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**OMCT calls on the European Union to act to end
extrajudicial executions in the Philippines by helping address
their economic, social and cultural root causes"**

OMCT intervention before the
Subcommittee on Human Rights of the European Parliament
- Brussels, 22 January 2009 -

OMCT welcomes the attention that the Subcommittee on human rights is giving to the alarming level of extrajudicial executions and enforced disappearances taking place in the Philippines. OMCT takes also this opportunity to emphasize that the EU Institutions could have a key role in halting these human rights violations and calls on the Members of this Subcommittee, along with the EU relevant authorities, to use all EU instruments available to stop these practices and address their root causes. OMCT has submitted to the Subcommittee detailed information on the economic, social and cultural root causes of extrajudicial executions, enforced disappearances, torture and other cruel, inhuman and degrading treatment in the Philippines.

Indeed, the European Union is in a strong strategic position to assist the people of the Philippines in confronting this challenge, in particular because in many cases the root causes of extrajudicial executions are to be found in denials of economic, social and cultural rights. The EU has been the largest source of foreign direct investments that have flowed into the Philippines in the past decade, it can influence the policies and operations of EU-based companies in their activities in the Philippines and it can also work through the implementation of the EU-Philippines Country Strategy Paper 2007 – 2013.

In a recent report, OMCT examined the specific situation of those defending their economic, social and cultural rights, also following a preparatory mission to the Philippines last September. Indeed, many of the victims of extrajudicial executions are activists attempting to defend their economic, social and cultural rights. In many cases this relates to individuals or members of groups struggling for more equitable distribution of resources, better land policy, and better protection of the rights of farmers, indigenous peoples, and workers. Following the militarization of particular hot spots, extrajudicial killings and other abuses are also used to suppress resistance to large-scale mining, development and other foreign mega-projects that adversely affect local communities' rights.

One of the first concerns expressed by OMCT is that many of these projects are on indigenous lands and therefore indigenous activists are amongst the first victims. The UN Special

Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, recognised that the militarization of indigenous areas in the Philippines is a grave human rights problem, since members of indigenous communities are frequently victims of enforced disappearances or extrajudicial executions under the pretext that they are engaged in “terrorist” activities, when in fact they are simply involved in legitimate protest and defence of their rights.¹

Another root cause of extrajudicial executions in the Philippines lies in landlessness and in the conflict over land. The 1988 Agrarian Reform Programme has been long criticised by Filipino farmers and peasants, since it was considered to have been designed to benefit landowners rather than small farmers. Many organisations involved in promoting a more equitable land reform are a further target for the military and other security forces. According to an organisation engaged in the agrarian reform (the Kilusang Magbubukid ng Pilipinas - KMP), a number of their members, leaders and allied organisations have also been the victims of disappearances and extrajudicial executions, allegedly at the hands of government forces. This is also a serious concern of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, who reported on the deaths of peasant activists, and interviewed some 10 witnesses to agrarian-reform related killings.²

A further key issue in connection with extrajudicial executions of economic, social and cultural rights activists in the Philippines relates to trade union and workers’ rights activists. Arbitrary actions and killings against unions and organisations defending workers’ social rights have also become a common practice and this also includes assault on workers, threats and intimidation. Other targets include workers who demonstrate against the lack of trade union freedom and bad working conditions in Economic Export Zones (EEZ), where foreign companies operate and where union membership is forbidden.

Extrajudicial killings and disappearances also result from military counter-insurgency operations that the Government of the Philippines launched in January 2001, the victims of which come from dissenting groups and leftist organisations, including the Communist Party of the Philippines and its military wing, the New People’s Army. These operations have consistently targeted Filipino NGOs, civil society, human rights lawyers, media workers, clergy, political dissidents, as well as - as already mentioned - trade unionists, indigenous and farmers’ rights activists. These groups and any person allegedly sympathetic with the insurgent cause or expressing dissent at a given Government policy, become the target of abusive actions by security forces, with the direct or indirect acquiescence of Government authorities. They are often targeted under the pretext of being suspects of counter-insurgency measures, and their organisations are labelled by the security forces as “enemies of the state” only because of their human rights-related activities. In reality, that is a means for suppressing protests of people asking for the respect of their rights. In any case, international law is clear, no circumstances can justify extrajudicial executions.

This situation is further exacerbated by recent legislative developments in connection with antiterrorism policy, notably the 2007 Human Security Act that gives excessive powers to law enforcement officers. In this respect, OMCT is particularly concerned that the Human

¹ Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. Rodolfo Stavenhagen, Mission to The Philippines E/CN.4/2003/90/Add.3, 5 March 2003, p. 2

² Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, Mission to the Philippines, § 37 and n. 49.

Security Act will render activists still more vulnerable to being apprehended under the pretext of anti-terrorist operations.

In addition, the Government's response to extrajudicial, arbitrary and summary executions has been weak if not altogether absent. Indeed, violence against activists is rarely adequately investigated by the authorities and the perpetrators are rarely prosecuted and thus continue to enjoy impunity. The Government has failed to implement appropriate measures to investigate such crimes. The setting-up of the Melo Commission has been strongly criticised by human rights groups for being constituted only by selected members of the Government and for its limited powers of investigation. Following his mission to the Philippines, the United Nations Special Rapporteur on Extrajudicial Execution concluded that "there is a passivity, bordering on an abdication of responsibility, which affects the way in which key institutions and actors approach their responsibilities in relation to such human rights concerns."³

In the light of these facts, OMCT believes that the European Union could also have an important role in halting these abuses in the Philippines and seizes this opportunity to call upon the members of this Subcommittee to act within the EU institutions to address the economic, social, cultural and other root causes of extrajudicial killings in the Philippines, and to ensure that:

- Any agreement arising from the EC-Philippines Strategy Paper 2007-2013 includes a strong recommendation to the Government to take immediate and concrete measures to halt extrajudicial killings and address their root causes. Ensure periodic public reports on respect for human rights within the implementation of the 2007-2013 EU-Philippines Country Strategy Paper. Ensure that the rights of indigenous peoples are effectively mainstreamed in the implementation of the Country Strategy Paper.
- None of the EU companies operating in the Philippines violate the rights of workers and indigenous peoples and ensure that security forces do not carry out extrajudicial executions or any other abuse in connection with the economic activities of these companies.
- Any general EU-sponsored investment is based on a human-rights assessment and accompanied by a strict scrutiny of possible violations of economic, social and cultural rights;
- All EU financial actions in the area of economic development in the Philippines are taken with a view to encouraging dialogue and inclusion among all sectors of the society.

Geneva, 28 January 2009

³ Preliminary note on the visit of the special rapporteur on extrajudicial, summary and arbitrary executions, Philip Alston, to the Philippines.