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Philippines: Time to reassert the need for respect for human rights as State of Emergency is lifted

Amnesty International welcomes President Macapagal Arroyo's announcement on Friday 3rd March 2006 lifting the State of Emergency declared a week earlier on 24 February.

During a genuine public emergency that indeed threatens the "life of nation", any restriction of fundamental rights such as freedom of expression and assembly must be both necessary and strictly proportional to the dangers posed to the rights and freedoms of others. Such safeguards are enshrined in international law ratified by the Philippines.

Additionally, Amnesty International reminds the government that there are particular rights which must be fully and unconditionally respected at all times, whether or not a public emergency exists, including the right not to be arbitrarily deprived of life, the right to freedom from torture and the right to a fair trial.

In this context, Amnesty International continues to be gravely concerned at reports of an ongoing pattern of political killings of members of legal leftist organisations in various provinces nationwide.

Over recent years, the number of reported attacks by unidentified armed men on members of legal leftist political organisations, including Bayan Muna (People First), Anakpawis (Toiling Masses) and others, have increased. There are now fears that repeated statements by senior government officials linking such organizations directly to communist armed groups, in addition to the recent arrest or threatened arrest of many of the congressional representatives of such organizations, threatens to create a climate within which further political killings may take place.

Amnesty International calls on the authorities to fulfil their obligation to protect the right to life, not least by conducting prompt, thorough, impartial and effective investigations of all such killings. Such investigations should then lead to the prosecution and punishment of those responsible. In order to combat impunity, the authorities must also send a clear, unequivocal message to all members of the police, military and other security forces that involvement in, or acquiescence to, such unlawful killings will never be tolerated.

The recent alleged coup attempt prompted the arrest or threatened arrest of left and right-wing politicians, military officers and others accused of "rebellion" or involvement in the reported coup conspiracy. Amnesty International is concerned that this may lead to arbitrary detentions and an erosion of the right of every suspect to due process and a fair trial.

In particular AI remains concerned about the application of the charge of "rebellion", designated as a "continuing crime" under Philippines jurisprudence and therefore allowing for arrests without warrants issued by the courts. Such provisions entail a danger of misuse in politically-motivated detentions.

Summary inquest procedures which follow warrantless arrests could lead to prolonged periods of custody before the basis of allegations put forward by the police can be fully and independently scrutinised by the courts.

Amnesty International is also concerned about apparently political motives behind recent selective arrests and launch of criminal proceedings. Although the recent alleged coup conspiracy reportedly involved persons from across the political spectrum, there are reports that the political Left in particular may have been targeted for a repeated series of arrests on a variety of spurious charges.

This was suggested by the release of an arrest list of over 48 prominent leftists, many members of legal political parties, and the manner in which a series of different charges, one over two decades old, were brought forward to justify the continued detention of 73-year-old Anakpawis Congressman Crispin Beltran, who was detained on 25 February. Congressman Beltran suffers from a heart condition and high blood pressure and, following examination by doctors from the Philippine Commission of Human Rights (CHR), Amnesty International urges that he be transferred to a hospital of his choice for monitoring and necessary treatment.

Background

President Arroyo declared a State of Emergency on 24 February citing a conspiracy to overthrow the government by members of the mainstream opposition, rightists, communists and "military adventurists".

Under the powers stemming from the State of Emergency, the President ordered the armed forces to "prevent and suppress all forms of lawless violence". Police enforced a ban on public assemblies and there were reports of excessive use of force by riot control police when confronting and dispersing peaceful demonstrations. In addition, following a raid on a newspaper office, police threatened media outlets who failed to respect guidelines related to "responsible" reporting that they faced being shut down.

The State of Emergency was lifted after a week as the authorities announced that the reported coup threat had eased and that "law and order" had returned. However officials warned that the emergency would be reimposed if considered necessary and concerns over continued restrictions on rights of expression and peaceful assembly remained. Officials stated that at least seven journalists faced being investigated for alleged incitement to sedition, and, on International Womens Day on 8 March, a peaceful march by women members of the leftist party Akbayan (Citizens Action) and the Progressive Labour Alliance was forcibly dispersed by police. An Akabayan congresswomen and a leader of the Alliance were "invited for questioning" by the police. The labour leader was subsequently charged with illegal assembly and detained.

Meanwhile, a number of military officers suspected of supporting the alleged conspiracy have been detained, and criminal charges brought forward against leaders of right wing groups suspected of involvement in coup planning. However, government officials publicly affirmed their belief that the major threat to national security stemmed from the communist insurgency, allegedly supported by members of the legal left.

Within the wider context of continuing nationwide counter-insurgency operations against units of the New People's Army (NPA), the armed wing of the legal Communist Party of the Philippines (CPP), periodic human rights violations, including arbitrary detentions, extrajudicial executions and torture, continue to be reported. Abuses by the NPA, which has been fighting the government since the 1970s, also continue to be reported.

Apart from those suspected of being NPA members, those at risk of human rights violations include community activists, priests and church workers, lawyers, members of legal leftist political parties (including Anakpawis and Bayan Muna) seen by the authorities as sympathetic to the broader communist movement, and journalists.

During 2005, the number of suspected CPP-NPA sympathisers reportedly attacked or killed rose sharply.

During the year scores of activists identified with progressive leftist groups have been shot dead. Reports suggest that the killers were often unidentified men; local and other observers suspect that the killers are linked with the military. The authorities have persistently failed to conduct effective, swift and impartial investigations into these crimes and to bring those responsible to justice, leading to a climate of impunity in the Philippines.