



JANUARY 2009

COUNTRY SUMMARY

The Philippines

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, however, remain weak.

Under intense domestic and international pressure, the number of extrajudicial killings and enforced disappearances implicating security forces dropped significantly in 2008. The government of President Gloria Macapagal Arroyo continues to deny complicity of security forces in most such acts despite considerable evidence to the contrary. Hundreds of activists, journalists, and outspoken clergy have been killed or abducted since 2001. While a few people have been successfully prosecuted, not a single soldier has been brought to justice for crimes committed during this period.

Armed encounters between the Armed Forces of the Philippines (AFP) and groups such as the communist New People's Army (NPA), the Moro Islamic Liberation Front (MILF), and the Abu Sayaff Group (ASG) continue. Starting in August 2008, the conflict in Mindanao rapidly escalated, with clashes between the AFP and the MILF displacing hundreds of thousands of civilians.

Extrajudicial Killings and Enforced Disappearances

The government maintains that most extrajudicial killings and "disappearances" are the result of internal purges within the communist movement, but UN expert Philip Alston and human rights organizations have found evidence of military involvement in many cases. Alston presented his report on the Philippines to the UN Human Rights Council in April 2008. A new government taskforce said in November 2008 that out of 260 compiled "disappearances" cases, 19 cases involved members of the military.

Abductions of activists continue, with the military or police sometimes resurfacing abductees and charging them with killings or other offences.

On May 15, 2008, unidentified gunmen shot and killed Celso Pojas, secretary-general of a leftist farmers' organization in Davao City, in southern Mindanao. Pojas had campaigned against military operations that allegedly displaced indigenous people and farmers in Compostela Valley. At this writing, the police have not arrested any suspects.

On the same day, in Cagayan Valley, unidentified men abducted Randy Malayao, former vice president of the College Editors Guild of the Philippines and a consultant to the National Democratic Front (NDF), a coalition of underground left-leaning organizations. A few days later, the military produced him, saying he was a rebel leader involved in the killing of former congressman Rodolfo Aguinaldo. At this writing, he remains in jail in Tuguegarao City, Cagayan Valley, facing murder and attempted murder charges.

In August 2008, a regional court in Tagaytay City found the arrest and detention of the "Tagaytay Five" unlawful and ordered their release. Security forces had abducted and detained Riel Custodio, Axel Pinpin, Aristides Sarmiento, Enrico Ybanez, and Michael Masayes in a joint military-police operation in April 2006 and forced them to admit they were members of the NPA. Rebellion charges were later filed against the five, all of whom are farmers' advocates and organizers in the provinces of Cavite and Batangas in southern Luzon.

On September 13, the Court of Appeals in Manila dismissed charges against Berlin Guerrero, a church pastor, and ordered his immediate release. Armed men abducted Guerrero on May 27, 2007, in Laguna province and several days later he appeared in police custody. He subsequently was accused of being a rebel and charged with sedition and murder.

Meanwhile, initial optimism over new Supreme Court writs to compel military and other government agents to release information on people in their custody—the writs of *amparo* and *habeas data*—was dampened by a series of lower court decisions

dismissing cases seeking the release of or information on persons in government custody. Among the cases dismissed was that brought on behalf of Jonas Burgos, a farmers' rights advocate, abducted in April 2007 in Quezon City. Local activists have expressed concern that courts are putting unreasonable obstacles in the way of petitioners in such cases.

From January to September 2008, five journalists, mostly radio commentators tackling corruption and other issues, were killed. On August 4, 2008, gunmen killed radio commentator Dennis Cuesta in General Santos City. Although witnesses identified one of the gunmen as a known police officer, no arrest had been made at this writing.

Summary Executions of Petty Criminals and Street Youth

Reports of execution-style killings continue in several cities, particularly in Mindanao. Local activists say more than 100 people were killed from January to September 2008 in Davao City alone. Execution-style killings have been reported in the cities of Davao, Digos (Davao del Sur), Tagum (Davao del Norte), General Santos, Cagayan de Oro, and Cebu.

The majority of the victims are street children or petty criminals, including gang members. An increasing number of victims are bystanders and victims of mistaken identity. Killings are often perpetrated in broad daylight, some near police stations and detention centers. The perpetrators often do not hide their faces and ride in twos or threes aboard motorcycles with missing license plates. Gunmen sometimes threaten witnesses, warning them that they could be targeted as well.

Police and local authorities deny the existence of vigilante groups and attribute the killings to gang wars, but many of the killings followed tough anti-crime pronouncements by top local officials including Mayor Rodrigo Duterte of Davao City, Mayor Arsenio Latasa of Digos City, and Mayor Tomas Osmena of Cebu City. Local residents and activists told Human Rights Watch in 2008 that death squads have been operating in the cities for years with virtual impunity. In most of the cases documented by human rights groups, no formal criminal investigation has been opened and the perpetrators remain unpunished.

Conflict in Mindanao

On August 5, 2008, after almost eight years of negotiations, the Philippine government and MILF were to sign a comprehensive agreement in Kuala Lumpur to address the Moro secessionist issue in the southern Philippines. On the eve of the signing, however, the Supreme Court, acting on a petition filed by local executives and politicians in Mindanao who were opposed to the agreement, issued a temporary restraining order stopping the process.

The aborted peace agreement was followed by sporadic armed clashes between government forces and MILF rebels in several provinces of Central Mindanao resulting in at least 62 civilian deaths. Fighting displaced more than 100,000 families, comprising more than 500,000 individuals, mostly women, children, and the elderly. Some soldiers and politicians reportedly began arming non-Moro civilians to fight the MILF. Human rights groups have warned that if the government and MILF do not return to the negotiating table, a full-blown civil war may again erupt.

Clashes with Other Armed Groups

Under a military operation entitled *Oplan Bantay Laya 2* (Operational Plan Freedom Watch), the stated aim of which is to crush the NPA by the end of Arroyo's term in 2010, the government accelerated counterinsurgency operations in central Luzon, southern Tagalog, Bicol, eastern Visayas, southern Mindanao, and northern Mindanao. In 2008, armed confrontations between the AFP and the NPA displaced thousands of people. Indigenous communities in Surigao del Sur, Davao del Norte, and Compostela Valley were most affected.

Local human rights groups have expressed concern that the military's regular use of aerial and heavy artillery bombardment is putting civilian lives at risk. In February 2008 security forces in Sulu killed seven civilians including two children and a pregnant woman during an attack on a village suspected of hosting ASG members. In September a pregnant woman and five children were killed in Maguindanao during an air force attack on a village where MILF rebels were allegedly hiding.

Filipino Workers Abroad

Approximately 1.7 million Filipinos work abroad, including hundreds of thousands of women who work in other parts of Asia and the Middle East as domestic workers. While the Philippine government has made some efforts to support and protect domestic workers, many women continue to experience abuses including unpaid wages, food deprivation, forced confinement in the workplace, and physical and sexual abuse (see Saudi Arabia, UAE, and Malaysia chapters.)

Key International Actors

The United States is the most influential ally and the largest donor to the Philippines. The US military has access to Filipino lands and seas under a Visiting Forces Agreement, and the two militaries hold joint annual exercises. In fiscal year 2008 (October 2007–September 2008), the US government provided the Philippines almost US\$30 million under Foreign Military Financing for procurement of military equipment and almost US\$1.5 million in the International Military Exchange Training program under which AFP officers are trained in the United States. The US Foreign Operations Bill approved in December 2007 requires the Philippine government to show progress in addressing human rights abuses, including extrajudicial killings, in order for some additional US military funding to be approved.

In April 2008 the UN Human Rights Council examined the human rights record of the Philippines under its Universal Periodic Review mechanism. Several member states raised the issue of impunity for extrajudicial killings and enforced disappearances but the Philippine government rejected recommendations for a follow-up report.