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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
DISAPPEARANCES AND SUMMARY EXECUTIONS**

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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GOVERNMENT OF THE PHILIPPINES MUST ACT AGAINST EXTRAJUDICIAL KILLINGS OF ACTIVISTS

1. While the Government of the Philippines has given assurances at the highest levels that the perpetrators of extrajudicial killings there will not go unpunished, it has laid down no plan to stop the unremitting killings of human rights defenders and social activists there, and has given no indication of how it will ensure justice in these cases. Its assurances ring hollow, given that no perpetrators have been punished in any of the separate killings of more than 20 human rights defenders and political activists across the country in 2005.

2. The Asian Legal Resource Centre (ALRC) argues that there is no system in place to ensure that perpetrators of serious crimes in such cases are brought to justice for their actions, in violation of the Government of the Philippines obligations under the International Covenant on Civil and Political Rights (ICCPR). In most of the cases where activists have been killed, the inability of investigators to gather evidence has meant that the perpetrators have not even been identified, let alone tried. The ALRC is also especially concerned that there is at present no functioning witness protection system in the Philippines, as should in fact be the case were Republic Act 6981 properly enforced.

3. This is a point that was raised by the Human Rights Committee when assessing the compliance of the Philippines to the ICCPR in 2003. The ALRC specifically notes the observations of the Committee that

"The Committee is concerned about the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalist and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators. The State party should adopt legislative and other measures to prevent such violations, in keeping articles 2, 6 and 9 of the Covenant, and ensure effective enforcement of the legislation."

4. However, the Government of Philippines has failed to respond to the concluding observations and recommendations made by the Committee, despite its obligation under the ICCPR to act on the Committee's recommendations. As a consequence of this manifest failure, human rights defenders and others in the Philippines are being killed at will, without hope of effective investigations to follow.

5. Another reason for the continued murders is that the military in the Philippines has historically encouraged the targeted killing of alleged communists and rebels--usually persons critical of the government, including party list legislators, priests and labour activists. This position has not been publicly retracted by the Government of the Philippines. Thus it has tacitly encouraged continued public opinion that the extrajudicial killing of such persons is justified, and permitted vigilante groups to continue operations unimpeded.

6. If the unabated killings and attacks against activists in the Philippines are to stop and if a new social crisis in the country is to be averted, the Government of the Philippines must take immediate and unconditional action. The Asian Legal Resource Centre calls upon the Commission to demand of the Government of the Philippines that it

a. Order full investigations and judicial inquiries into all extrajudicial killings, with a view to holding the perpetrators fully accountable for their crimes and making clear that the pattern of killings will not be allowed to continue.

b. Provide witness protection to all persons who are facing serious threats as a result of such killings.

c. Invite the Commission on Human Rights of the Philippines to play an active role by coordinating work with the concerned law enforcement agencies and considering recommendations to indemnify the families of the dead.

d. Condemn unconditionally and demand full retractions of statements by officials and armed forces officers labeling certain groups and persons as 'communist sympathisers', thereby inviting vigilante actions against them.

7. In 2005 the response of the Government of the Philippines to extrajudicial killings and other gross human rights violations there was characterised by inaction and a lack of proper direction. It is now time for the government to send a strong message to its own people and the international community that these incidents will no longer be ignored. This message can be sent only through concerted and effective measures to enforce the law and ensure that the country's obligation to provide effective redress to victims of violations in accordance with article 2 of the ICCPR is met in full.

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