

# WITNESSING JUSTICE — BREAK THE CHAIN OF IMPUNITY

Although 2007 saw a decrease, at least 200 political killings and over 200 enforced disappearances have reportedly occurred in the Philippines since 2001. Few effective investigations have been conducted, and the arrest, prosecution and conviction of those responsible are rare. There are delays and deficiencies in each step of the criminal justice process. Many cases are never brought to court due to a lack of evidence, mostly because witnesses fear reprisals. Amnesty International believes that comprehensive investigations and other measures, including the effective protection of witnesses to enable them to step forward without fear, are essential to break the chain of impunity.

Killings are carried out mainly by unidentified men, often wearing face masks, who shoot the victims and then escape on motorcycles. Victims are typically members of left-wing political parties, human rights organizations and trade unions, as well as media workers and church



Protesters display placards and portraits of alleged victims of political killings during a rally at the "Heroes Shrine" in Quezon City, north of Manila, in September 2006. Delays and ineffective investigations mean that few were brought to justice and families campaign tirelessly for improvements to the judicial process.





Military police observe a rally in Quezon City, north of Manila, in June 2006. The protesters, many wearing masks, were mostly relatives of killed activists, demanding justice for their loved ones and the arrests of the perpetrators.

and indigenous leaders. They often receive death threats prior to the killing and many have complained of surveillance by people reportedly linked to the security forces. Detailed reports by Amnesty International, the UN and others show that the attacks are not an unconnected series of criminal murders but are part of a politically-motivated pattern of killings.

## THE POLITICAL BACKDROP

For almost four decades government forces and communist insurgents, primarily the Communist Party of the Philippines (CPP), its armed wing, the New People's Army (NPA) and the umbrella organization, the National Democratic Front of the Philippines (NDFP), have fought a bitter armed conflict. Positive steps were taken during peace negotiations in the 1990s including an agreement to jointly address and monitor complaints of human rights abuses from both sides through the

Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law. However, since 2002, peace negotiations have stalled.

Poverty, inequality, poor governance and continuing human rights abuses fuel the conflict. In 2006, growing opposition to the government was met by a crackdown against the leftist movements. In February 2006, the government declared a "State of Emergency" and many leftist Congress representatives were arrested or threatened with arrest on charges of "rebellion". In June, counter-insurgency measures intensified as the military declared an "all-out-war" against the insurgents. Legal left-oriented political parties and other organizations were increasingly labelled as fronts for armed groups and as "enemies of the state". In 2008, the military strengthened efforts to crush the communist insurgency by recruiting 3,000 new soldiers.

## SICHE BUSTAMANTE GANDINAO

On 10 March 2007, Siche Bustamante Gandinao, a 56-year-old mother of six, was shot dead while she and her family were walking home from their farm. The lone gunman fled towards a nearby military detachment. While members of Siche's family were carrying her body towards the hospital, they were approached by two men on motorcycles – Siche's daughter had earlier seen one of the motorcycles parked in front of the military detachment. They sped away as the daughter shouted to identify the gunman. No progress

in investigations has been made in the case filed with police.

Siche had previously testified to the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, who was investigating the February 2007 murder of her father-in-law Dalmacio Gandinao. He was the local chairman of the leftist opposition party, Bayan Muna (Peoples First), of which Siche was a member. Siche was also an activist working to improve the welfare of farmers.

## INEFFECTIVE INVESTIGATIONS

In 2006, following international pressure, President Gloria Macapagal Arroyo established the Task Force Usig (TFU), a special police body to investigate political killings. A special Commission of Inquiry known as the Melo Commission, whose mandate ended in June 2007, was also established to make policy recommendations on extrajudicial executions. Although these measures were welcomed, Amnesty International repeatedly urged the authorities to take further steps to improve investigations and prosecutions of political killings and enforced disappearances. These should include the use of independent forensic expertise in investigations and prosecutions and the creation of an independent body to monitor investigations to ensure impartiality.

As of January 2008, the TFU had investigated 141 cases and filed 80 cases for criminal proceedings. However, because the investigations are inadequate, few cases result in convictions. For example, in one case the Melo Commission found that Major General Jovito Palparan could be held responsible for failing to prevent, punish or condemn killings. There had been significantly increased killings and enforced disappearances in the areas around Central Luzon and Mindoro where forces under his command had been operating in 2006. However, he was unlikely to face prosecution because witnesses did not come forward to give evidence.

The TFU and the Melo Commission have had limited success in ensuring justice for survivors and families of victims. Families often cite flaws in the justice process, such as delayed investigations, inadequate crime scene analysis leading to a lack of forensic evidence, and an unwillingness to interview suspected military and police personnel. The few convictions that have taken place all relate to killings of media personalities. To date, most of those responsible for the killings or enforced disappearances of leftist political party members or activists have not been brought to justice.

## VULNERABLE WITNESSES

Witnesses in cases under investigation by the authorities are particularly vulnerable to intimidation and reprisals, and sometimes even death. Many have complained repeatedly about the failure of the police to provide protection for them and their families, and said they have lost confidence in the ability of the Department of Justice to provide protection.

## RAYMOND AND REYNALDO MANALO

On 14 February 2006, brothers Raymond and Reynaldo Manalo, both farmers suspected of sympathizing with the communist insurgency, were forcibly taken from their home by unidentified armed men. They later said that they were taken to various military detention camps and tortured over a period of 18 months by being chained and beaten severely and having water poured into their nostrils, ears and mouth.

On 13 August 2007, the two farmers escaped from detention. They recounted that while being held they witnessed two other abductees, Sherlyn Cadapan and Karen Empeno, being tortured. The two women, members of leftist youth organizations, were abducted in June 2006 and remain missing. Raymond Manalo reported that he also witnessed the killing of Manuel Merino, a farmer abducted with the women. He said that he recognized and spoke to Major General Jovito Palparan, who was implicated in many political killings but never charged.

Raymond and Reynaldo Manalo said they did not have confidence in the ability of the witness protection programme to shield them from intimidation. Their vulnerability to threats, harassment and violence was further underlined by the refusal of the Supreme Court to grant their request for an extension to a restraining order against the military.

While some initial efforts have been made by the Senate and the President to strengthen the witness protection programme, more needs to be done to address the factors that prevent witnesses from coming forward. The Witness Protection, Security and Benefit Act (1991) does provide witnesses and close family members with housing, relocation and/or change of personal identity expenses, as well as a means of livelihood and medical treatment, but this rarely happens in practice. There are long court delays and protection is withdrawn if the case is unsuccessful, despite continuing threats. This is in clear violation of international law and standards, which provide for the protection of witnesses whenever and for as long as such protection is necessary, irrespective of the outcome of judicial or other proceedings. Penalties against those who harass witnesses (approximately US\$65 and/or imprisonment of six months to one year) have proved an inadequate deterrent.

During 2008, witnesses told Amnesty International that they had fled their homes or sought sanctuary in a church rather than be placed in the witness protection programme.

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Members of the Police Special Weapons and Tactics group train in the use of assault rifles at Camp Bagong Diwa police camp, Manila, in July 2005. The military recruited 3,000 new soldiers during 2008 in their effort to crush the communist insurgency.

## ACT NOW

### WRITE TO THE PRESIDENT OF THE PHILIPPINES CALLING ON HER TO URGENTLY:

- Ensure all extrajudicial executions and enforced disappearances are investigated promptly, impartially and effectively.
- Ensure that all persons suspected of being responsible for extrajudicial executions and enforced disappearances are prosecuted in proceedings which meet international standards of fairness.
- Ensure that all witnesses are protected effectively, whenever and for as long as such protection is necessary, irrespective of the outcome of judicial or other proceedings, and that persons suspected of harassing, intimidating or attacking witnesses are brought to justice.
- Create an independent body to monitor investigations.

#### Write to:

Her Excellency Gloria Macapagal Arroyo  
Malacanang Palace Compound  
J.P. Laurel Street, San Miguel 1005  
Manila, Philippines  
Fax: +632.736.1010  
Email: [corres@op.gov.ph](mailto:corres@op.gov.ph)  
Salutation: Dear President

#### Copies to:

Hon. Raul M. Gonzales  
Secretary of Justice,  
Department of Justice  
Padre Faura St., Ermita,  
Manila, Philippines  
Fax: +632.521.8349  
Email: [sad@doj.gov.ph](mailto:sad@doj.gov.ph)

For more information: <http://asiapacific.amnesty.org>

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