

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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The International Response to the Arab Spring

by Benjamin Ward

Respecting the Rights of Persons with Disabilities

New Convention Establishes First Global Labor Standards for Millions of Women and Girls

Hopes and Lessons 20 Years after the Collapse of the Soviet Union

The Philippines is a multiparty democracy with an elected president and legislature, a thriving civil society sector, and a vibrant media. Several key institutions, including the judiciary and law enforcement agencies, remain weak and the military and police still commit human rights violations with impunity. Armed opposition forces, including the communist New Peoples Army (NPA) and various Islamist Moro groups, also commit abuses against civilians.

President Benigno Aquino III maintains that the government is working overtime to prevent new cases of human rights violations and to resolve previous cases, and has pleaded for patience. Yet despite promises of reform, his administration has made little progress in addressing impunity. Extrajudicial killings of leftist activists and petty criminals continue, with the government failing to acknowledge and address involvement by the security forces and local officials.

Hundreds of leftist politicians and political activists, journalists, and outspoken clergy have been killed or abducted since 2001. The government has largely failed to prosecute military personnel implicated in such killings, even though strong evidence exists in many cases. Only seven cases of extrajudicial killings from the past decade have been successfully prosecuted, none of which were in 2011 or involved active duty military personnel.

Politically motivated killings have continued despite President Aquino's pledges to address the problem. Human Rights Watch has documented at least seven extrajudicial killings and three enforced disappearances for which there is strong evidence of military involvement since Aquino took office in June 2010.

On February 27, unidentified assailants shot and killed Rudy Dejos, a tribal chieftan and local human rights officer, and his son Rudyric. The elder Dejos's body showed signs of torture. Prior to the killing, according to Dejos's wife, Philippine army soldiers had threatened him on several occasions. The police blamed the NPA for the killing before gathering any evidence, and have now filed charges against an alleged NPA member. The family does not believe the NPA is behind the killing.

A landmark Supreme Court decision in May and a National Commission on Human Rights report in March said military officers were behind the disappearance of four leftist activists in 2006 and 2007; Sherlyn Cadapan, Karen Empeo, Manuel Merino, and Jonas Burgos. The government still has not brought charges against the implicated officers; faced with this inaction, the families themselves have filed

cases against the officers.

Aquino campaigned on promises to dismantle the private armies of politicians and wealthy landowners, which have long been responsible for serious abuses. While Interior Secretary Jesse Robredo has claimed the Aquino administration has dismantled almost half of the private armies in the southern island of Mindanao, he has not presented any evidence. Promises to revoke Executive Order 546, which local officials cite to justify the provision of arms to their personal forces, also have not come to fruition. Aquino still defends the use of poorly trained and abusive paramilitary forces to fight NPA insurgents and Islamist armed groups. In October Aquino announced the deployment of additional paramilitary personnel to provide security to mining companies.

The trial of senior members of the Ampatuan family for the November 23, 2009 massacre of 58 political opponents and others, including more than 30 media workers, in Maguindanao in Mindanao, is ongoing.

The police and the military were implicated in numerous incidents of torture in 2011. While several investigations are ongoing, the rigor of investigations varies and at this writing no one had been convicted under the 2009 Anti-Torture Act.

In September the Department of Justice filed charges of torture against a Manila precinct chief, Senior Inspector Joselito Binayug, and six others, including one of his superiors, after a cell phone video was circulated in March 2010 showing Binayug pulling on a rope tied around a criminal suspects genitals and beating him during the interrogation. The whereabouts of the victim, Darius Evangelista, remain unknown.

On July 23 in Sumisip, Basilan army scout rangers arrested 39-year-old baker Abdul-Khan Balinting Ajid as an alleged member of the Abu Sayyaf armed group. Soldiers allegedly stripped him naked, sexually assaulted him, and set him on fire. While the military said several soldiers involved had been relocated to Manila, the capital, and restricted to barracks, at this writing no criminal charges had been filed against them.

So-called death squads operating in Davao City, Tagum City, and other cities continue to target alleged petty criminals, drug dealers, gang members, and street children. Aquinos administration has not acted to dismantle such groups, end local anti-crime campaigns that promote or encourage unlawful use of force, or prosecute government officials complicit in such activities. At this writing the National Commission on Human Rights had still not reported on the outcome of multi-agency task force investigations into summary killings in Davao City in 2009.

A ceasefire remains in place between the Philippine government and the Moro Islamic Liberation Front, and peace talks are ongoing. The army continues to fight Abu Sayyaf, an armed group implicated in numerous attacks on and abductions of civilians, particularly in Sulu and Basilan.

Military clashes continue between government forces and the NPA, especially in the Eastern Visayas, Negros, and parts of Mindanao.

The NPA has unlawfully killed and detained civilians and extorted taxes from individuals and businesses. NPA leaders have often sought to justify targeted killings by noting that peoples courts earlier condemned those killed for crimes against the people. For instance, the NPA killed Raymundo Agaze in Kabankalan City, Negros Occidental on August 19, and Ramelito Gonzaga in Mindanao on September 2 following peoples court rulings. Philip Alston, former United Nations special rapporteur on extrajudicial executions, concluded that the NPAs court system is either deeply flawed or simply a sham.

The Philippine army fabricated stories that several children taken into military custody were NPA rebels. In several cases investigated by Human Rights Watch, the army paraded the children in front of the media, publicly branding them rebels despite conclusive contrary evidence. In two of the cases, the army detained the children for several days.

The UN Childrens Fund has documented the use of children in armed conflict by the NPA and the Moro Islamic Liberation Front, as well as by government forces. The UN has reported a rising trend of government security forces using schools as barracks and bases in contravention of national legislation prohibiting such practice.

Contraceptives, including condoms, are restricted in parts of the Philippines, which prohibits and criminally punishes abortion without exception. The law leaves open the possibility that a serious threat to a pregnant woman's life could be classified as a justifying circumstance barring criminal prosecution. However, the Philippine Supreme Court has yet to adjudicate this possibility, which does little to mitigate the serious consequences of criminalizing abortion for women's health and lives.

Despite vehement opposition from the Catholic Bishops Conference of the Philippines, Aquino has remained publicly committed to a reproductive health bill that aims to provide universal access to contraception and maternal health care. The bill goes some way toward enhancing protection of sexual and reproductive rights and the right to the highest obtainable standard of health, but still makes abortion a criminal offense. At this writing it remained before Congress.

Approximately two million Filipinos work abroad, and in the first nine months of 2011 sent home an estimated US\$13 billion. Hundreds of thousands of women work in Southeast Asia and the Middle East as domestic workers, where they are typically excluded from labor laws and are often subject to abuses including unpaid wages, food deprivation, forced confinement in the workplace, and physical and sexual abuse. In 2011 the Philippine government either proposed or implemented bans on sending workers to countries with high incidences of abuse. These bans have largely been ineffective, with host countries turning to other labor sources instead. The Philippines has yet to extend labor protections to household workers domestically, but played a key role globally by chairing negotiations for the International Labour Organization Convention on Decent Work for Domestic Workers, adopted on June 16, 2011.

The United States is the Philippines most influential ally and, together with Australia and Japan, among the countrys largest bilateral donors. The US military has access to Philippine territory and seas under a Visiting Forces Agreement, and the two militaries hold annual joint exercises. In fiscal year 2011-2012 the US government appropriated \$12 million to the Philippines under Foreign Military Financing for procurement of US military equipment, services, and training. Of this sum, \$3 million is contingent upon the Philippine government showing progress in addressing human rights violations, including ending extrajudicial killings. US Ambassador Harry

Thomas, Jr. has publicly called on the Philippine government to do more to end impunity for extrajudicial killings.

The European Unions 2009 to 2011 3.9 million (\$5.3 million) program to address extrajudicial killings and strengthen the criminal justice system concluded in April.

In May UN member states elected the Philippines to the UN Human Rights Council.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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