has aided with much more money than promised. In total, they have given the Philippines 8.8 billion US dollars (Calonzo 2019). The reason that Japan has decided to do this is to strengthen economic ties. (ABS-CBN) However, Duterte has decided to decline aid from most countries, due to the fact that most countries are in favor of what Duterte calls a “grotesquely one sided” solution proposed by the UN. On October 22, president Duterte had to cut short his trip to Japan. The trip was to re-discuss the contract between the Philippines and Japan regarding the financial aid, however Duterte cancelled due to an “unbearable” back pain caused by a motorcycle accident a week prior (Gutierrez 2019).



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Both the United States and the European Parliament have publicly condemned the Philippines for the killings by police and “unidentified” vigilantes. Yet, the Japanese government has turned a blind eye to the killings and has continued to do business with the Philippines as usual. The vice-Minister of Defense for International Affairs, Ro Manabe endorsed the Philippine’s chairmanship of ASEAN (Association of Southeast Asian Nations) in 2017. This was followed by Japanese Prime Minister Shizno Abe’s January 12- 13 state visit to the Philippine, during which he promised a 5 year, \$800 million Japanese government Overseas Development Assistance package to “promote economic and infrastructure development”. Prime Minister Shizno Abe also promised unspecified financial aid for rehabilitation programs in the Philippines.

Iceland

The Icelandic government filed a draft resolution on July 4th, 2019, hoping it would encourage the United Nations Human Rights Council (UNHRC) to address the escalating amount of extrajudicial killings occurring in the Philippines (Gavilan). The resolution seeks to ensure that the Philippines’ political leaders collaborate with UN inspectors by facilitating country visits and “refraining from all acts of intimidation or retaliation”. The draft resolution expressed concern of threats made by the government, such as the one received by Agnes Callamard, who had been threatened by Duterte himself. It also expresses concern towards “extrajudicial killings, enforced disappearances, arbitrary arrests and detention (Ioanes).” On July 11th, eighteen countries voted for the motion, while fourteen opposed and fifteen abstained. Although the Philippines and China were in opposition, the resolution passed. Therefore, the United Nations High Commissioner on Human Rights, Michelle Bachelet, is to prepare a report on the human rights situation in the troubled country, which will be presented to the UNHRC by June of 2020 (Ioanes).

Davao Death Squads

The Davao Death Squad is a vigilante group, with strong connections to the current Philippine president, Rodrigo Duterte. The group has been accused of conducting “summary executions” of street children and individuals suspected of drug dealing (Conde, 2005). The death squad has already been involved in hundreds of killings and disappearances since 1998 (Kine, n.d.). According to the Human Rights Watch (HRW), members of the death squad were either managed by current or ex-police officers. These officers provide the group with training, weapons, ammunition, motorcycles, and information on targets. Reports also suggest that local police stations were advised to facilitate the murders and escape of the assaulters. In 2009, the HRW criticized both the then president of the Philippines, Gloria Macapagal-Arroyo, and local authorities for failing to act against the death squads (“You Can Die Any Time” Death Squad Killings in Mindanao, 2009). Even with international criticism, it still appears that there is a certain degree of support for this group among the citizens of the city. On September 2016, a former hitman for the Davao Death Squad, Edgar Matobato, testified to the senate, implicating

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President Duterte and his son in the killings of alleged drug traffickers, dealers, and criminals. Yet, due to lack of evidence, the president was never indicted (Lamb, 2017).

Spain

Spain has posed a major role on the importation of cocaine for the last three decades, with the percentage of package seizures increasing by 5,000 percent (Lois 1). The war on drugs has impacted the country in both economic and health manners as it is ranked as the number one country, along with the UK, for cocaine consumption. Spanish authorities have not been successful in reducing such problem and is posing threats to the lives of civilians living in port cities like Algeciras, Valencia and other major smuggling communities. This problem has been present in Spain since 1987 and the government had been successful in decreasing such issue. One thing that helped officials lower down the amount of cocaine consumption and smuggling in 1990, where operations and drug raids which helped take down and seize major drug cargo's. One successful operation being Operation Nécora, in which 350 Central Narcotics Department officials were involved and successfully arrested 54 individuals. This is yet another example of how this issue is present in other countries and how they have managed to handle the situation. It is important to notice that in the case of Spain, part of their success may be attributed to the “drug consumption rooms” and “drug testing laboratories” created in 2014 that “allowed users to consume or check their narcotics without fear of prosecution” (Doward 21).

V. Possible Solutions

The controversies surrounding the Philippines drug war require a complex approach. Therefore, the council's resolution should address the political, as well as the societal elements that provoked the perpetual war. In the past, the Philippines adopted a variety of military plans– mostly those that were in part, funded by the United States tax dollars. As a result, unarmed activists, students, farmworkers, and indigenous people were killed whilst advocating for basic rights. These programs suppress democracy, and under President Duterte's rule, 47 activists have been murdered. Thus, a valid resolution is to end all military programs that violate human rights (Elizarde-Miller). This could be achieved through civil resistance, also referred to as collective action. Citizens would employ approaches such as labor strikes, marches, and consumer boycotts. Consequently, Duterte's authoritarian power could be cut back. Although doing so would reduce violent crime, drug trafficking and street violence could potentially increase.

Another possible solution for this issue would be the decriminalization of cannabis. Cannabis is one of the most popular drugs used in the Philippines, with over 25% of all rehabilitation center clients using the drug. Nonetheless, even with the widespread use inside the country and the worldwide movement to legalize the drug for both medical and recreational purposes, the drug still remains illegal in the country. One possible solution to reduce the violence against cannabis users, would be to decriminalize the drug rather than completely legalizing it. In essence, decriminalizing the drug means to reduce the legal penalties against the

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drug. This can be done either by reducing the fines, by changing the civil penalties, and by diverting drug users from a criminal conviction. Decriminalizing the drug largely refers to drug users and to possession offences and not those selling or supplying the drug. Decriminalization could have positive effects on the country as a whole. To begin with, it has the potential of reducing the burden on the police and the criminal justice. It also reduces the societal stigma against the users of the drug. This has proven to be successful in Portugal, since it decriminalized all drugs in 2001 there has been a significant drop in overdose and drug related crime. Portugal became the first country to legalise all drugs, meaning that all those caught would not be incarcerated and instead given a small fine, a warning or ordered to appear in a local commission so they could be helped. Soon after the legalization of drugs the opioid scandal diminished, and throughout the following years, the reports of HIV and other STD infections plummet from an all time high of 104.2 cases in a million to 4.2 in 2015. Another big positive outcome was that people who used drugs were no longer seen as junkies and instead seen more as human beings. The Portuguese government also made a program to help those who needed it, the program consisted of meeting with a doctor, lawyer or social worker so anyone who needed help could receive it. One argument against decriminalization is that it doesn't address the black market and criminal networks that sell the drug. There are also concerns on whether the policy presented would result counter effective and would only encourage the use of such drug.

VI. Current Status

The human rights crisis in the Philippines has become concerning since Rodrigo Duterte's election in 2016. All through his presidency, Duterte sought to silence his critics, including Senator Leila de Lima, who was consequently detained. In 2018, his ideas expanded towards other parts of the country, such as "the provinces of Bulacan, Laguna, Cavite, and the cities of Cebu and General Santos" ("Philippines"). Despite the rapid increase of violence, the Senate recognized police brutality when Oscar Albayalde, head of the Philippine National Police (PNP), resigned on October 14, 2019. He is accused of protecting police officers who "resold confiscated drugs and received some of the profits" (Fonbuena 1). Such allegations arose from an investigation conducted on a 2013 drug raid in Pampanga province in which officers took and were bribed with more than 100 kg of methamphetamine with the purpose of letting a suspect escape. Corruption in the Philippine National Police force has become more present during the past year which makes the drug war a much more complex issue to solve.

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