

PRESS RELEASE

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STATEMENT OF
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AMBASSADOR OF THE PHILIPPINES TO THE UNITED STATES
AT THE
HEARING OF THE UNITED STATES SENATE SUBCOMMITTEE
ON EAST ASIAN AND PACIFIC AFFAIRS
WASHINGTON, D. C., 14 MARCH 2007

We welcome the initiative of the U.S. Senate's Sub-Committee on East Asian and Pacific Affairs in conducting a hearing on the issue of unexplained killings in the Philippines which the Philippine government is addressing with resolve.

The Senate move is a positive step that will shed more light into this complex issue. It provides a vital forum for constructive dialogue among all concerned parties and opens a new avenue for us to work together in promoting human rights and in upholding the rule of law.

President Gloria Arroyo's decision to extend the mandate of the Melo Commission - its recommendations have been fully adopted by the government - and her invitation for UN Special Rapporteur Philip Alston to conduct his own fact-finding mission in the Philippines, have yielded encouraging results.

It is our hope that militant groups and relatives of the victims will now be more willing to cooperate with the Melo Commission, in response to the swift action by the Philippine government on the panel's recommendations. *Karapatan*, a representative of which has been invited to speak before this Senate subcommittee, had questioned the Commission's independence even before the panel could even start its fact-finding work and had subsequently ignored its repeated invitations to participate in the investigations.

The UN Special Rapporteur himself had assessed that the Commission had conducted an independent probe, and had cited the sincerity of the Philippine government in addressing and finding solutions to this problem of unexplained killings.

There have been allegations that Philippine military personnel are involved in these killings despite the fact that no charges against particular military men have been filed by the accusing parties.

The Melo Report itself states: "From the evidence gathered, and after an extensive study of the same, the Commission comes to the conclusion that there is no direct evidence, but only circumstantial evidence, linking some elements in the military to the killings. There is no official or sanctioned policy on the part of the military or its civilian superiors to resort to what other countries euphemistically call 'alternative procedures' - meaning illegal liquidations."

It further states: "While State responsibility is possible for private acts, there is no basis to hold liable the entire military leadership or even the entire leadership of one of its branches, under the doctrine

of command responsibility. The findings herein do not justify a ruling that each and every high-ranking officer in the military, or the institution itself, should be held liable for the killings."

Nonetheless, President Arroyo issued an instruction on 31 January 2007 to the Department of Justice and the Department of National Defense directing them to coordinate with the Commission on Human Rights (CHR) in constituting a Joint Fact-Finding body. Its task is to "delve deeper into the matter of possible involvement of military personnel in unexplained killings, filing the corresponding charges against, and prosecute the culpable parties."

The CHR is an independent body created by virtue of our 1987 Constitution. President Arroyo has recently allocated an additional funding of 25 million pesos to the CHR so that it can best carry out its mandate to check reported human rights violations.

The Armed Forces of the Philippines (AFP) also deemed it imperative to issue on 04 February 2007 a directive to all levels of command underscoring strict adherence to the doctrine of command responsibility.

Under this doctrine, "any AFP Officer shall be held accountable for neglect of duty under the doctrine of command responsibility if he has knowledge that a crime or offense shall be committed, is being committed, or has been committed by his subordinates, or by others within his area of responsibility and despite such knowledge, he did not take preventive or corrective action either before, during, or immediately after its commission."

The same directive incorporates the principle of "presumption of knowledge" by a Commanding Officer of "the commission of irregularities or criminal offenses within his area of responsibility in any of the following circumstances: a) when the irregularities or illegal acts are widespread within his area of jurisdiction; b) when the irregularities or illegal acts have been repeatedly or regularly committed within his area of responsibility; or c) when members of his immediate staff or office personnel are involved."

Commanders of erring military personnel found in violation of this directive "shall be held accountable either for violation of the Article of War 95 or as an accessory after the fact upon deliberate refusal or failure or neglect to act accordingly and decisively as required by existing AFP laws."

On 13 February 2007, the General Headquarters of the AFP released a Staff Memorandum delineating the functions and organization of the AFP Human Rights Office (AFPHRO). Among its specific functions is "to plan, implement and supervise programs, measures and mechanisms" to protect and promote respect for human rights and adherence to international human rights laws, and to monitor the litigation of cases against the AFP.

At present, 94 cases of alleged political killings "where (Philippine) security forces are probably involved" are now being investigated by the newly-created AFP Human Rights Office. These 94 cases are among the 240 and 113 cases that the Melo Commission and the Department of Interior and Local Government-created Task Force Usig, respectively, recommended for investigation. The cases indicate the names, incidents and circumstances pointing to the probable involvement of security forces.

On 31 January 2007, President Arroyo requested the Supreme Court (SC) to establish special courts for the expeditious trial of cases involving unexplained killings of a political or ideological nature. The Supreme Court has already designated 99 regional trial courts as special tribunals with the order for these courts to resolve the cases at the soonest.

To strengthen the Department of Justice's (DOJ) Witness Protection Program, the DOJ liberalized the admission requirements for witness protection coverage, particularly when the threat level on *bona fide* witnesses to alleged media and politically-motivated killings is high. Regional state prosecutors have also been authorized to grant provisional coverage to high-risk witnesses under threat pending confirmation of their admission to the Program. The economic benefits and social services for witnesses under the Program have also been enhanced.

Within a long-term framework, the AFP has been implementing the Philippine Defense Reform Program (PDRP). It is the product of the Joint Philippines-United States Joint Defense Assessment (JDA) that was completed in 2003. Its aims include, among others, the reform and professionalization of the military.

A similar reform-oriented management assessment - a joint undertaking of the US government and the Philippine National Police (PNP) - is being conducted under the auspices of the United Nations Development Program (UNDP).

Given the aforementioned efforts, we wish to take strong exception to related allegations being raised by some quarters that US assistance, particularly military logistical equipment, are being misused by Philippine security forces as instruments for human rights violations and in conducting these political killings.

The Joint US Military Assistance Group (JUSMAG) serves as a strong oversight mechanism which strictly inventories and monitors the use of US-provided military equipment. The AFP must even secure its prior approval before it could dispose of equipment which has already been rendered unusable.

US military assistance is vital to the AFP's counter-terrorism campaign which we are winning, particularly resulting to the recent killing of the top two leaders of the Abu Sayyaf Group (ASG). The ASG was responsible for the hostage-taking of the American couple Martin and Gracia Burnham and the beheading of another American, Guillermo Sobero. The Philippine government has also made headways in its campaign against the New People's Army (NPA), the armed wing of the Communist Party of the Philippines (CPP), which had assassinated JUSMAG Chief Col. James Rowe, among its terroristic acts. The CPP-NPA is presently included in the State Department's list of Foreign Terrorist Organizations (FTOs).

The reason for our government's success rests on the fact that our counterterrorism strategy is a holistic one, with both military and socio-economic components. The Philippine government fully recognizes that reliance on military solution alone would not eliminate the scourge of terrorism unless the prevailing conditions such as poverty, and the despondency and despair that it breeds are thoroughly addressed.

We desire peace because hostilities exact a heavy toll in terms of human lives and divert resources which are better utilized to alleviate people's economic and social well-being. It was for this reason that we had engaged the CPP-NPA in peace talks. Unfortunately, they failed because of the CPP-NPA's repeated violations of the ceasefire agreement which underscored its bad faith. Moreover, it waged countless and relentless terroristic acts for which reason it was tagged as a terrorist organization by the US and European Union.

The Philippine government has likewise engaged the Muslim secessionist groups, namely the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF) in the peace process. Abandoning the "all-out war" strategy of its antecedent administration, the Arroyo administration decided to adopt an "all out peace" strategy.

Owing to US economic assistance, about 28,000 former MNLF combatants have been reintegrated into our democratic mainstream and are gainfully pursuing various kinds of livelihood. USAID assistance to Muslim Mindanao, in southern Philippines, has generated US\$ 441 million in investments and created 77,000 jobs. Around 60 percent of total USAID assistance to the Philippines has been channeled to this region. We wish to point out that US economic assistance is administered by the USAID which ensures its responsible and cost-effective use.

Complementing USAID's assistance is the US Institute of Peace's (USIP) public diplomacy and awareness projects in Mindanao to sustain broad popular support for the peace process.

We have a ceasefire agreement with the MILF which is holding. One unique aspect of this agreement is our joint conduct of counterterrorism operations as part of our confidence-building measures. We remain hopeful that this peace and development process will move forward. We are thankful for the US government's commitment that once a final peace accord between the Philippine government and the MILF is forged, it will provide additional assistance for post-conflict rehabilitation and economic programs.

Integral to our efforts towards achieving durable peace and sustainable development in Muslim Mindanao are the interfaith dialogues, evident in the creation of a Bishop-Ulama Conference. This forum fosters religious tolerance and cultural understanding and which are essential aspects of respect for human rights.

Related to this, we wish to convey our profound appreciation to the U.S. Embassy in the Philippines for the pro-active programs it has initiated in promoting respect for and adherence to human rights, in promoting the rule of law, and in strengthening the judicial system in the Philippines. Some of these programs are instrumental in inculcating the values and principles of human rights among our military and police forces.

We also appreciate the encouraging words of the U.S. Ambassador to the Philippines that our government is on the right track in its efforts at addressing the issue of extrajudicial killings.

UN Special Rapporteur Prof. Alston himself recognized the Arroyo administration's "willingness to permit outside scrutiny, and a very welcome preparedness to engage on this issue."

He also pointed out that "the Government's invitation (for him) to visit (the Philippines) reflects a clear recognition of the gravity of the problem" and that "(it) showed good faith in responding to allegations by setting up an independent commission."

We are earnest in engaging all stakeholders and concerned parties who wish to become part of the solution as we strive to deal with this urgent issue.

We are committed in strengthening our institutions and in building our capacity to eradicate a culture of violence which threatens our democratic way of life.

It is in our national interest to build a culture of justice and we look forward to the partnership of this Sub-Committee and of the entire U.S. Congress in our pursuit of this goal.

I wish to express my deep gratitude to Senator Barbara Boxer and to the Honorable Members of the Sub-Committee on East Asian and Pacific Affairs for granting to me this privilege and opportunity to submit this Statement on behalf of the Philippine government, for the official record.

Thank you very much.