

Human Rights Watch

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

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The Misuse of Dialogue and Cooperation with Rights Abusers

Protecting Students, Teachers, and Schools from Attack

The Changing Media Landscape and NGOs

Benigno Aquino III, the son of the late president Corazon Aquino, swept to power in the May presidential elections on a platform of fighting corruption and promoting justice for victims of crime. The national and local elections were considered largely free and fair, though marred by violence, including dozens of killings prior to election day. Political violence continued after the elections as more than 20 activists, journalists, party members, and politicians were killed since Aquino took office on June 30.

The Philippines is a multiparty democracy with an elected president and legislature, a thriving civil society sector, and a vibrant media. But several key institutions, including law enforcement agencies and the justice system, remain weak and the military and police commit human rights violations with impunity.

In September Andal Ampatuan Jr. and 18 others went on trial for the November 23, 2009, massacre of 58 people, including more than 30 media workers in Maguindanao on the southern island of Mindanao. Several witnesses to the massacre and their family members were killed in late 2009 and 2010.

Hundreds of leftist politicians and political activists, journalists, and outspoken clergy have been killed or abducted since 2001. So far only 11 people have been convicted of these killings—none in 2010—and no one has been convicted of the abductions. While soldiers, police, and militia members have been implicated in many of these killings, no member of the military active at the time of the killing has been brought to justice.

In December 2009 the Philippines enacted the Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity Act (Republic Act 9851), which defines and penalizes war crimes, genocide, and crimes against humanity. It provides for senior officers to be held criminally liable for abuses committed by subordinates if they knew or should have known of the abuses and did not take the necessary steps to stop them.

At least five witnesses and family members of witnesses to Ampatuan family abuses, including the Maguindanao massacre have been killed since December 2009. On June 14 an unidentified gunman shot and killed Suwaib Upahm, an Ampatuan militia member who had participated in the massacre and had offered to testify for the government if afforded witness protection. Three months before he was killed, Human Rights Watch had raised concerns with Justice Department officials in Manila about his protection. The department was still considering his request for protection at the time of his killing.

President Aquino has proposed an 80 percent budget increase for the witness protection program, but his administration has not taken steps to make the program independent and accessible and to extend protection from the onset of a police investigation until it is no longer necessary, including after the trial.

Optimism over Supreme Court writs to compel military and other officials to release information on people in their custody and take steps to protect people at risk continued to be dampened by hesitancy to grant inspection orders and difficulty in enforcing them. In two cases, the Supreme Court held that investigations had been inadequate, but simply referred the case to the national Commission on Human Rights for further investigation and monitoring—a role that the commission should already be carrying out. One of these cases involved the 2007 abduction of leftist activist Jonas Burgos who remains missing.

In numerous provinces, ruling families continue to use paramilitary forces and local police as their private armies. By recruiting, arming, and paying members of these various militias, often with national government support, local officials ensure their continued rule, eliminate political opponents, and engage in corruption. The Maguindanao massacre, the most egregious atrocity implicating a ruling family in recent years, was allegedly carried out by a private army consisting of government-endorsed paramilitary members, as well as police officers and soldiers.

In 2010 the government created task forces to dismantle private armies in Masbate and Abra provinces, but they continue to operate. In July President Aquino directed the police and military to take control of paramilitary forces, properly train them, and ensure that all forces are insulated from political entities. Aquino continues to defend the use of these forces, which often provide manpower for private armies and have a history of perpetrating rights abuses.

The August release of a cell phone video showing a Manila precinct chief pulling on a rope tied around a suspect's genitals and beating him during interrogation focused public attention on police torture. Investigators have filed charges of torture against nine of the police officers involved in the video. The victim, Darius Evangelista, is thought to be dead.

The 2009 Anti-Torture Act criminalizes torture and introduces mechanisms to prevent against torture. For example, it requires the police and military to declare each month the location of all detention facilities to the Commission on Human Rights. The police and military conducting trainings on the law but have yet to declare the location of detention facilities.

So-called death squads operating in Davao City, General Santos City, Digos City, Tagum City, and Cebu City continued to target alleged petty criminals, drug dealers, gang members, and street children. The number of killings has declined following a Commission on Human Rights investigation.

In January the Ombudsman preventatively suspended 26 police officers for failing to solve the summary killings in Davao City, but this order was reversed by the Court of Appeals in July.

At this writing the Commission on Human Rights has not reported on the outcome of the investigations of the multi-agency task force into summary killings in Davao City, which commenced in April 2009.

A ceasefire remained in place between the Philippine government and the Moro Islamic Liberation Front and peace talks are expected. However, at this writing more than 100,000 people remained displaced after the escalation of the conflict in 2008 and 2009.

The army continued to fight Abu Sayyaf, an armed group implicated in numerous attacks and abductions against civilians, particularly in Sulu and Basilan.

Military clashes between government forces and the communist New People's Army (NPA) continued in 2010, especially in Central and Northern Luzon, Southern Tagalog, Bicol, Eastern Visayas, Negros, and on Mindanao. Around 1,100 people in Surigao del Sur, Mindanao, were displaced twice this year for several days each time after government forces moved into their area.

On February 6 the military and police arrested 43 men and women on firearms charges, and accused them of being NPA members. All but five of the detainees say they are health workers and deny links to the armed group. The arresting officers detained them blindfolded and without access to communication for the initial 36 hours, and refused them legal counsel during this time. Rather than investigating these allegations of abuse, the military granted awards to the two officers that led the arrests.

The NPA continued to kill civilians and extort "taxes" from individuals and businesses. For example, on July 13, NPA members killed the former mayor of Giporlos, Mateo Biong, Jr., in Eastern Samar province. The NPA said that it killed Biong after he was sentenced to death by a rebel "people's court."

Restricted access to condoms continues to impede HIV/AIDS prevention efforts in the Philippines, where more than 90 percent of HIV transmission occurs through unsafe sexual contact and both rates of transmission and overall HIV prevalence have increased sharply in recent years, particularly among the most at-risk populations. In September President Aquino pledged to enhance access to all forms of family planning, including condoms. At this writing the Philippines continues to prohibit abortion.

Approximately 2 million Filipinos work abroad, including hundreds of thousands of women who serve as domestic workers in other parts of Asia and the Middle East. While the Philippine government has made some effort to support and protect migrant domestic workers, many women continue to experience abuses abroad including unpaid wages, food deprivation, forced confinement in the workplace, and physical and sexual abuse (see Saudi Arabia, United Arab Emirates, Lebanon, Kuwait, and Malaysia chapters).

The United States remains the most influential ally of the Philippines and, together with Australia and Japan, one of its three largest bilateral donors. The US military has access to Philippine lands and seas under a Visiting Forces Agreement, and the two militaries hold annual joint exercises. The United States Senate appropriated US\$32 million for the Philippines in fiscal year 2009-2010 under Foreign Military Financing for procurement of US military equipment, services, and training. Of that sum \$2 million is contingent on the Philippine government showing progress in addressing human rights violations, including extrajudicial killings. In September the Millennium Challenge Corporation granted a five-year economic development compact to the Philippines, totaling \$434 million.

Implementation continued on the 2009-11 European Union 3.9 million (US\$5.3 million) program to address extrajudicial killings and strengthen the criminal justice system by providing training and technical assistance.

Relations with China, particularly Hong Kong, have remained strained since a dismissed police officer took a busload of Hong Kong tourists hostage in Manila. The police response was incompetent and eight tourists were killed, plus the hostage taker, and nine tourists were injured.

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

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