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Philippines: Killing of massacre witness casts shadow on UN human rights review

The third killing of a witness to the 2009 Maguindanao massacre was reported the same week that the UN Human Rights Council reviewed the human rights record of the Philippines.

On 29 May 2012, UN member states met in Geneva to discuss the Universal Periodic Review of the Philippines. Every four and a half years, the human rights record of each 193 member state is reviewed in this process.

The body of Esmail Amil Enog, the third witness to the Maguindanao massacre to be killed, was discovered chain-sawed to pieces in March, a Philippine prosecutor announced on 31 May 2012. Enog had testified in court that he had been the driver for gunmen implicated in the massacre.

The 2009 Maguindanao massacre was the largest-ever single attack on journalists and media workers in world history. On 23 November 2009, 57 people in an opposition candidate's electoral caravan were killed by a private armed group whose members were linked to the provincial governor.

At the UN session in Geneva, Australia called on the Philippines to ensure accountability for the perpetrators of the Maguindanao massacre. Canada urged the Philippines to disarm and disband all private militias, and the United States called for full military and police control over armed civilian units, namely Civilian Armed Forces Geographical Units (CAFGUs) and Civilian Volunteer Organizations (CVO).

Despite promises made after the massacre when he was a presidential candidate, President Benigno 'Noynoy' Aquino has failed to revoke Executive Order 546, which has been used to authorize the operations of armed civilian units. Spain and the Netherlands both urged the Philippine government to revoke the order.

Several UN member states noted a decline in extrajudicial executions and enforced disappearances, but expressed concern about ongoing impunity for these crimes. Out of the 64 states that participated in the Philippines session, 29 provided recommendations on ensuring justice for extrajudicial killings. The United Kingdom, in particular, voiced concerns about judicial independence and slow convictions for human rights violations.

Following the killing of Esmail Amil Enog, Amnesty International urged the Philippine government to ensure adequate witness protection and effective prosecutions for extrajudicial killings and enforced disappearances.

A bill to criminalize enforced disappearances has passed both houses of the Philippine Congress, and awaits enactment into law. Brazil called on the Philippines to ratify the UN treaty against enforced disappearances, and to enshrine criminal penalties in domestic law to criminalize enforced disappearances.

The Philippine Congress has yet to vote on a reproductive health bill which would remove barriers to healthcare and services, including safe contraception. Seven UN member states

expressed concern about reproductive health or maternal mortality. Switzerland called on the Philippines to enact and implement the bill and provide necessary financial resources for its implantation.

Several UN member states commended the Philippines for proposing to formulate a new National Human Rights Action Plan. Amnesty International noted that this was promised in 2008, but the Aquino administration has yet to produce the action plan.

Amnesty International commended the Philippines for enacting legislation to tackle serious human rights abuses, including the Anti-Torture Law of 2009, but noted that implementation is lacking. France called on the Philippines to implement a national preventive mechanism against torture, like those provided in the Optional Protocol on the Convention Against Torture (OP-CAT), which the Philippines ratified in April 2012.

The Philippines has already accepted 45 of the recommendations made to it in the UPR Working Group. It has taken a number of recommendations under consideration, including some of those referred to above. Amnesty International strongly urges the government to not only signal its explicit support of these recommendations but also to give effect to them without delay.