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### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement\* submitted by the International Federation of Human Rights  
Leagues (FIDH), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is  
circulated in accordance with Economic and Social Council resolution 1996/31.

[28 February 2007]

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\* This written statement is issued, unedited, in the language(s) received from the  
submitting non-governmental organization(s).

## **Human rights situation in the Philippines**

**2005 and 2006 have been black years indeed for human rights in the Philippines. Politically motivated extrajudicial killings have reached unprecedented levels, and very few - if any - have been prosecuted and condemned for such acts.**

The exact number of extrajudicial killings varies according to different sources, but all converge to denounce the high number of killings, the fact that they are politically motivated, and in their immense majority thought to be perpetrated most often by members of the military, by the police, or by groups linked to them. The number of cases is clearly on the rise since 2005. In addition, with the coming election for the Congress in May 2007, local groups expect a further increase of violence.

According to Karapatan, 206 civilians were killed in 2006 (189 in 2005). Among them, 165 were affiliated with various peaceful and legal left organisations (Bayan and Anakpawis in particular), while 17 human rights defenders, members of Karapatan, are also among the victims.

The main victims of the killings are members and leaders of legal organisations (peasant and fishermen organisations, teachers' associations, women's groups, workers unions, etc), perceived by the authorities as close to the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA).

In 2006, there have also been several cases of extrajudicial killings of farmers in connection with agrarian reform. In those cases, the police investigations were extremely flawed – and the landlords belonging to powerful families enjoy total impunity.

### ***A Schizophrenic Policy***

Bayan, an umbrella mass organisation ideologically close to the CPP, and its members (left political parties, trade unions, etc) are legal organisations in the Philippines; however, they are regularly designated as “fronts of the NPA” in the speeches of high level military and government officials. Such statements make them legitimate targets. In the provinces, it is reported by various sources that the military exert harsh pressure on civilians, inducing them not to support those groups if they want to avoid repression.

This situation is paradoxical since those groups, unions, parties and NGOs are legally entitled to operate in the Philippines. That amalgam clearly contributes to the fact that the leaders, members and sympathisers of legal organisations and political parties have been victims of numerous targeted extrajudicial killings. Even if they might share the same ideology, a clear distinction should be drawn between peaceful legal parties and organisations on the one hand, and the armed groups on the other hand.

### ***Total Impunity***

The perpetrators of the extrajudicial killings are rarely identified by the police and never brought to justice. No high level military has ever been put on trial for involvement in human rights violations. According to various testimonies, the lawyers taking up cases against members of the army or the police are generally harassed and threatened. The witnesses and the relatives of the victims are also threatened, if not killed. There is no

meaningful witness protection programme in the Philippines, in spite of the existence of the Witness Protection, Security and Benefit Act of 1991.

Human rights defenders face huge risks in order to document the violations and assist the victims. The tribute they paid in 2006 is particularly heavy. The Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and OMCT, recorded 23 cases of extrajudicial killings of human rights defenders in 2006 alone.

In July 2006, in her State of the Nation Address, President Gloria Macapagal-Arroyo declared "In the provinces under the jurisdiction of the 7<sup>th</sup> Division, Jovito Palparan is fighting the enemy. He will not retreat until people are free from the terror of the night and are able to see the dawn of justice and freedom". This was interpreted by local human rights groups as a green light for further human rights violations against civilians by the Army since Jovito Palparan is well known for being involved, directly or through henchmen, in numerous cases of disappearances, torture and extrajudicial killings of civilians.

The authorities explain the high number of extrajudicial killings as being the result of an internal purge within the CPP. Such purges have indeed taken place in the 1980s and in the beginning of the 1990s, when the CPP arrested, tortured and even killed many of its own supporters, accusing them of being agents of the military. Since the mid-1990s, certain target killings have taken place of left leaders who decided to leave the armed struggle and compete for the elections instead.

However, all local human rights groups concur to definitely reject such an explanation for today's large number of killings. Such an explanation is also contradicted by the fact that the so-called left groups fiercely denounce those killings.

Following the national and international indignation at the high number of extrajudicial killings over the past year, the government established the Melo Commission in August 2006 to inquire in media and activists' killings. Its composition has been largely criticised by local human rights groups as resulting in a lack of credibility and impartiality. In addition, it could not compel witnesses to testify; it did not have a witness protection programme; and the Melo Commission announced that it would achieve its work by the end of December 2006, which constituted a very short timeframe.

Since the appointment of the Commission, the extrajudicial killings have continued unabated. FIDH welcomes the public release by the government of the Melo Commission report, on February 23, after the UN special Rapporteur on extrajudicial executions in visit in the country the same month recommended to do so.

On 31 January 2007, after it received the Melo Commission's report, President Gloria Macapagal-Arroyo "urged the Supreme Court (SC) to form a special court that will conduct a speedy trial of all cases of extrajudicial killings in the country". The President also "ordered newly appointed Defense Secretary Hermogenes Ebdane Jr. and Armed Forces Chief of Staff General Hermogenes Esperon Jr. to come up with an updated document on the principles of command responsibility focusing on the alleged involvement of retired Maj. Gen. Jovito Palparan in extrajudicial killings".

FIDH recalls that the State has a duty to protect the rights to life and to physical integrity. It should consequently prevent, but also investigate and prosecute the perpetrators of such human rights violations. A “special court” conducting “a speedy trial” does not seem an appropriate response to the extrajudicial killings. Only prosecution of high level officials for human rights violations will send a signal to the authors of extrajudicial killings that such behaviour will not be tolerated anymore.

The large number of extrajudicial killings combined with the systematic impunity of the perpetrators obviously generates a climate of fear, particularly detrimental to democracy. There are credible reports that members of the security forces are often involved in the extrajudicial killings, or did not intervene to prevent them. The fact that the victims are by large found among the leaders and members of so-called left groups gives credit to those who denounce the existence of a concerted plan to neutralise those opposition groups. The various declarations by high level military and even government officials blurring the line between legal organisations and illegal armed groups are of utmost concern in that regard. Beyond eliminating them, the objective of such policy may also be to bring those groups back in the clandestine armed struggle, which would further justify a strong militarization in the country.

**FIDH calls upon the UN Human rights Council to urge the government of the Philippines to:**

- ensure that a fully independent body be in charge of the investigation of the cases of extrajudicial killings
- put in place a meaningful programme of protection of victims and witnesses before, during and after the enquiry and the judicial procedures
- drop the charges of rebellion filed against civilians belonging to the opposition in the absence of meaningful evidence against them, and free Congressman Crispin Beltran
- publicly and unambiguously denounce attacks on legal left groups, and put an end to allegations of collusion between peaceful opposition groups and illegal armed groups
- ensure that there is no intrusion of the military into civil administration
- adopt the Bill on torture implementing the UN Convention Against Torture, ratified by the Philippines
- ratify the newly adopted UN Convention on Enforced Disappearances and adopt an implementing legislation

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