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Human Rights Now

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Press Statement

HRN Fact-finding team in the Philippines, April 2007

1. *Human Rights Now*, a Tokyo-based international human rights NGO, conducted an investigation of extrajudicial killings and enforced disappearances in the Philippines on April 14th -22nd 2007. As a friend and fellow Asian constituency, Japanese civil society is very concerned about the fact that a substantial number of Filipinos have been targeted in extrajudicial killings and enforced disappearances. *Human Rights Now* shares this concern and decided to conduct a fact-finding mission in the Philippines. We greatly appreciate the kind cooperation of all sectors involved. During our visit, we met with DILG senior personnel, the Commission on Human Rights, the Integrated Bar of the Philippines and several rights groups, most extensively with Karapatan. We conducted an intensive investigation of several cases involving alleged victims and relatives of victims of extrajudicial killings and enforced disappearances. We have conducted interviews on 14 cases of extrajudicial killings (total victims: 26), three (3) cases of disappearances and five (5) cases of torture.

2. Upon completion of the investigation, the fact-finding team of HRN found that in most of the cases it investigated, the killings, disappearances, and torture are attributed to the military or police forces of the Philippines. Firstly, in some cases we investigated, we are convinced that the military is involved in the killing. One of the most evident cases is the Hacienda Luisita Massacre on November 16th 2004.

Secondly, there are certain cases in which the witnesses directly identified the perpetrators. For example, we interviewed a witness who saw the abduction of two students from the University of the Philippines. The witness clearly stated that he identified the perpetrator as military, 56th Infantry Battalion. We found this testimony to be quite credible.

Thirdly, in most cases, the systematic pattern and circumstantial evidence strongly suggest a connection between the government and the killings. In most cases, prior to the killing, the victims were either profiled/condemned as “leftist” or “enemy of the state” or threatened/harassed.

Finally, as for torture, based on our interview with so-called “TAGAYTAY5,” we concluded that the brutal abduction and torture was conducted by the state police agency in order to obtain information on their alleged “leftist” activity.

In terms of the number of killings, we realize more evaluation and clarification is necessary. However, it is important to note that there are a certain number of extrajudicial killings conducted by state agencies. It is our grave concern that despite the facts stated above, perpetrators within the government have not been brought to justice and human rights violators are enjoying impunity. All of the victims’ relatives we met with claimed that there is no justice, accountability, or serious investigation of the killings of their beloved ones.

3. We found that even after the UN Special Rapporteur Philip Alston’s country visit, the situation of extrajudicial killing has not been ameliorated. For instance, on March 31st 2007, Grecil Buya, a 9 year-old-girl, was killed by military forces in New Bataan, Compostela Valley Province, Mindanao. We interviewed with her parents and found that the death of this innocent, civilian girl was caused by a military attack. We do not believe the military’s allegation that she was a child soldier of NPA armed with an M16 rifle based on her educational record, her physical inability to carry such a rifle, and the detailed testimony of her parents. It is our disappointment that neither a public apology from the military nor an investigation of the perpetrator have taken place following the incident. We condemn the killing and impunity in this case.

4. We emphasize the gravity of these human rights violations. In the cases we investigated, the victims include highly respected lawyers, human rights activists, union

leaders, a church bishop, a city counselor, a barangay captain and left-wing activists. Most of the victims were advocates for the rights of ordinary citizens. Such killing perpetuates fear among the people and projects a chilling effect on society as a whole. It undermines freedom of expression, and ultimately, democratic society.

We have obtained the original document and appendix of Oplan Bantay Laya. According to the documents, OBL does not differentiate between NPA and legal organizations as the target of counter insurgency, and tries to “neutralize” the target within a certain period. However, civilian activists must not be labeled as NPA nor be targeted by States. It is the basic principle of international humanitarian law that a civilian who is not a direct participant in armed conflict should not be the target of an armed attack. The government must strictly differentiate between armed groups and civilian activists, and respect/protect the right to life of the latter under any circumstances.

5. We express our grave concern for the lack of remedy of these human rights violations. Despite the fact that Former General Parparan was named responsible for the successive killings in the *Melo Commission* report, no case has been filed against him to date. The impunity of government officials is still widely prevailing. When we met with a high rank personnel of DILG, Under Secretary General Mr. Melchor Rosales, he stated that there is no extrajudicial killing in this country, only unexplained killing. Also, he stated that the police have been conducting human rights education periodically since the end of the Marcos Era and there is no need for the additional measures recommended by the UN Special Rapporteur.

We underscore that the government of the Philippines has not fulfilled its obligation to prevent the recurrence of extrajudicial killing and forced disappearance thus far. Each killing is not an isolated incident, but part of a systematic pattern of human rights violations. The State's depending merely on the procedure of the special courts is not enough in order to redress the situation.

The State should conduct thorough, effective and transparent investigations with victims' full participation and with international monitoring and technical assistance as appropriate.

6. Under the International Covenant of Civil and Political Rights, the State has the obligation to respect and protect the human rights of all people within its jurisdiction. The State should refrain from any conduct of human rights violations, especially violations of the right to life. It should also protect the people from all forms of human rights violations by taking appropriate measures, including investigating and prosecuting human rights violators. There is, of course, an issue of human rights violations by non-state actors in this country. However, the fact that non-state actors are committing human rights violations is not a justification for the state to violate its own obligation to human rights.

We call upon the Philippine government:

- 1) To immediately stop its policy targeting civilian organizations and individual activists.
- 2) To conduct or resume thorough criminal investigations of all individual cases of alleged extrajudicial killings and enforced disappearances.
- 3) To conduct a thorough, effective, and transparent large-scale investigation of the true cause and remedy of the human rights violations with victims' full participation as well as with international monitoring and technical assistance as appropriate.
- 4) To adhere to all international human rights and humanitarian law.

7. As the largest benefactor of Overseas Development Assistance (ODA) to the Philippines to date, the Japanese government has a moral obligation to promote the protection of basic human rights to the recipient country, as stated in the existing principles in Japan's ODA Charter. As stipulated in the four (4) principles of ODA implementation, *"full attention should be paid to efforts for promoting democratization...and the situation regarding the protection of basic human rights and freedoms to the recipient country."*

The Japanese prime minister has formally expressed "the great concern among the Japanese on the human rights situation in the Philippines" to President Arroyo on December 9th 2006. However, Philippine local press recently reported that the two governments may sign the Exchange of Notes of the 27th Yen loan Package on the occasion of President Arroyo's coming visit to Japan in May. We think that unconditional provision of its ODA loan to the Philippines in this situation may send a

misleading message to the Philippine government that the Japanese government endorses or condones the current human rights policy of the Philippine government. ODA must not take part in any action that undermines human security, peace, stability, and human rights.

We call upon the Japanese government:

- 1) To suspend the Yen loan agreement until it recognizes the human rights situation and accountability mechanism have clearly improved.
- 2) To continuously monitor the human rights situation and accountability mechanism in the Philippines, and to conduct constructive dialogue on human rights with the Philippine government.
- 3) To raise awareness of the situation within the international community by stating the issue before the UN Human Rights Council.

8. Human Rights Now will issue a report of the fact-finding mission within two months and submit it to both the Japanese and Philippine governments, as well as to all states and rights groups sharing concern. Human Rights Now will be holding a conference and dialogues with the UN Special Rapporteur Philip Alston on this matter in Tokyo this coming May to raise awareness of this grave human rights violations within both Japanese and international society.

Human Rights Now ~Protecting Human Rights for All~

Human Rights Now is the first Japanese international human rights NGO comprising a body of experienced legal professionals dedicated to protecting and promoting human rights around the world, with a special focus on Asia. The activity includes monitoring/fact-finding of human rights, human rights education and advocacy work.