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Philippines Political Killings, Human Rights and the Peace Process (Summary)

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This is a summary of the 51 page report *Philippines: Political Killings, Human Rights and the Peace Process* (AI Index: ASA 35/006/2006) issued by Amnesty International in August 2006. Anyone wishing further details or to take action on this issue should consult the full document.

Over recent years the number of killings of political and community activists in the Philippines, predominantly those associated with legal leftist or left-orientated groups, have continued to increase. In the first six months of 2006 alone at least 51 killings took place, compared to the 66 collated by Amnesty International in the whole of 2005.

The killings, mostly carried out by unidentified men often wearing face masks who shoot the victims before escaping on motorcycles, have rarely led to the arrest, prosecution and punishment of those responsible.

The methodology of the attacks, including prior death threats and patterns of surveillance by persons reportedly linked to the security forces, the leftist profile of the victims and climate of impunity which, in practice, shields the perpetrators from prosecution, has led Amnesty International to conclude that the attacks are not an unconnected series of criminal murders but constitute a politically-motivated pattern of killings. The organization remains gravely concerned that members of the security forces may have been directly involved in the killings, or else have tolerated, acquiesced to, or been complicit in them.

Amnesty International's concerns have been exacerbated by broader political developments during 2006, including the declaration in February of a temporary State of Emergency, the arrest and threatened arrest of leftist Congress Representatives and others on charges of rebellion, and intensifying counter-insurgency operations in the context of a declaration by officials in June of "all-out-war" against the New People's Army, the armed wing of the Communist Party of the Philippines.

The parallel public labelling by officials of a broad range of legal leftist groups as communist “front organizations” directly linked to the insurgency has created an environment in which there is heightened concern that further political killings of civilians are likely to take place, while threats of retaliatory assassinations by insurgents raises the prospect of a spiral of violence and abuses. Hopes for a revival of a prolonged peace process, including the 1998 pact between both sides of the armed conflict to respect and uphold human rights and humanitarian law, continue to diminish.

To counter the threat of further killings and, by ensuring respect for human rights, to secure the foundations for future peace, Amnesty International calls on the Government of the Philippines to fulfil its obligation to protect the right to life of every individual under its jurisdiction. This duty, enshrined in international human rights law and the Philippines Constitution, applies regardless of the political affiliation of those targeted, and whether or not security personnel are linked to the attacks. Amnesty International also calls on armed groups to strictly adhere to their commitments to respect human rights and humanitarian law.

As a priority, to ensure respect for the right to life, there is a need to identify those responsible for the attacks and to bring them to justice. However amid persistent reports of ineffective investigations and frightened witnesses unwilling to come forward, of the 114 political killings of leftists recorded by the police from 2001 until June 2006 suspects are reported to have been arrested in just three cases, with no convictions recorded.

Unearthing the evidence establishing responsibility for the killings will take determined political will, not least in ensuring that all killings are investigated promptly, thoroughly, impartially and effectively. To combat the impact of a long history of impunity, such investigations must then lead to the arrest, prosecution, conviction and punishment of the perpetrators.

Failure to do so will continue to have a corrosive impact on public confidence in the administration of justice and the rule of law in the Philippines. In addition, hopes for a revival of a peace process, based firmly on respect for human rights by all sides, will remain unrealized.

Amnesty International’s 14-Point Program for the Prevention of Extrajudicial Executions, based on the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, provides a framework within which the pattern of political killings can be stopped. The organization urges the Government of the Philippines to implement the Program in full.

Given the immediate threat of further killings, Amnesty International highlights a number of recommendations, addressed to the government, international organisations, civil society organisations and the armed groups, and calls for concerted action. A summary of key recommendations in report include:

I. Reassert Respect for Human Rights:

Official condemnation: Consistently and at every level of government condemn all political killings.

Chain of command control: Prohibit orders from superior officers or public authorities authorizing, inciting or tacitly encouraging other persons to carry out unlawful killings and ensure that those in command exercise appropriate control over those within their command.

Action against “death squads” and vigilantes: Prohibit and disband any “death squads”, private armies, vigilantes, criminal gangs and paramilitary forces operating outside the chain of command but with official support or acquiescence.

II. Guarantee the Administration of Justice:

Investigation: Ensure that all complaints and reports of political killings are investigated promptly, impartially and effectively.

An independent and impartial body should exercise oversight over to ensure investigations are conducted by the police and other investigative agencies in accordance with international standards.

Prosecution: Ensure that those responsible for political killings are brought to justice in accordance with international standards.

Protection against death threats and other intimidation: Take action to fully implement the Witness Protection, Security and Benefit Act (RA 6981) in order to ensure safe, reliable and durable mechanisms guaranteeing the participation in the legal process of witnesses to political killings.

III. The Peace Process: ensure compliance with the Human Rights Agreement

All sides of the armed conflict should recommit to and ensure compliance with the 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

Respect for human rights the ground should be enhanced by taking steps to ensure the operation of the Joint Monitoring Committee of the CARHRIHL.

IV. Action by other human rights institutions:

National: The Deputy Ombudsman for the Military and Other Law Enforcement Offices, other investigative agencies and the Philippine Commission on the Human Rights should conduct prompt and effective investigations of all reported political killing which should, as appropriate, lead promptly to recommendations to the Department of Justice to file criminal charges against those found responsible.

International: Urge the Government of the Philippines to access the expertise of relevant UN special mechanisms by inviting the Special Rapporteur on Extrajudicial Executions, the Special Representative on Human Rights Defenders, and representatives of the Working Group on Arbitrary Detention to visit the Philippines.

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