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country summary

## The Philippines

The Philippines is a multiparty democracy with an elected president and legislature, yet several key institutions, such as the judiciary and law enforcement agencies, remain weak. The legacy of the “people power” movement that helped end martial law in 1986 continues to bolster a thriving civil society sector and a vibrant media.

Members of the Armed Forces of the Philippines (AFP) are implicated in extrajudicial killings and enforced disappearances of people they suspect of being members or sympathizers of the insurgent communist New People’s Army (NPA), the armed wing of the Communist Party of the Philippines (CPP). In its nearly four decades of armed rebellion, the NPA has killed its own members in internal purges, and has killed business or land owners, suspected government agents, and other perceived enemies. The AFP and Philippine National Police (PNP) dismiss killings of leftists attributed to them as being part of those NPA purges, despite considerable evidence to the contrary.

### Extrajudicial Killings and Enforced Disappearances

Since President Gloria Macapagal Arroyo took office in 2001, hundreds of members of left-wing political parties, human rights activists, politically active journalists, and outspoken clergy have been killed or abducted. Although the government has adopted numerous measures it claims will stop extrajudicial killings and bring perpetrators to justice, at this writing no member of the military has been convicted for involvement in any case that occurred since 2001. Victims’ families often complain that the PNP is reluctant to investigate cases involving the AFP, or puts the onus on them to produce evidence and witnesses themselves, while some witnesses have been reluctant to come forward due to inadequate witness protection. Even when police investigations have proceeded to court prosecution they have often been dismissed by prosecutors as lacking basic information, witnesses, or

evidence. The PNP places the majority of blame for failed prosecutions on witnesses' unwillingness to cooperate.

Extrajudicial killings increased sharply in 2006. This coincided with President Arroyo's June declaration of "all-out war" against the NPA; she gave the AFP a two-year deadline to eradicate the insurgency. Two months later, however, in reaction to domestic and international criticism over extrajudicial killings, Arroyo established an investigating commission under former Supreme Court Justice Jose Melo. In January 2007 the Melo Commission concluded that members of the armed forces were involved in or tolerated the killings. The following month, the United Nations special rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, visited the Philippines at the government's invitation and concluded that "the AFP remains in a state of almost total denial ... of its need to respond effectively and authentically to the significant number of killings which have been convincingly attributed to them."

In July the Supreme Court hosted a summit on extrajudicial killings and enforced disappearances, and in late September passed a resolution promulgating rules on the writ of amparo, which is designed to stop the AFP from stalling a case by denying it has the person in question in custody. Under the writ, an agency that has taken a person into custody will be ordered by the Supreme Court to produce evidence proving that the person is no longer in its custody. The new writ, which is retroactive in application, went into effect on October 24. Its effect on securing convictions in or preventing extrajudicial killings and enforced disappearances remains to be seen.

In a much publicized case, Jonas Burgos, who taught farmers organic growing techniques, was abducted in April 2007 in Quezon City. In early October the Court of Appeals repeatedly ordered the AFP to release a report by the provost marshal general who had conducted an investigation into the case, but the AFP invoked a lack of clearance to release the report. Almost simultaneously, President Arroyo issued an administrative order directing the Department of National Defense to draft a bill to prevent "disclosure of military secrets" and "interference in military operations inimical to national security." Local human rights activists expressed

concern that this order could be used to block their inquiry into determining the fate of Burgos and other victims of enforced disappearance.

### **Attacks against Civilians by Armed Groups**

In April, on Jolo, members of the Abu Sayyaf Group (ASG) kidnapped seven workers. ASG leader Albader Parad made a public ransom demand for the workers' return. On April 20 the ASG decapitated the seven. The ASG and Rajah Solaiman Movement (RSM), both violent Islamist groups, claimed responsibility in numerous attacks against civilians, and are implicated in many others. Although numerous suspects in such attacks have been arrested, very few have been successfully brought to trial. In some cases, prosecutions have been delayed for years.

In Davao and other areas, vigilante groups continue to kill individuals suspected of involvement in criminal activities.

### **The Human Security Act**

The Human Security Act of 2007, a counterterrorism law passed by the Philippine Congress and signed by President Arroyo in March, took effect on July 15. The government said the law will be used to arrest and prosecute members of terrorist groups such as the ASG, but many civil society leaders, activists, and the UN special rapporteur on human rights and counterterrorism criticized the law. Human Rights Watch assesses it as having an overly broad definition of terrorism, overly harsh mandatory penalties applicable to even minor violations of the law, and it provides for the indefinite detention of terrorism suspects and rendition of persons to countries that routinely commit torture. Several domestic nongovernmental organizations (NGOs) have filed petitions to the Supreme Court asking it to nullify the law, on the grounds that it violates constitutional rights to freedom of speech, association, and assembly.

### **Government Blacklisting of Critics**

The government is known to have put peaceful overseas critics on a blacklist used to ban them from entering the country. A copy of one such blacklist accused 504 individuals of links to al Qaeda or the Taliban, but many of those listed were

affiliated with progressive NGOs and/or had previously been to the Philippines on human rights fact-finding visits. According to a Philippines Foreign Ministry official, that particular list was put in place at the time of the Association of Southeast Asian Nations ministerial meeting held in Manila from July 21 to August 2, 2007. It is not clear whether this or any other blacklist is currently in effect.

### **Key International Actors**

The United States remains the Philippines' closest ally and a large donor. Their annual joint military exercises resumed in 2007 after having been cancelled in 2006 when the United States protested the detaining of a US marine convicted of raping a Filipino woman; the dispute was settled when President Arroyo had the marine transferred to the US Embassy compound in Manila. In fiscal year 2007 (October 2006–September 2007), the US government provided the Philippines almost US\$30 million under Foreign Military Financing for procurement of military equipment and \$2.9 million in the International Military Exchange Training program for training AFP officers in the United States.

In June 2007 a team of European Union experts conducted a fact-finding trip to the Philippines to assess possible assistance to help resolve extrajudicial killings. At this writing the mission results were not published.

The Philippines is a member of the United Nations Human Rights Council, and the country will be up for Universal Periodic Review in 2008.