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EXTRAJUDICIAL KILLINGS IN THE PHILIPPINES: STRATEGIES TO END THE VIOLENCE

HEARING

BEFORE THE

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

MARCH 14, 2007

Printed for the use of the Committee on Foreign Relations

Available via the World Wide Web: http://www.gpoaccess.gov/congress/index.html

U.S. GOVERNMENT PRINTING OFFICE

40–811 PDF WASHINGTON : 2008

For sale by the Superintendent of Documents, U.S. Government Printing Office
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EXTRAJUDICIAL KILLINGS IN THE PHILIPPINES: STRATEGIES TO END THE VIOLENCE

WEDNESDAY, MARCH 14, 2007

U.S. SENATE,
SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:35 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Barbara Boxer (chairman of the subcommittee) presiding.

Present: Senators Boxer, Webb, and Murkowski.

OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Senator BOXER. Good afternoon, everybody. I'm Senator Barbara Boxer and I am the Chair of the Subcommittee on East Asian and Pacific Affairs. I'm very pleased to be here, chairing my first hearing. I know there are many people interested in this.

I'm sure you know the rules of the committee are that we want everyone to be respectful of all the witnesses and that means that we don't have any yelling or screaming or clapping or booing or hissing or cheering.

And I'm very, very pleased that we are having today's hearing. It's very important. We're going to run a very tight ship here. We're going to keep our witnesses to 5 minutes. And when you're about there, I will tell you to summarize. And we will, of course, place your entire statement in the record, and we will accept—we may well send you some questions if time runs out, because we need to stop at 5 to 4.

So we'll be getting a lot accomplished here in a relatively short period of time. I do expect Senator Murkowski to join us shortly. And when she does, I will turn to her at the appropriate time for her opening statement, if she has one.

Well, I'm sure most of you know that today the Senate Foreign Relations Subcommittee meets to investigate reports of extrajudicial killings in the Philippines, and examine strategies to help end the violence there. The people of the United States and the Philippines enjoy a very close relationship and friendship that is deeply valued on both sides. Our nations have a strong bond that's supported and celebrated by 3 million Americans of Philippine ancestry that live in the United States today. And I am proud to say that more than 1 million Filipino-Americans have made California their home.

I, myself, visited the Philippines while I was a member of the House of Representatives. It was just after Marcos was overthrown and Cory Aquino became the leader. It was a very exciting time. It was 1986. So I, myself, feel very strong ties to the hopes, dreams, and aspirations of the people of the Philippines and of all their family members that I represent in California.

During World War II, 100,000 soldiers from the Philippine Commonwealth Army fought along side United States and allied forces in the Pacific. Today United States military forces are working with the Philippine Armed Forces to combat Abu Sayyaf, an Islamist terrorist organization responsible for many acts of violence, including the beheading of one of my constituents in 2001.

Maintaining strong bilateral ties is very important to both our nations. And it's in that spirit that we address extrajudicial killings in the Philippines. And before I forget to do it, I want to place into the record the statement submitted by the Philippine Ambassador to the United States, Willy Gaa. So, we will place that in the record.

Over the past 6 years, hundreds of such killings have taken place throughout the Philippines. Those targeted have included journalists, religious leaders, political figures, human rights activists, and union leaders. For too long the Government of the Philippines has not taken sufficient action, in my opinion, to address extrajudicial killings and bring those responsible to justice.

Last August, pressure from international human rights groups, foreign governments, and political leaders forced the government of President Arroyo to launch an investigation into the killings that was headed by retired Supreme Court Justice, Jose Melo. The Melo Commission Report, which was made public last month, found that the killings of activists appear to be part of, "an orchestrated plan," and that the Philippine National Police has made little progress in investigating or prosecuting cases.

Last month, after a 10-day fact-finding mission to the Philippines, Phillip Alston, the U.N. Special Rapporteur on Extrajudicial Summary or Arbitrary Executions, released a statement in which he said the Philippine Armed Forces were, "In a state of almost total denial," on the need to address, "the significant number of killings which have been convincingly attributed to them." And that a "culture of impunity" exists between the Philippine Justice System. In response, the Philippine Government has issued statements vowing to solve the killings. But, it remains to be seen if these words will be followed by real and tangible actions.

I am pleased that the U.S. Ambassador in Manila, Kristie Kenney, has offered the support of the United States to stop these murders and bring those guilty to justice.

Today, we welcome to the committee two members of the U.S. State Department to share additional details about the United States offer of assistance, and the response of the Philippine Government.

Mr. Eric John is the Deputy Assistant Secretary of State for East Asian and Pacific Affairs. And Mr. Jonathan Farrar is the Principal Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor.

We will also be joined by a distinguished second panel of nongovernmental witnesses to discuss this issue. We will hear from Mr. T. Kumar, who's the advocacy director for Amnesty International. In August 2006, Amnesty International released a report on the extrajudicial killings in the Philippines, which included a series of important recommendations to end the violence, and guarantee justice for the victims.

Mr. G. Eugene Martin, executive director of the Philippine Facilitation Project at the U.S. Institute of Peace is a former Foreign Service officer who served twice in the Philippines. First, as a political military officer and later as Deputy Chief of Mission. Mr. Martin will share his thoughts on the root causes of violence in the Philippines and prospects for a peaceful settlement.

Finally, we are joined by two witnesses from the Philippines, Bishop Eliezer—if I mangle this name, please forgive me—Pascua, is that right? Pascua, is the general secretary of the United Church of Christ in the Philippines. More than a dozen workers from his church have been killed in violence since 2001.

Ms. Marie Hilao-Enriquez, is the general secretary of KARAPATAN, a human rights organization in the Philippines which estimates that more than 800 people have lost their lives to extrajudicial violence since 2001. And we know that there's debate about this number, but we will look into it, try to get to the bottom of it.

Now I want to turn to my really dear friend, ranking member of this subcommittee, Senator Lisa Murkowski, who is the former chairman, has extensive expertise in the region. I do look forward to working with you, Senator, during the 110th Congress, and I turn to you now for your opening statement.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you, Madame Chairman, and I do not have a detailed statement this afternoon. I'm looking forward to the testimony of the witnesses.

I appreciate your leadership on this issue and bringing it before the subcommittee. I, too, look forward to working with you on issues of concern within the region. We've had opportunities in the past to have Mr. John before the subcommittee; a great deal of expertise there to offer us.

But it is, it is a region—I think it's fair to say—that if there are hotspots outside of the Middle East it is in this region of East Asia and the Pacific. And the hearing that we have this afternoon, I think, is just the beginning of many where hopefully we will be able to shine that spotlight, not only on the issue, but move proactively as a committee to make a positive difference on this issue and many others.

And so, with that Madame Chairman, I'm eager to hear the comments from the witnesses. I do apologize, I'm not going to be able to stay for the whole thing, but look forward to working with you on this issue and others.

Thank you.

Senator BOXER. Absolutely, and I will brief you after this hearing, personally.

Mr. John, why don't you begin and we'll hold you to 5 minutes and then we'll put your whole statement in the record.

STATEMENT OF ERIC G. JOHN, DEPUTY ASSISTANT SECRETARY FOR EAST ASIAN AND PACIFIC AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. JOHN. Thank you very much Senator Boxer, Senator Murkowski. Thank you for inviting me to testify today. Let me extend my congratulations to the new members of the committee, and I look forward to working with the committee in the future.

I'm also glad to have the opportunity to appear before you today with my colleague, Mr. Farrar from the Bureau of Democracy, Rights, and Labor.

Before addressing the main topic of this hearing, I would like to say a few words about United States-Philippine relations. As you know, the United States has a long and warm relationship with the Philippines dating back more than a century. The Philippines is a vibrant democracy and one of five treaty—United States treaty allies in the Asia Pacific. Our soldiers fought heroically side by side in World War II and are working together today to combat international terrorism.

The United States is the Philippines largest investor, trading partner, and provider of foreign assistance. Our relations are undergirded by significant people-to-people connections in the form of more than 3 million Filipinos in the United States and more than 100,000 American citizens living in the Philippines.

Today our Philippine allies are enjoying solid economic growth, working on a peace agreement with Muslim separatists in Mindanao and achieving unprecedented success against al-Qaeda-linked terrorists responsible for the deaths of hundreds of innocent civilians and the gruesome murders of American citizens.

One negative factor in this otherwise positive picture is the increase in reports of extrajudicial killings, the subject of this hearing. Unfortunately, political violence is not a new phenomenon in the Philippines. Extrajudicial killings committed by the security forces, the terrorists, New People's Army, or others were common during the Marcos dictatorship and have continued—albeit with less frequency—since that time. However, over the last couple years we have seen a troubling increase in the reports of these killings.

As friends and allies, we are concerned about such killings—whoever is responsible—but particularly about allegations that members of the Security Forces have been involved. There's a range of numbers of victims, as you noted, but let me state unequivocally that even one such killing is too many.

We take this problem seriously and are committed to helping our Philippine allies in bringing those responsible to justice. We are encouraged that President Arroyo has taken several steps to address this problem, including establishment of a police task force, called Task Force Usig, to investigate the killings, as well as a commission under leadership of Justice Melo.

The Melo Commission has examined the problem and made recommendations on which the Government acted promptly—has promptly acted. The Philippine Government has also invited the

U.N. Special Rapporteur Alston to inquire into the issue. In our judgment, these actions represent more than previous Philippine administrations have taken to address the problem.

Concerning the report of Professor Alston, I would note that his report cites the Philippine Government's recognition of the gravity of the problem. It expresses concern about the views of the Armed Forces of the Philippines, AFP, regarding the problem, and states that the various measures ordered by President Arroyo in response to the Melo Commission Report constitute important first steps, but much remains to be done.

The Melo Commission Report does conclude that circumstantial evidence links some elements of the military to the killings, but given the lack of witnesses there is insufficient evidence to support successful prosecutions or convictions. The Commission's recommendations include: Creation of an independent civilian investigative agency, training for prosecutors, creation of special courts to handle these cases, enhancement of the witness protection program, increasing investigative capabilities of the police, and orientation and training for the security forces.

Moreover, the AFP has directed new human rights training. The Department of Justice has strengthened and expanded their—strengthened and expanded the witness protection program, and the Philippine Supreme Court has established vessel courts to handle the cases.

Now, the steps that the United States Government is taking include an ongoing and dynamic dialog with Philippine officials at all levels of governments. Not only on the urgent need to address the immediate problem, but also more broadly on issues of human rights, rule of law, and law enforcement. United States Embassy officials vigorously reach out to Philippine contacts in the military, the law enforcement community, the judiciary, the human rights sector, and civil society, to make these points and determine new ways the United States Government could be additionally helpful.

Ambassador Kenney has repeatedly spoken publicly, as well as at several military venues, against extrajudicial killings, and in advocacy of ensuring that anyone responsible for such a crime faces justice.

We'll soon begin a training program for 40 Philippine investigators and prosecutors from the 10 areas of the country with the most extrajudicial killings to improve their skills and understanding. In addition to the immediate efforts, we have provided longstanding support to the AFP and Philippine National Police and Judiciary. And it has included human rights training for those members. Our support of Philippine defense reform, to strengthen professional and effective military, law enforcement, and our development assistance does help the Philippines judiciary for case management.

Senator BOXER. Just wrap it up at this point.

Mr. JOHN. Sure. And I just want to assure you that we are committed to working with the Philippine Government, supporting them, and pushing for resolution of these cases, and an end to the extrajudicial killings in the Philippines.

[The prepared statement of Mr. John follows:]

PREPARED STATEMENT OF ERIC G. JOHN, DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC

Senator Boxer, Senator Murkowski, and distinguished members of the subcommittee, thank you for inviting me to testify today on the situation in the Philippines. Let me extend my congratulations to the new members of this committee; I look forward to working with all of you. I am glad to have the opportunity to appear before you with my colleague, Principal Deputy Assistant Secretary Jonathan Farrar from the Department of State's Bureau of Democracy, Human Rights and Labor.

As you know, the United States has a long and warm relationship with the Philippines dating back more than a hundred years. The Philippines is a vibrant democracy, and one of five U.S. treaty allies in the Asia-Pacific region. Our soldiers fought heroically side by side in World War Two and are working side by side today to combat international terrorism. The United States is the Philippines' largest investor, trading partner, and provider of foreign assistance. Our relations are undergirded by significant people-to-people connections in the form of the more than 3 million Filipinos resident in the United States and the more than 100,000 American citizens living in the Philippines.

Today, our Philippine allies are enjoying solid economic growth, working on a peace agreement with Muslim separatists in Mindanao, looking to bolster their democracy via congressional elections in May, and achieving unprecedented success against al-Qaeda-linked terrorists responsible for the deaths of hundreds of innocent civilians and the gruesome murders of American citizens.

One negative factor in this otherwise positive picture is the increase in reports of extrajudicial killings, the subject of this hearing. Unfortunately, political violence is not a new phenomenon in the Philippines. The so-called "Huk Rebellion" in the 1940s and 1950s resulted in thousands of deaths. The Communist New People's Army (NPA), a U.S.-designated Foreign Terrorist Organization, has been seeking the violent overthrow of the government since 1968 and continues to sow violence and terror in the country.

Extrajudicial killings, committed by the security forces, the NPA, or others, were common during the Marcos dictatorship, and have continued, albeit with less frequency, since that time. Over the past 1 to 2 years, however, we have seen a troubling increase in reports of extrajudicial killings.

As friends and allies, we are concerned about such killings, whoever is responsible, but particularly about allegations that members of the security forces have been involved. There is disagreement about the numbers of victims, but of course even one such killing is too many.

We take this problem seriously and are committed to helping our Philippine allies in bringing those responsible to justice. We are encouraged by the steps that the Philippine Government has taken to date, indeed, we judge that no Philippine administration has done as much substantively and institutionally as what this one has done over the past year, but we will continue to make clear that more progress is essential and that we stand ready to be of assistance to Philippine authorities.

Addressing extrajudicial killings in a serious, effective way and ensuring that Philippine authorities bring those responsible to justice is important to our relationship and, of course, to the Philippines' own democratic development.

We are encouraged that President Arroyo has taken several steps to address this problem, including establishing a police task force, called Task Force Usig ("to prosecute"), to investigate the killings and to file charges against the murderers, as well as a commission under the leadership of former Philippine Supreme Court Justice Melo. The Melo Commission has examined this problem and made policy recommendations, on which the government has promptly acted. The Philippine Government also invited U.N. Special Rapporteur on Extrajudicial, Summary, and Arbitrary Killings Professor Philip Alston to inquire into the issue.

Concerning the report of U.N. Special Rapporteur Alston, I would note that in his report he cites the Philippine Government's recognition of the gravity of the problem, expresses concern about the views of the Armed Forces of the Philippines (AFP) regarding the problem, and states that the various measures ordered by President Arroyo in response to the Melo Commission report constitute important first steps, but much remains to be done.

The Melo Commission report, which was recently released to the public, concludes that circumstantial evidence links "some elements" of the military to the killings, but given the lack of witnesses there is insufficient evidence to support successful prosecutions or convictions; there is no official or sanctioned policy by the military or its civilian superiors to resort to illegal liquidations; there is no definitive accounting of the actual number of killings, but "even one is too many"; the killing

of journalists is mostly attributable to reprisals from politicians, warlords, or business interests, rather than agents of the government; and prosecutions have been more successful when there is a greater willingness of witnesses to testify. The report also states that President Arroyo's resolve to stop these killings has been made clear, both in public statements and through actions such as the creation of Task Force Usig and the Melo Commission itself.

The Commission's recommendations include: Creation of an independent civilian investigative agency with authority to execute warrants and make arrests; training for prosecutors; creation of special courts to handle these cases; enhancement of the witness protection program; increasing the investigative capabilities of the police; and orientation and training for security forces.

Following the issuance of the Melo Commission report, the Philippine Government took several important steps. The AFP has issued a new directive reiterating the principle of command responsibility and established its own Human Rights Office to investigate—along with the Philippine Commission on Human Rights—cases in which involvement by military elements is alleged. The Philippine Department of Justice strengthened and expanded the government's witness protection program. At President Arroyo's request, the Philippine Supreme Court has established special courts to handle these cases. President Arroyo also instructed the Philippine Department of Justice and the Presidential Human Rights Committee to prioritize cases for trials by these special courts. In a statement, President Arroyo said that "cases that are strong enough to be brought to court should be prosecuted effectively and immediately to instill confidence in the process we have put in place," while emphasizing that "due process is the watchword as we bring these killers to justice."

We believe that the Melo report is a useful assessment of scope of the problem facing the Philippines and measures that can be taken to address it. Our Ambassador in Manila, Kristie Kenney, has stated that the Government of the Philippines has issued "a serious action plan and we would be glad to provide assistance in helping them implement it." She met with the members of the Melo Commission on March 5 to discuss their next steps and to explore ways the U.S. Government could be additionally helpful.

The steps that we are taking include an ongoing and dynamic dialog with Philippine officials at all levels of government on issues of human rights, rule of law, and law enforcement. U.S. Embassy officials vigorously reach out to Philippine contacts in the military, the law enforcement community, the judiciary, the human rights sector, and civil society to make these points and to determine new ways the U.S. Government could be additionally helpful. In this dialog, we have reiterated our concerns over extrajudicial killings and strongly urged Philippine officials to take additional steps such as those recommended by the Melo Commission. Ambassador Kenney has repeatedly spoken publicly as well as at several military venues against extrajudicial killings and in advocacy of ensuring that anyone responsible for such a crime faces justice.

We will soon conduct a training program for 40 Philippine investigators and prosecutors from the 10 areas of the country with the most extrajudicial killings to improve their skills and understanding. We are also looking into making additional grants to the Philippine Commission on Human Rights to support its nationwide investigatory efforts. We understand that the Philippine Government has reached out to members of the European Union for assistance in implementing the conclusions of the Melo report. I have reached out to representatives of the European Union here in Washington to underscore our support for the Philippine Government's request. I have also repeatedly addressed this matter with the Philippine Ambassador to the United States.

In addition to these immediate efforts, the United States has provided longstanding support for institutional reform within the AFP and the Philippine National Police, as well as the Philippine judiciary. This assistance has included human rights training for Philippine security forces in country, as well as at the International Law Enforcement Academy in Bangkok and at U.S. military and FBI training academies.

In compliance with the Leahy amendment, we work closely with the Philippine Commission on Human Rights to vet all Philippine military and law enforcement officials who undergo U.S. training.

The United States is also a firm supporter of Philippine Defense Reform, which aims to strengthen a professional and effective military that respects and protects civil liberties and human rights. We do this through ongoing training and exchange of ideas and information on issues relating to human rights. Also under the Philippine Defense Reform program, a U.S. expert has started working with the military's Office of the Inspector General to improve its internal capabilities.

The AFP is doing superb work in battling al-Qaeda-linked terrorists. The close U.S. relationship with the AFP is contributing to its effectiveness, and has resulted in an important component that emphasizes civil-military operations and human rights.

On the law enforcement side of the ledger, several U.S. agencies work with their Philippine partners to provide training in case management and investigative techniques. These programs routinely include human rights training as an integral part of the curriculum. A new U.S. Senior Law Enforcement Advisor and his staff are now stationed at the Philippine police headquarters to assist in its internal transformation program to make it a more transparent, accountable, and effective institution and to provide better investigatory tools. U.S. law enforcement agencies also provide technical assistance to the Philippine Bureau of Customs, Bureau of Immigration and Deportation, and Philippine Coast Guard in areas relating to national security and border protection.

U.S. development assistance helps the Philippine Judiciary to improve systems for case management, assists civil society groups to participate in legal and judicial reform discussions, and provides training for Philippine judges and lawyers on the new code of conduct developed by the Supreme Court.

Beyond our discussions with Philippine officials and our training efforts, we are in close contact with civil society groups and human rights organizations in the Philippines, and we document our views on human rights in the Philippines in the annual State Department Country Report on Human Rights Practices. I would note that the Country Report is taken seriously in Manila and that the Philippine Government's spokesman called it, "constructive criticism from a time-honored ally." Our efforts are aimed at strengthening the rule of law, professionalizing law enforcement and judicial authorities, and empowering civil society, so these institutions can play a more effective and professional role in investigating and prosecuting such crimes.

To conclude, we take the problem of extrajudicial killings in the Philippines seriously and are committed to helping our Philippine allies as they bring those responsible to justice. We are encouraged by the steps that the Philippine Government has taken to date, but we will continue to make clear that more progress is essential and that we stand ready to be of additional assistance to Philippine authorities.

Thank you. I would be happy to answer your questions.

Senator BOXER. Thank you so much, Mr. John.

Yes, sir, Mr. Farrar.

STATEMENT OF JONATHAN D. FARRAR, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. FARRAR. Thank you very much, Madame Chairman and Senator Murkowski, for holding the hearing today on extrajudicial killings in the Philippines.

The hearing's well timed to examine the findings of the recently released Melo and Alston reports. And last week, Secretary Rice released the Department of State's country reports on human rights practices for 2006, which is prepared by my bureau, working with our embassies overseas, and our colleagues in Washington.

This year's theme of the reports is "Defend the Defenders" of human rights, a theme very appropriate for today's hearing. The report highlights two initiatives announced by the Secretary in December, the guiding principals on NGOs, and the Human Rights Defenders Fund.

The NGO principles were developed in consultation with our own NGOs in the United States. They will guide our assessment of the actions of other governments. We hope they will rally worldwide support, including in democracies such as the Philippines, for embattled NGOs by serving as a resource for governments, international organizations, civil society, and journalists.

Our Human Rights Defenders Fund will quickly disperse small grants to help human rights defenders facing extraordinary needs as a result of government repression. I'd like to be very clear. There is no tension and no contradiction between improving the protection of human rights, and assisting the Government of the Philippines to combat terrorist threats.

As the President said in January in his State of the Union Address, what every terrorist fears most is human freedom. Societies where government, where men and women make their own choices, answer to their own conscious, and live by their hopes, instead of their resentments.

Our 2006 report on the Philippines noted a number of arbitrary, unlawful, and extrajudicial killings, apparently by elements of the security services. And political killings, including killings of journalists, by a variety of actors. Although sources differ on the numbers, the rise in suspect extrajudicial killings since 2001 is undisputed. Many killings went unresolved and unpunished contributing to a climate of impunity. We commend President Arroyo for creating both Task Force Usig to investigate specific cases, and the Melo Commission to make policy and legal reform recommendations. These are important initial steps.

The Melo Commission describes evidence of abuses by security services, and failure by some NGOs to cooperate with the Commission. Our NGO principles speak to the responsibilities of both governments and NGOs. We are pleased that the Arroyo administration decided to make the Melo Commission finding public, and is taking steps to implement Commission recommendations.

Deputy Assistant Secretary John has described steps our Embassy in Manila has taken to address these human rights concerns. It is important that we continue to work with the Government of the Philippines to make sure the initiatives they have pledged to undertake are implemented effectively. We know from experience in other countries that implementation is crucial, and often times difficult, and requires a long-term commitment.

Our bureau meets regularly with a wide spectrum of NGOs, American and Philippine, active on these issues. For example, I met recently with Ms. Joanne Carney, an NGO activist who, at the time, was serving as a distinguished fellow at Colby College. Ms. Carney came to Colby following threats on her life and on her NGO, the Cordillera People's Alliance.

We are committed to using our bureau's human rights and democracy fund to monitor and promote human rights in the Philippines. Our fund works through open competition, in which we solicit proposals from U.S.-based NGOs to implement innovative projects worldwide. We're using this fund now, to strengthen the Philippine Commission on Human Rights, and also to improve the Madrasah system, by educating leaders of schools in the southern Philippines.

I'd like to correct something from the written testimony we submitted, which said there was a HRDF grant awaiting congressional approval to work with Philippine media to improve reporting on human rights, and to create a national association of human rights journalists. I learned this morning that the notification has not

been delivered yet. So let me just say that we're excited about the project and hope you'll review it favorably, once it's received.

Finally, I can assure we will look for opportunities to include the Philippines in some of our upcoming fiscal year 2007 requests for grant proposals.

In conclusion, the Melo Commission stated well, that you can not build democracy or combat terrorism through abuse of human rights. As Secretary Rice noted in her comments last week on our human rights reports, liberty and human rights require state institutions that function transparently and accountably. A vibrant civil society, an independent judiciary legislature, a free media, and security forces that can uphold the rule of law, and protect the population from violence and extremism.

We look forward to working with Congress on these issues, both in the Philippines and elsewhere. I'd be pleased to take you questions.

Thank you.

[The prepared statement of Mr. Farrar follows:]

PREPARED STATEMENT OF JONATHAN FARRAR, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, DEPARTMENT OF STATE, WASHINGTON, DC

Madame Chairman Boxer, Senator Murkowski, and members of the subcommittee, thank you for holding this hearing to focus on the problem of extrajudicial killings in the Philippines. This hearing is well-timed to examine the findings of the recently released Melo and Alston Reports, and Secretary Rice's March 6 release of the Department of State "Country Reports on Human Rights Practices for 2006."

This year's theme of the 2006 Country Reports is "Defend the Defenders" of human rights, a theme very appropriate to today's hearing. The reports highlighted two initiatives announced by the Secretary last December: The "Guiding Principles on Non-Governmental Organizations" and the Human Rights Defenders Fund.

The 10 guiding principles on NGOs' concern the treatment by governments of non-governmental organizations under the relevant international conventions. These core principles were developed in consultation with our own NGOs, and will guide our approach to, and our assessment of, the actions of other governments. The principles complement lengthier, more detailed U.N. and other international documents addressing human rights defenders. We hope they will rally worldwide support for embattled NGOs by serving as a resource for governments, international organizations, civil society groups, and journalists. We will look to democracies like the Philippines to embrace these NGO principles.

The Human Rights Defenders Fund will be administered by our bureau and will quickly disburse small grants to help human rights defenders facing extraordinary needs as a result of government repression. This funding could, for example, cover legal defense, medical costs, or the pressing needs of activists' families.

As Secretary Rice said on March 6: "Liberty and human rights require state institutions that function transparently and accountably, a vibrant civil society, an independent judiciary and legislature, a free media, and security forces that can uphold the rule of law and protect the population from violence and extremism."

Let me be clear: There is no tension, and no contradiction, between improving the protection of human rights in the Philippines and assisting the Government of the Philippines to combat terrorist threats.

Turning specifically to the human rights situation in the Philippines, in our 2006 Country Reports we noted a number of arbitrary, unlawful, and extrajudicial killings apparently by elements of the security services, and political killings, including killings of journalists, by a variety of actors. Despite intensified government efforts during the year to investigate and prosecute these cases, many of these killings went unsolved and unpunished, contributing to a climate of impunity. Although various sources differ on the numbers, the rise in suspect extrajudicial killings since 2001 is undisputed.

The report notes that members of the security services committed acts of physical and psychological abuse on suspects and detainees, including instances of torture. Arbitrary or warrantless arrests and detentions were common. Trials were delayed

and procedures were prolonged. Prisoners awaiting trial and those already convicted were often held under primitive conditions. Corruption remains a problem in the criminal justice system, including police, prosecutorial, and judicial organs. Human rights activists were often subject to harassment by local security forces.

Deputy Assistant Secretary John has described a number of steps the Government of the Philippines has taken to address the serious problem of extrajudicial killings. We commend President Gloria Arroyo for creating Task Force Usig to investigate specific cases, and the Melo Commission to make policy and legal reform recommendations. These are important initial steps to address this serious issue.

The Melo Commission Report describes evidence of abuses by security services, and failure by some NGOs to cooperate responsibly with the Commission. Our NGO principles speak to the responsibilities of both governments and NGOs. We were pleased that the Arroyo administration decided to make the Melo Commission findings public and is taking steps to implement commission recommendations. We also note that President Arroyo invited the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Phillip Alston, to conduct a 10-day fact-finding mission in February.

Deputy Assistant Secretary John has described a number of steps our Embassy in Manila has taken to address these human rights concerns. It is important that we continue to work with the Government of the Philippines to make sure that the initiatives they have pledged to undertake are implemented effectively. We know from experience in other countries that implementation is crucial and often-times difficult, and requires a long-term commitment.

Our bureau meets regularly with a wide spectrum of NGOs, American and Philippine, active on these issues. We also meet with representatives of the Philippine Government to address our concerns. I met recently with the Philippine Ambassador, Ambassador Willy Gaa, and his country team during our preparations for the Country Reports, and prior to the release of the Melo Commission Report. In this meeting, we urged progress in the investigation and prosecution of cases by Task Force Usig, and prompt release of the then-pending Melo Commission Report. We will continue to follow up.

Last fall our Bureau met with representatives of the U.S. Episcopal Church Peace and Justice Ministries and the Episcopal Asian-American Ministries to hear their concerns about the October murder of Bishop Alberto Ramento, a prominent Philippine national church leader and human rights activist. At the time of Ramento's death, Brian Campbell, a U.S. human rights labor activist and attorney, wrote that, "Bishop Ramento was a staunch human rights advocate who worked tirelessly to support impoverished workers and farmers since the time of the Marcos dictatorship." On December 6, Mr. Campbell was denied entry to the Philippines under the rationale of tighter security imposed prior to the recent ASEAN summit. At the time of his denied entry, Mr. Campbell told us that he saw his name on a "black list," along with a number of other international human rights workers, which Philippine immigration officials used to deny his admission into the country. In my meeting with Ambassador Gaa, we expressed our concern over the treatment of Mr. Campbell and the use of such a list.

In addition to the initiatives described by Deputy Assistant Secretary John, we are using the Human Rights and Democracy Fund (HRDF) to support efforts to monitor and promote human rights and democracy, including in the Philippines. DRL administers open grant competitions for HRDF funds in which we solicit proposals from U.S.-based NGOs to implement innovative democracy and human rights projects worldwide.

In the Philippines our programs will help to build capacity within the Philippine Commission on Human Rights and local human rights NGOs in the promotion of human rights, civic education, and responsible independent media. Right now, we are using HRDF to advance human rights protection in the Philippines through the institutionalization and expansion of the Martus software project. This project is designed to help the Philippine Commission on Human Rights enhance the quality of human rights information it generates by supporting the integration of the Martus software within its organizational systems. In addition, it will expand and enhance usage and the network of Martus users, particularly in Muslim Mindanao where human rights violations are a serious concern. We expect the project to be sustainable over the long term through local ownership of the product and results. This project serves as a model to provide IT assistance to human rights organizations in countries in which freedom of information is suppressed and human rights are abused.

Another HRDF grant is improving the Madrasah system by educating leaders of schools in the southern Philippines. This assistance supports secular functions for Muslim schools—some of which are in remote areas where there are no public

schools available. It also works to create awareness among Madrasah school leaders regarding U.S. educational systems and curricula.

We have another HRDF grant awaiting congressional approval that will help Filipino media reduce sensationalist reporting, highlight the human cost of on-going political, economic, and violent conflict and encourage reconciliation and reasoned debate. This project will contribute to democracy and human rights by working to make the media a more constructive and responsible force for social and political cohesion, and will create a national association of human rights journalists.

I can assure you that we will look for opportunities to include the Philippines in some of our upcoming HRDF Requests for Grant Proposals.

The Melo Commission Report concluded its findings by stating that you cannot build democracy or combat terrorism through abuse of human rights. The State Department will continue to help the Philippines—a free and democratic republic with an elected President, an elected bicameral legislature, and a multiparty system—to address the serious problem of extrajudicial killings. We look forward to working with Congress on these issues, both in the Philippines and elsewhere.

I would ask that the Philippine section of the Country Reports on Human Rights Practices for 2006 be entered into the record of this hearing, and would be pleased to take your questions.

[EDITOR'S NOTE.— The "Country Reports on Human Rights Practices for 2006" can be accessed on the State Department Web site.]

Senator BOXER. Thank you very much. I've asked Senator Murkowski to please begin the questioning because she has such a tight schedule.

So, Senator, go right ahead.

Senator MURKOWSKI. Thank you, I appreciate the accommodation.

And thank you gentlemen for your responses, or your testimony, here this afternoon.

Both of you have mentioned President Arroyo. How is he viewed in, as it relates to the extrajudicial killings? Is it viewed that he is doing all that——

Senator BOXER. She's a she.

Senator MURKOWSKI [continuing]. Excuse me, is it, yes. She's a she. I'm so used to the President's being a he. [Laughter.]

Senator BOXER. I know, exactly.

Senator MURKOWSKI. The Philippines are ahead of us here. But in terms of how she is viewed in this effort, is it enough?

Mr. John, do you want to go first?

Mr. JOHN. Well, in the sense that you still have extrajudicial killings, I don't think you can call it enough.

Senator MURKOWSKI. Well, you've mentioned the task force——

Mr. JOHN. Right. I think that——

Senator MURKOWSKI [continuing]. They have in—brought together.

Mr. JOHN. I think she has marched out in the right way over the last several months with the—if you look at the last 6 months or so, the last 3 months or so, you do have, first of all, clear direction and statements against extrajudicial killings from the top, from the President, and a commitment to halt them and setting up the, as we noted, the structures that you need to halt that. You know, in that sense, I think it's off, she's off to a good start. I, until, you know, these numbers come drastically down, though, I don't think we can determine if it's enough.

Senator MURKOWSKI. People don't just want a task force, they want to see action.

Mr. JOHN. Right.

Senator MURKOWSKI. They want to see a change.

Mr. JOHN. Follow through is going to be very critical here.

Senator MURKOWSKI. So in terms of, where the blame is being laid and assessed, you've mentioned—you, Mr. John—mentioned security forces. Is it more directed toward the military and the police, and less against the administration then? I'm just trying to understand where, from the public perspective, the focus needs to be in terms of where changes are needed.

Mr. JOHN. Right. Well, I think in the sense that you have security forces involved in these extrajudicial killings, the chain of command is very important. And the chain of command for the security forces leads to the President of the Republic of the Philippines. That doesn't mean that they're operating under orders, but as the ultimate authority in the chain of command, she has to take the steps to stop any involvement by members of security forces.

Senator MURKOWSKI. Where are we seeing the most number of killings. You mentioned 10 areas—there were 10 areas that you were focusing on. Is this a situation where if we are successful in stopping the killings in one area, that they will just migrate to another section of the country?

Mr. JOHN. I'm not sure precisely, to be honest, where those—where the 10 areas are located on the map. I do know that it's—it's not necessarily coincident with Mindanao, for example.

Senator MURKOWSKI. Right.

Mr. JOHN. That's a separate issue. These are largely related to NPA, the New People's Army, Communist Party of the Philippines, NPACPP, and leftist parties associated with those, with the NPACPP. Those are, I believe, spread throughout the country. And I'm not sure that you get into the situation where you squeeze one area and it moves to another area. But, you know, we can investigate and get back to you on that.

Senator MURKOWSKI. And then a question to you, Mr. Farrar. You've mentioned the assistance, and the grants that you will be utilizing, and an effort with the education, as well as reporting of human rights abuses. Are—as far as the U.S. foreign assistance through the international military education training, the foreign military funds, these types of funds. How—how successful have we been in using these funds in the area of training, and to work on the reporting?

Mr. FARRAR. Sure. The specific project I mentioned has to do with us training Filipino journalists in the area of human rights abuses and reporting. And also to set up a National Association of Human Rights Journalists to both professionalize, and allow them to better communicate among one another.

The IMET program is an important part, separate part from our bureau, and human rights education is an important part of that program.

Do you have something to add?

Mr. JOHN. I think the IMET training is, I think, a component, or strongly related to the Philippine Defense Reform, the PDR, which, a large component of which is human rights training, both in the Philippines and in the United States.

Senator MURKOWSKI. Madame Chairman, thank you for your indulgence in letting me go first. I appreciate, again, and I'll look forward to a followup with you as to the rest of the testimony today.

Thank you.

Senator BOXER. Absolutely. Thank you so much, Senator.

These are questions for both of you, and either one of you can handle them or each can comment as you wish.

The State Department's 2006 country report on human rights practices in the Philippines paints a grim picture of the situation there. The report states—this is our State Department—that many of last year's extrajudicial killings, "went unsolved and unpunished, contributing to a climate of impunity." The report also states that, "members of the security services committed acts of physical and psychological abuse on suspects and detainees, and there were instances of torture."

Now in response to the continued violence, I understand the State Department, through U.S. Ambassador Kristie Kenney, recently offered assistance in stopping the violence. Yet there have been conflicting reports as to whether or not the Philippine Government accepted the offer. Now, I guess, Mr. John, I'm going to address this to you, because you basically painted a fairly rosy picture about this. So I guess I need to know—have the Philippines accepted our offers, and how have they responded? And have they accepted our offers in whole or in part?

Mr. JOHN. Yes; the Secretary of Foreign Affairs, Secretary Romulo, has accepted offers of U.S. assistance in this. I think if—I hope that I wasn't painting a rosy picture about the situation in the Philippines, but rather our offers of assistance. I think that the Melo——

Senator BOXER. Well, you made a rosy scenario about, the fact that—it sounded to me like you were telling me that the Government has embraced everything we have offered. Is that true? Have they embraced everything? Have the rejected anything? Have they said, "Wonderful, we'll take all the help, and we're going to have transparency and accountability."

Mr. JOHN. They have accepted what we've offered. That's correct.

Senator BOXER. OK.

Mr. JOHN. And what we've put forward, we're going to move forward with. Yes.

Senator BOXER. All right. According to the CRS—that's the Congressional Research Service—the Philippines, a major non-NATO ally of the United States, has received the most dramatic increase in United States foreign assistance in the East Asia Pacific region, particularly for foreign military financing.

Now you pointed out, as I did, that the Philippines are a very important ally to us, a very important partner to us in the war against terror. That's for sure.

But, I guess what I want to know from you is: Is there a better way to address the issue of extrajudicial killings in relation to this military financing? Because people are coming to me and saying, you know, "We're spending American dollars to train the military forces and yet, we're not sure who's doing these extrajudicial killings." Are we going to be attacked, as we were many years ago, in El Salvador and other places, for training a military that then

turns out to be perpetrating crimes against its own people? So have you thought about suggesting that we tie some strings to this military training money?

Mr. JOHN. I think we, you know, certainly have something that one would have to consider, but our approach is that tying legislation to the assistance money would be counterproductive.

I think, first, on the dramatic increase in——

Senator BOXER. Well, before you slide through that one. [Laughter.]

I don't accept that, without a challenge. Because if we are training the military there with our hard-earned tax dollars, I've got a million Filipino-Americans in my State, many of whom are concerned about this. They want this to be fixed.

So, why wouldn't we since we are concerned that maybe the military is involved in this—and that has not been discounted yet or proven, I think it's pretty much up in the air—but there's suspicion of this. Why wouldn't we want to say to the government, you know, we need to put some strings on this? Either you step up to the plate and resolve this, or these funds just aren't going to come. Because aren't we concerned that our money, in the name of America, could be used to kill innocent people?

Mr. JOHN. Yeah; absolutely.

Senator BOXER. OK. Well, I hope you'll, you know, take that back to the boss.

Mr. JOHN. Yes; we agree. And I, if I could just, I'll leave it at that, yes. I agree that we do not want to train the Armed Forces of the Philippines that, in any way, would lead to their involvement in extrajudicial killings.

Senator BOXER. Well, I'm really glad to hear that because the Alston concluded, "The increase in political killings in recent years is attributable, at least in part, to the AFP." That's the Armed Forces of the Philippines, counterinsurgency strategy. So, I guess I was wrong when I said, we don't know. I mean, if we believe the Alston Report, they said that.

So I think it's really important that we not have blood on our hands in this country. And that, in fact, we are very cautious, and that we—since the government has admitted there's a problem and you feel good about their response so far—the transparency and the results, we really need to have that.

OK, let's see. Mr. John, in your opening statement you called the Philippines a "vibrant democracy." And when I went there in 1986, the excitement that lay ahead was just amazing. I mean, I just remember being on the street there standing in front of the Marcos Palace, he was gone, and Cory Aquino had taken over. And just remembering the religious groups that helped in that whole thing to bring about, you know, democracy there. So it's important that we have a vibrant democracy now. Do you know the group, the Political and Economic Risk Consultancy? Are you familiar with them?

Mr. JOHN. No, Senator.

Senator BOXER. Are you?

Mr. FARRAR. No.

Senator BOXER. This is a group that ranks corruption in various nations. So, I'll send you their report. They rank the Philippines as

the most corrupt nation in Asia. And so, do you think it's possible to be a vibrant democracy when corruption is so rampant?

Mr. JOHN. I would draw a line between a vibrant democracy and good clean government. And I think that the goal is, that you have a vibrant democracy that leads to good clean government.

Senator BOXER. When you say you draw a line, what do you mean? You don't see them as being connected?

Mr. JOHN. They are, I'm sorry, there is, that you don't have—with a vibrant democracy, you don't immediately——

Senator BOXER. You can have corruption.

Mr. JOHN [continuing]. Have good clean government.

Senator BOXER. Well, what's your position on the corruption in the Philippines?

Mr. JOHN. Corruption is bad, and our Millennium—I think the Philippines would be the first to acknowledge that they have a problem with corruption. We've got Millennium Challenge account money directed to fighting corruption in the Philippines.

Senator BOXER. OK. Because, I wonder if corruption's a factor in the failure of the Philippine justice system to bring extrajudicial killers to justice, do you think it could be a factor?

Mr. JOHN. Yes. I think a corrupt judiciary, opaque judiciary could hinder bringing EJKs, and bringing the perpetrators of extrajudicial killings to justice. But, if I could just make another point about——

Senator BOXER. Please, go ahead; yeah.

Mr. JOHN [continuing]. Democracy, with your permission.

Senator BOXER. Sure.

Mr. JOHN. I think, you know, one thing that is, about the vibrant democracy in the Philippines that has helped, that will help resolve extrajudicial killings is that, for example, with these, the Spader Reports that started off with Amnesty International last August. There's been significant media attention in the Philippines to the problem of extrajudicial killings. And I think that it's going to be, what's going to help resolve this is domestic political pressure. The Philippines, and Filipinos themselves bringing domestic political pressure on President Arroyo.

We'll support that, but I think in that sense you do see a connection between a vibrant democracy, and steps taken to resolve a very important issue to the Philippine citizens by the President.

Senator BOXER. Well, I think we have some really great opportunities here to link our aid to their facing this problem. We've identified the military assistance. We also, you mentioned it, have the Millennium Challenge grants, and it seems to me that's another way to leverage transparency and progress on these killings and on corruption in general.

I would ask, maybe Mr. Farrar or Mr. John: Does the State Department have an estimate of the number of extrajudicial killings in the Philippines?

Mr. FARRAR. We don't have our own number. If you look at the human rights report, it sights a variety of sources which range significantly. But we would agree with——

Senator BOXER. A variety of sources, or a variety of numbers?

Mr. FARRAR. Sources which all have different numbers. And we would agree with Mr. Alston when he says that there are a variety

of numbers, but what's important is that there's agreement that the trend, that the number is on the rise.

Senator BOXER. OK, then since you mentioned Mr. Alston, I have my last question. I'm sure you're very happy that it's my last question.

Mr. Alston, the Special Rapporteur of the U.N. Human Rights Council, said that, "The response of the Philippine Government to the crisis of extrajudicial executions varies dramatically." He said there's been a welcome acknowledgement of the seriousness of the problem at the very top—which is consistent with what you said, Mr. John—"at the executive level the messages have been very mixed and often unsatisfactory." This is Mr. Alston. "And at the operational level, the allegations have too often been met with the response of incredulity mixed with offense." How can we ensure that extrajudicial killings are condemned by all levels of the Philippine Government? I would ask either of you to comment?

Mr. FARRAR. Sure, as Eric mentioned before, the commitment from President Arroyo is a good start and it's a good public commitment, and certain actions have flowed from that already, including the directive by the Armed Forces to reinforce the chain of command. But what's important is, I mentioned in my opening statement, is implementation and follow-through. And I can tell you from experience in other countries and other regions of the world that that's the toughest stage—is implementation. And so it's something they have to work on, and we have to help them on, and keep the focus. And hearings, such as today's, are a good way to get attention on the problem.

Senator BOXER. Yeah; I mean, I really think, because we have such a close relationship, as we must, and as we should, I think we have a lot more leverage than perhaps we've been using. And that is one of the points to this hearing.

You know, sometimes I think we tend to say we don't want to criticize our friends, but frankly what I learned growing up is—if you really care about someone, you ought to tell them, if you think they're going off course somewhere. If you don't care about them, just let them go down the wrong road. And so, I hope you'll take that message back.

I know, I really thank you for your service to your country for taking your job so seriously.

We're going to call up the next panel. And I hope you can stay to hear that panel. We'll be finished at around 4 o'clock. So if you could stay it would be very, very good, at least one of you. Because I think what you're going to hear is going to be very important. If you can do that.

So, we'll call up the second panel now. Senator Webb has told me he doesn't have an opening statement, but he's interested in hearing the next panel.

So, Mr. Kumar, advocacy director, we're going to try to get you moving, move, move, faster, good. Mr. T. Kumar, advocacy director for Asia and the Pacific, Amnesty International USA in Washington here. Mr. Eugene Martin, executive director, Philippine Facilitation Project, U.S. Institute of Peace, Washington. Bishop Eliezer Pascua, general secretary of the United Church of Christ in the Philippines. And you've come to us from the Philippines, and

we're very grateful. And Ms. Marie Hilao-Enriquez, general secretary of KARAPATAN, also coming to us from the Philippines. We are very grateful that you have come all this way.

So why don't we start—yes; I will turn it over to Senator Webb, who has something he'd like to add.

Senator WEBB. Thank you, Madame Chair.

I don't really have a formal opening statement, but I would first like to congratulate you on holding these hearings, and also to say that it's an enormous pleasure to be serving on this subcommittee. I've spent a great deal of my life in and out of Asia, East Asia, and I have a very strong affection for the people of the Philippines, and for the special bond that our country has with the people of the Philippines. And I've been able to travel a good deal in the Philippines over the years.

I made a very useful visit there when I was Secretary of the Navy a number of years ago. I've been there as a journalist. I've been there as a tourist. I have a number of friends in the Philippines, and in the government. And I think this particular issue is one that we should be looking at, in the way that you're looking at it. And I'm pleased to be here.

I just didn't want to sit up here without having said anything and I'm very interested in hearing the testimony of this panel.

Senator BOXER. Senator, thank you very much. And I am proud to have you on this subcommittee. It's enriching the subcommittee, tremendously.

Let's start with Mr. T. Kumar, advocacy director for Asia and the Pacific, from Amnesty International. Again, we'll give you 5 minutes so we have enough time for questions. Go ahead Mr. Kumar.

STATEMENT OF T. KUMAR, ADVOCACY DIRECTOR FOR ASIA AND THE PACIFIC, AMNESTY INTERNATIONAL, USA, WASHINGTON, DC

Mr. KUMAR. Thank you very much, Madame Chair and Senator Webb. Amnesty International is extremely pleased to be here to testify on the situation of extreme significance to us.

You touched on a couple of issues during the first panel discussion, so I don't want to go over that. I would like to touch on basic issues. First is, Amnesty International has documented that hundreds have been killed, politically assassinated, by suspected vigilante groups who may have been linked to the Armed Forces of the Philippines.

Who are the targets? The targets are pretty much political leaders and social activists who have been directly connected, or indirectly connected, to the Communist Party of the Philippines. So, what we are seeing today is even the political leaders, Members of Congress and others, are being targeted, because they may be sharing the same political views or social views of the Communist Party—namely environmental issues, fighting for the indigenous rights, fighting for human rights, and fighting for other marginalized communities like poor and the landless.

So, what we are seeing today is when a group of people in a country, they are fighting for the weakest and the marginalized, they get killed in the name of fighting terror. That is what is happening there. And the unfortunate thing that we are seeing in the

Philippines is that the garment of Philippines—the Armed Forces of the Philippines, and the police, find it difficult to distinguish between the political activists, as well as the Communist Party of the Philippines.

My time is running out. I want to quickly go into one issue. Amnesty International strongly believes that these killings are not unconnected. That is, there is a connect, there is a pattern that is being done behind these killings, and we strongly believe that it is linked to certain elements in the Armed Forces.

We are really worried about the Philippine Government's actions. President Arroyo waited for 4 years to nominate this Melo Commission. She suddenly woke up after everyone started shouting. So, 4 years she was completely silent. One disturbing element is, that is one Major General Palparan, whom we have identified as one of the main players, was involved in all of these assassinations, directly or indirectly. When he retired, President Arroyo basically congratulated him and said he is an asset to counterinsurgency operations. That's an extremely negative and damaging statement that President Arroyo made. So, as the committee, please take this into account.

My final point is the Philippine Government is using war and terror as an excuse to eliminate political opponents. That is what we are seeing here. There are two armed opposition groups in the Philippines now, two major. One is the Communist Party of the Philippines. The second is the Moro Islamic National Front.

The United States Government has designated only the Communist Party of the Philippines as a terrorist organization, and they did not designate the Moro Islamic Liberation Front. We want to know why you have these two standards? That's the message that you should ask the government, why you have two standards? I know Eugene will have an answer, but I want you to ask the administration. There are two armed groups, and only one is being designated.

Finally, the United States is giving training to the Armed Forces of the Philippines on counterterrorism on these two fronts. One is to fight the Moro Islamic Militants, and the last to fight the Communists.

We want to know what type of training you are giving to these troops that are fighting Communist groups? The reason why we're asking is, these Communists, in the name of fighting communism, are the one all these killings are taking place.

Before finishing my time I want to highlight one issue that is directly connected to the Iraq war. We heard—it's not confirmed yet—that this Major General Palparan is the one who led the Philippine contingent to fight the war in Iraq. The Philippines sent a couple of hundred, I don't know how many, up to a thousand troops there. Now they have been withdrawn. If that is true, it is disturbing.

Here, this person has been implicated by everyone, and here he was implicated in political killings, and the United States is allowing these type of leaders—military leaders—to come and fight the Iraq war, and what message you are giving to the Iraqis? And what type of actions these troops are taking against the Iraqis there?

That is the question you have to ask in an overall context.

Thank you very much, and I know I have only 30 seconds. I would be waiting for questions to answer. Thank you very much, Madame, for inviting us.

[The prepared statement of Mr. Kumar follows:]

PREPARED STATEMENT OF T. KUMAR, ADVOCACY DIRECTOR FOR ASIA AND THE PACIFIC, AMNESTY INTERNATIONAL, USA, WASHINGTON, DC

Thank you Madam Chair and distinguished members of this committee. Amnesty is pleased to testify at this important hearing.

For several years political killings in the Philippines have been of serious concern to Amnesty International which has issued reports, urgent actions and news releases to highlight the gravity of the situation. We also met with Her Excellency Gloria Macapagal-Arroyo, President of the Republic of the Philippines, on September 14, 2006, to raise these concerns.

It is disturbing to note that, even though hundreds have been killed so far, to date there has not been a single conviction. The political killings are continuing in the Philippines, and even yesterday a witness to the U.N. envoy was gunned down. Amnesty International is concerned that the Government's declaration of "all-out war" on communism paves the way for further increases in killings.

SUMMARY

The number of attacks on leftist activists and community workers rose sharply during the last couple of years. Most of the attacks were carried out by unidentified assailants on motorcycles, at times wearing face masks, who were often described as "vigilantes" or hired killers allegedly linked to Armed Forces of the Philippines (AFP). In some cases, those attacked had reportedly been under surveillance by people linked to the security forces or had received death threats.

Those most at risk include members of legal leftist political parties, including Bayan Muna (People First) and Anakpawis (Toiling Masses), other human rights and community activists, priests, church workers, and lawyers regarded by the authorities as sympathetic to the broader Communist movement.

Increased killings in particular provinces during President Arroyo's administration were reportedly linked to the public labeling of leftist groups as National People's Army's "front organizations" by the local AFP Commanders.

A climate of impunity shielding the perpetrators of such killings deepened as ineffective investigations failed to lead to the prosecution of those responsible. In many cases witnesses were reportedly too frightened to testify.

Most of the victims were not even members of armed groups, even though they may have sympathised with their ideology. It is a matter of importance for everyone in the Philippines that individuals should be able to affiliate with the political party or group of their choice and not be subject to politically motivated violence as a result.

Who is responsible?

The methodology of the attacks, including prior death threats, patterns of surveillance by persons reportedly linked to the security forces, the leftist profile of the victims, and a climate of impunity that has shielded the perpetrators from prosecution, has led Amnesty International to conclude that the attacks are not an unconnected series of criminal murders but constitute a politically motivated pattern of killings. The organization remains gravely concerned that members of the security forces may have been directly involved in the killings, or else have tolerated, acquiesced to, or been complicit in them.

Philip Alston, the U.N. expert on extrajudicial executions, stated in his initial findings that: "The Armed Forces of the Philippines remains in a state of almost total denial of its need to respond effectively and authentically to the significant number of killings which have been convincingly attributed to them."

Maj. Gen. Jovito Palparan

One of the well-known military officers whose name is often cited in the context of political killings is Major General Palparn. He has made public statements linking leftist political parties with National People's Army. In a television interview in August 2002, then-Colonel Palparan labeled Bayan Muna an "NPA front." He also publicly accused Karapatan and the women's organization, Gabriela, of being NPA recruiters.

Major General Palparan in particular emerged as the focus of accusations by leftist groups that the military was responsible for sharply increased numbers of killings of leftist activists in regions where he was given command.

He also described the congressional party-list members as directing of "providing the day-to-day policies of the (rebel) movement."

He warned of necessary and tolerable "collateral damage" in the anti-insurgency campaign, and, referring to vigilante killings by anti-Communist elements outside the AFP, stated that the military alone should not be blamed. Subsequently, labeling leftist party-list leader as "enemies of the state," he also called for reinstitution of the Anti-Subversion Act to make membership of the CPP a criminal offense once again.

An asset?

Major General Palparn retired on 11 September 2005. Following his retirement he was lauded by the President who called him an asset to the counterinsurgency. This is despite all the accusations against him. He was going to be appointed as the Deputy National Security Advisor, but the appointment did not go through due to public protest. He has recently been encouraged to run for Congress.

He was significantly mentioned in the Melo report whose authors interviewed him in regards to comments he has made about political killings. He has also been implicated behind some of the killings.

Amnesty International is concerned that there may be several more senior officers like Major General Palparn in the Armed Forces of the Philippines. We urge the U.S. administration of be vigilant in identifying these officers to satisfy Leahey Law requirements.

Philippines Government's response

After almost 4 years of rising numbers of political killings—and after intense pressure from the international human rights organizations and the United Nations—the Government of the Philippines took some steps to "understand" the problem, by appointing "Melo Commission." It is a mystery why the Government of the Philippines failed to address this disturbing trend of political killings for all these years; despite the fact that hundreds were killed for political reasons.

On August 21, 2006, President Gloria Macapagal-Arroyo announced the establishment of a special Commission of Inquiry, headed by former Supreme Court Justice Jose Melo, to investigate the killings and to make recommendations for remedial action, including appropriate prosecutions and legislative proposals.

Pledging to "break this cycle of violence once and for all," President Arroyo stated, "I have directed [the Melo Commission] to leave no stone unturned in their pursuit of justice . . . the victims and their families deserve justice to be served."

After initial hesitation to release the report; the Government of the Philippines released the "Melo Report" on February 22, 2007. Responding to the Melo Commission report, the Government has announced a six-point action plan, the implementation of which will be crucial to ending the killings. A lack of accountability for such political killings remains a critical challenge: To date there has not been one conviction, despite the hundreds of killings, primarily of legal leftist activists, over the past 6 years.

In May, the authorities set up a special police investigative task force called Usig to coordinate investigations into suspected political killings. However, only a limited number of people were arrested and few cases were filed in court by the end of 2006. For example, of 114 killings recorded since 2001 by Task Force Usig, the police have arrested suspects in only three cases. No one was held accountable for cases before 2001.

United States policy

The United States has a special relationship with the Philippines, including U.S. forces stationed in the Philippines to train the Armed Forces of the Philippines (AFP). The United States also offers millions of dollars of aid and other military assistance and has designated the Philippines as a major non-NATO ally.

Given this close relationship the United States enjoys with the Philippines it is disappointing to note that the administration's actions have been muted and that the administration has failed the Philippine people by not publicly condemning the Philippine Government publicly over the last 4 years while the political killings increased. Not being vocal on this issue sends a wrong message to the Government of the Philippines. We urge the administration to publicly condemn the political killings and urge the creation of specific benchmarks for the Philippines Government to end these killings. We urge the administration to keep this issue as a matter of priority in all of its interactions with the Government of the Philippines.

In September 2006, it was reported in the media that military assistance, in the form of training, would be increased to help with the Philippines' war on terror and to combat the Communist insurgency. Since the political killings in the Philippines are happening in the context of Communist insurgency, it is vital that the United States Government report to the appropriate congressional committees the type of military assistance it is giving to the Government of the Philippines in its fight against the community insurgency.

What should be done?

Amnesty International believes that urgent steps are needed to remedy this situation, not least because the threat of further killings has intensified due to political developments during 2006. These include President Gloria Macapagal-Arroyo's declaration of a week-long State of Emergency in late February and the continuing collapse of the peace process. Prospect for revival of peace negotiations dwindled further amid intensification of counterinsurgency operations, the direct transfer of names and addresses of NDF negotiators and others listed in a former safe-conduct agreement to an arrest warrant, and an announcement in June of the release of substantial additional funds to allow the armed forces to "crush" the Communist insurgency in certain areas within 2 years.

During and after the Emergency, justified as a response to an alleged coup conspiracy involving an array of actors from the extreme left to the extreme right of the political spectrum, senior officials repeatedly claimed that the major threat to national security came from the CPP–NPA. They publicly linked the legal leftist political opposition directly with Communist armed groups, in effect implying that there was no distinction between them. Such public labeling, in conjunction with the arrest and attempted arrest of leftist congressional representatives on charges of "rebellion," raised concerns that the risk of further killings of leftist activists was intensifying.

Such concerns proved well-founded. As senior officials and military officers labeled members of the legal left "enemies of the state," and failed to condemn the killings consistently at all levels of government, fears grew that elements within the armed forces might interpret this as a tacit signal that political killings were a legitimate part of the anti-insurgency campaign. At least 51 political killings took place in the first half of 2006, compared to the 66 killings recorded by Amnesty International in the whole of 2005.

While welcoming President Arroyo's condemnation of political killings in her State of the Nation Address to Congress in July 2006, her earlier reported instructions to Cabinet officials to put an end to further killings, and the establishment of a special police investigative task force, Amnesty International believes further determined steps are essential. The organization calls on the Government of the Philippines to implement Amnesty International's 14-Point Program for the Prevention of Extrajudicial Executions.

As an integral part of this program, the authorities should urgently reiterate a clear, unequivocal message to all members of the police, military, and other security forces that involvement in, or acquiescence to, such unlawful killings will never be tolerated. All such cases must be fully and promptly investigated and all those responsible, whether linked to the armed forces or not, brought to justice. Only in this manner can public confidence in the impartial and effective administration of justice be restored and a peace process, with respect for human rights by all sides at its heart, be revived.

Political killings: An intensifying pattern

Between the late 1980s and 2000–2001, as the scale and intensity of the National People's Army's (NPA) insurgency declined gradually, the number of alleged NPA rebels killed in direct armed clashes or "encounters" similarly decreased. However over the last 6 years this trend appeared to alter. In, addition, especially since 2003, the number of fatal attacks by unidentified armed men on members of legal leftist political organizations accused by the government of being "front" organizations of the CPP–NPA, including Bayan Muna, Anakpawis, Bagong Alyansang Makabayan (BAYAN—New Patriotic Alliance) and others, has undergone a marked increase.

Amnesty International believes that these successive killings are marked by common features. These include the political affiliations of the victims; the methodology of attacks; an apparent climate of impunity which, in practice, has shielded those responsible from prosecution; and repeated reports that military or other state agents have been directly involved in the attacks, or else have acquiesced or been complicit in them.

The organization believes that the pattern of killings, sustained over at least the past 5 years, amount to far more than the rise and fall of a normal crime rate cycle as suggested by some police officers.

Communist "fronts": The resurgence of "red-labeling"

Human rights violations against suspected "sympathizers" of the CPP–NPA have long been a feature of anti-insurgency operations in the Philippines. From the 1970s to the early 1990s the practice of "red-labeling," the public labeling of leftist critics of the government as "subversives" or members of Communist "front organizations," was seen by Amnesty International, Task Force Detainees of the Philippines and other human rights groups as directly linked to the high levels of extrajudicial executions, "disappearances," arbitrary arrests, and torture of members of legal political groups and nongovernmental organizations. Peasants, trade unionists, church, social and human rights activists were portrayed in this manner as "legitimate" targets within the broader counterinsurgency campaign. Many were also placed, without opportunity for rebuttal, on AFP "Orders of Battle" (lists of people wanted by the security forces for alleged subversion) and, often receiving death threats from AFP and police personnel, paramilitaries, or unofficial vigilante groups, were at particular risk of serious human rights violations.

Concern over a resurgence of such labeling—and an apparent link to a parallel rise in the number of political killings—has increased during President Arroyo's administration as provincial military commanders made public statements linking legal leftist parties directly with the CPP–NPA. One of the most prominent among these commanders remains Maj. Gen. Jovito Palparan. In a television interview in August 2002 then-Colonel Palparan labeled Bayan Muna an "NPA front." He also publicly accused Karapatan and the women's organization, Gabriela, of being "NPA recruiters."

Similarly in September 2002, an army commander in Cebu denied Karapatan human rights workers permission to visit a man detained on suspicion of being an NPA rebel. The commander is reported to have said, "There is the possibility that we will shoot them (Karapatan members), depending on their action, because they are our enemies." In a separate radio interview, he is also reported to have described Karapatan as "an enemy which hasn't done anything but support the NPA and find ways of destroying the government."

The perception that a group of officers within the AFP recognized no distinction between the NPA and legal leftist parties, and rejected the legitimacy of leftist progressive groups' participation in democratic political processes, was also reflected in the circulation in 2005 of AFP treatises on the CPP–NPA "revolutionary struggle" and what the AFP regarded as necessary resultant counterinsurgency strategies. The treatises outlined the "complementary, interrelated, and interactive" nature of the armed, the legal community and parliamentary struggles, and described the targeted infiltration and the CPP–NPA "capture" of particular sectoral communities (including peasants, urban poor, and indigenous people) to exploit pressing social issues such as land reform and the impact of mining and other controversial development projects. Referring also to alleged penetration of local government units by party-list groups and the manipulation of government local development programs, the treatises listed alleged "front" nongovernment organizations (NGOs) and called for a coordinated AFP campaign to "neutralize" CPP–NPA programs within vulnerable sectors and communities.

Major General Palparan in particular emerged as the focus of accusations by leftist groups that the military was responsible for sharply increased numbers of killings of leftist activists in regions where he was given command, including Samar and, currently, Central Luzon. In February 2006, Major General Palparan publicly reiterated that the government must confront the insurgency at all levels, reducing their support systems, including NGO's infiltrated or controlled by the CPP that provide the "materials, the shelter" for the NPA. He also described the congressional party-list members as directing or "providing the day-to-day policies of the [rebel] movement." He warned of necessary and tolerable "collateral damage" in the anti-insurgency campaign, and, referring to vigilante killings by anti-Communist elements outside the AFP, stated that the military "alone" should not be blamed. Subsequently, labeling leftist party-list leaders as "enemies of the state," he also called for reinstitution of the Anti-Subversion Act to again make membership of the CPP a criminal offense.

Though reassured by President Arroyo's public condemnation of political killings in July 2006, the absence of consistent denunciation, at all levels of government, of any form of official involvement in political killings contributed to persistent concerns that such counterinsurgency strategies would consolidate, in practice, into an implicit policy of toleration of such political killings. Such concerns had deepened

as senior government officials, including prominent members of the Cabinet Oversight Committee on Internal Security (COC–IS), publicly endorsed such counterinsurgency strategies, and in addition, robustly defended the arrest or threatened arrest of party-list congressional representatives for rebellion. In March 2006 National Security Adviser Noberto Gonzales declared that the government was beginning a crackdown on all known "Communist fronts" in society, and would achieve its goal of destroying the CPP–NPA by the year 2010.

The background of the victims and location of attacks

The majority of the victims of political killings have been unarmed civilians, members of the legal political left, primarily Bayan Muna, Anakpawis and Bagong Alyansang Makabayan (BAYAN—New Patriotic Alliance), but including activists from a range of leftist sectoral or community organizations. Those killed have also included members of leftist groups who have split from the CPP, including the Kilusan para sa Pambansang Demokraysa (KPD—Movement for National Democracy). Both men and women have been targeted, with the victims including community organizers, church workers and priests, human rights activists, trade union and peasant leaders, journalists, indigenous peoples activists, elected local officials and political activists.

Attacks have occurred nationwide, though human rights and other organizations have noted periodic, marked increases in particular regions, notably Mindoro Oriental, Eastern Visayas and Central Luzon (including Bulacan, Pampanga, Bataan, and Nueva Ecija provinces). According to local human rights groups, these regional fluctuations were allegedly linked to the assignment of Major General Palparan as commanding officer in these regions. Major General Palparan has denied any involvement in such killings.

Methodology of attacks and suspected perpetrators

The predominant method of attack has been shootings by unidentified assailants, mostly riding tandem on a motorcycle, who often obscure their identity with "bonnet" face masks or helmets. At times the assailants are supported by other men on motorcycles nearby or use unmarked vans. Many attacks were described as having been carried out in a "professional" manner, with the killers striking in broad daylight in public places, firing a limited number of shots targeted at the head or trunk of the body of the targeted person, before escaping unimpeded.

According to reports, a significant number of attacks have been proceeded by warnings or death threats, and by patterns of surveillance by alleged security force personnel which reportedly led up to targeted attacks in or near the victims' homes or offices, or while they undertook routine journeys. Following the killing of at least three activists in northern Luzon 2005, leaders from the Cordillera Peoples Alliance (CPA) and Bayan Muna-Cordillera, reported that they had been informed by sources within the AFP that they had been included on a military list as targets for attack. They described subsequent intensive surveillance or "casing" operations conducted by suspected military intelligence personnel, including being followed, vehicles carrying men (at times covering their faces) stationed outside their office or driving repeatedly by, and apparent attempts to break into their offices or cars.

In other cases, well-established AFP counterinsurgency techniques appeared to be linked to subsequent attacks. The practice of "zoning," whereby the military target a village or district believed to be influenced by the CPP–NPA, order the inhabitants to assemble to listen to lectures, at times using former insurgents now being used as military "assets," about the Communist threat so as to encourage informants and identify alleged Communist supporters within the community, reportedly leads to the public labeling of legal-left activists, or their inclusion on military "orders of battle."

Once named, the threat of subsequent assassination attacks by unidentified men is markedly increased. In this manner Tarlac City Councillor Attorney Abelardo Ladera shot on the highway in central Luzon in 2005, had reportedly been named in a news briefing as an NPA contact in the region, while Jose "Pepe" Manegdeg, shot dead in Ilocos Sur in November 2005, had been labeled by the AFP as a NPA supporter and had received death threats.

Ineffective investigations and a climate of impunity

Prosecution and punishment break the cycle of crime and impunity. It protects the public from the culprits repeating their crimes and it helps to deter others from committing similar crimes by raising the real threat that they too, may be caught and punished.

Failure to investigate political killings effectively and to prosecute the perpetrators risks perpetuating a cycle of human rights violations, not least by sending a message of de facto state tolerance for such practices. If military or other officials,

or others linked to them, believe that they are, in practice, immune from prosecution for such crimes they will be more likely to repeat them. Such a climate of impunity undermines public confidence in the administration of justice, eroding the rule of law and respect for human rights.

In the Philippines while the authorities routinely launch police investigations into political and other killings, and in May 2006 established a special unit—Task Force Usig—to better coordinate investigations into political killings at a national level, Amnesty International is concerned at persistent reports that the majority of investigations do not meet international standards as set forth in the U.N. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, as supplemented by U.N. Manual Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Amnesty International is further concerned that these investigations have reportedly not led to the conviction of any of the perpetrators of the hundreds of killings of leftist activists since 2001.

An international fact-finding mission of lawyers and judges, who visited the Philippines in June 2006 in response to reported extrajudicial executions of members of the legal profession within the context of a pattern of political killings, found that in the cases of 15 lawyers and 10 judges killed since 2001 none of the perpetrators have been convicted. The Secretary of the Interior and Local Government, responsible for the police, also informed the mission that Task Force Usig had recorded a total of 114 party-list members killed since 2001. Out of this total, 27 cases had been filed in court and the remaining 86 are still under investigation. Out of the 27 cases filed in court, the PNP has arrested suspects in only three cases. No convictions have been reported.

Difficulty in investigating?

In explaining the difficulties in investigating such cases, senior police officers described how forensic capability and technology was not yet sufficiently developed, so that it cannot stand alone as evidence in the absence of eyewitnesses. In May 2006, a police director working with Task Force Usig had also acknowledged that the refusal of witnesses to come forward is a major obstacle in PNP efforts to investigate and to collect evidence sufficient to support the filing of criminal charges. The police also blamed witnesses for their unwillingness to cooperate, stating that it "unnecessarily" caused undue delays in the prosecution of such cases. While acknowledging that witnesses are fearful of reprisals, one officer suggested this was due not to government institutions, but to a "general fear" of revenge by the NPA. However the lawyers and families of the victims questioned by the international fact-finding mission confirmed that they mistrusted and feared the police and that in one case, the witnesses to a killing had told the victim's family that they had been instructed to sign a statement different from the one they had given police.

Families of the victims have repeatedly complained of protracted and inconclusive police investigations which are reported to be indefinitely "stalled" due to an "absence of leads," or to have been "solved" if the investigating officers have filed an initial police investigation report with the prosecutor—which subsequently may not lead to the prosecutor filing charges and applying for a warrant of arrest. In conjunction with lack of confidence in the impartiality of the police, fear of reprisals, and a lack of an effective witness protection program, most investigations remain ineffective and fail to lead to the identification, arrest, trial, and conviction of the perpetrators.

Based on the requirement of principle 9 of the U.N. Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions which states that "there shall be thorough, prompt, and impartial investigations," Amnesty International believes that urgent steps are needed to ensure investigations are indeed effective. In order to exercise due diligence in the protection of the right to life and to combat the current pattern of political killings, police and other investigative units must be independent and impartial, be adequately resourced and have the necessary criminal detection, forensic, and other investigative skills.

Ineffective investigations, which fail to lead to prosecutions and convictions, have played a role in sustaining a broader climate of impunity that has been allowed to persist since the Presidency of Ferdinand Marcos (1965–1986). The vast majority of soldiers, paramilitaries, and police responsible for endemic human rights violations during the Marcos years have never been prosecuted and most of their victims have received neither justice nor redress. Although President Marcos' successor, President Corazon Aquino (1986–1992), promulgated a new constitution, restored democratic institutions, and instituted mechanisms for the protection of human rights, an entrenched public belief that a climate of impunity protected security forces personnel responsible for past and continuing patterns of grave human violations remained intact. President Aquino's administration, attempting to manage a political

transition from the former martial law regime and facing direct challenges from repeated coup attempts by right-wing military rebels, considered it necessary to maintain the support of loyal military leaders. To this end there was no government pressure for systematic investigation and prosecution of security personnel accused of perpetrating human violations under martial law and in the context of past and renewed counterinsurgency operations.

Impunity

Amnesty International and other international and national human rights groups repeatedly expressed grave concern that the continuing paucity of prosecutions and convictions of state perpetrators of human rights violations, including extrajudicial executions, "disappearances" and torture, risked entrenching a de facto climate of impunity that emboldened security personnel to commit further violations in the context of anti-insurgency operations. A bleak picture of persistent failures in the administration of justice was highlighted by the fact that of the 1,509 cases of alleged human rights violations filed by the Philippine Commission on Human Rights before the courts between 1987 and 1990, only 11 cases resulted in sanctions against the perpetrators.

Amnesty International is concerned that flaws within the administration of justice that have long underpinned a de facto climate of impunity—including ineffective investigations, reluctance of witnesses to come forward for fear of reprisals, and an apparent lack of political will to ensure the prosecution of suspects, continues to endure. These flaws were sharply illustrated by a pattern of killings of street children and other suspected criminals by unidentified "vigilantes" in Davao City (Mindanao) and Cebu City (Visayas) in recent years. In Davao City at least 390 "criminals," mostly alleged drugs pushers, solvent abusers, or petty thieves, and including street children and youth gang members, have reportedly been shot dead in the city since 2001. The majority of attacks were carried out by unidentified men on motorcycles, and local human rights groups expressed alarm at reports that local police were directly responsible, or else had colluded with private "vigilante" gangs in carrying out such killings in an effort to combat criminality and "clean up" the city's streets. These concerns intensified as the city's mayor appeared to condone the killings, while denying any direct official responsibility. Police investigations have failed to lead to the identification and arrest of those responsible and Amnesty International is not aware of a single prosecution that has led to the conviction of any of the perpetrators.

National and international journalist groups have also expressed concern at the high number of unsolved killings of journalists in the Philippines. At least 64 journalists are reported to have been killed since 1986 as a result of their work, with at least 10 in 2005 and 9 in the first 7 months of 2006. Prosecution and conviction of those responsible remain rare. The conviction in November 2005 of a former police officer responsible for the murder in 2002 of Edgar Damalerio, a radio journalist in Pagadian (Mindanao), is reported to be only the third such conviction since 1986. During the investigation and subsequent trial, Edgar Damalerio's family were repeatedly threatened and one witness was killed. The court rejected as false evidence given by the accused associates, including police officers.

Failures to prosecute and convict security personnel suspected of carrying out or being complicit in grave human rights violations continues to fuel the perception that a climate of impunity is shielding such officers from being held to account. Prominent, well-publicized examples include the failure to bring suspects to trial in the case of the reported extrajudicial execution by police of 11 alleged members of the Kuratong Baleleng bank robbery gang in a Manila street in 1995, and the failure to hold anyone accountable for the alleged torture by police in 1996 of six men accused of the murder of Rolando Abadilla, a former Marcos-era police intelligence officer.

In this context, public trust in the integrity and effectiveness of the criminal justice system as a whole remains at a low ebb. Amid periodic allegations of corruption by some public officers, confidence that the right of victims of human rights violations to justice and redress will be respected continues to be undermined by persistent reports of ineffective, protracted investigations by police, public prosecutors, or the Office of the Ombudsman; by lengthy delays in the course of criminal trials; and by the perception that those with wealth or political connections are able to improperly exert influence over the investigative agencies or the courts.

Victims of human rights violations and their families, particularly those from poor or marginalized communities, often consider that they face overwhelming obstacles in accessing justice—particularly when the alleged perpetrators are military or police personnel. As noted above and reflected in the case studies in this report, a major obstacle in combating impunity in the Philippines is the reluctance of wit-

nesses to come forward. Serious intimidation of witnesses has long been a feature of cases involving attempts to investigate and prosecute cases of human rights violations taking place within the context of the counterinsurgency campaign. Death threats and other intimidation of witnesses, at times accompanied by offers of financial compensation or other inducements, have frequently led to "amicable" settlements out of court.

In addition, many victims and their relatives from poorer communities are unable to sustain the protracted financial and emotional strain of pursuing a complaint or a criminal case, especially when required to travel to distant investigative offices or courts for hearings that may be subject to repeated last-minute delays, administratively "shelved" or transferred to a different tribunal. Amid such pressures complainants and key witnesses or relatives of the victims are liable to refuse to involve themselves in police investigations, or to withdraw from further participation in court proceedings or investigations conducted by the Philippine Commission on Human Rights or Office of the Ombudsman, thus restricting the ability of prosecutors and the courts to secure convictions.

Witness protection

Amnesty International believes that effective protection of witnesses and the relatives of the victims must be a priority element within PNP investigation efforts. A number of groups including the Asian Human Rights Commission have campaigned to ensure that witness protection programs in the Philippines are robust and effective. Amnesty International shares their serious concerns that the implementation of the relevant legislation, the Witness Protection, Security and Benefit Act (RA 6981), fails, in practice, to ensure the safety of witnesses. Under the act, the Department of Justice is empowered to deliver a program of protection to witnesses to grave felonies, including secure housing facilities, relocation or change of personnel identity, and assistance in obtaining a means of livelihood. The law also provides that the court or investigating authority shall assure a speedy trial, where a witness admitted into the program shall testify, and shall endeavor to finish the proceeding within 3 months for the filing of the case. However as noted by the Ateneo Human Rights Centre, the reality is that most cases take far longer than 3 months not least because of postponements, usually requested by the accused, and the length of time that the Supreme Court takes in deciding change of venue petitions for the protection of witnesses. Most witnesses are reported to lack confidence in the program, and fear that, given prolonged delays in criminal proceedings, it will not be able to offer protection to them or their families which may be needed to extend over years.

Duty of the State

As described earlier, article 6 of the ICCPR, which provides for the right to life, further states that "No one shall be arbitrarily deprived of his life." In order to effectively combat patterns of politically motivated extrajudicial executions and other unlawful killings in the Philippines, the government has a clear duty to consistently condemn and prohibit all such killings, to ensure each is thoroughly and independently investigated, to bring suspected perpetrators to justice and to ensure reparations to victims.

As stated in 2005 by the U.N. Special Rapporteur on extrajudicial, summary or arbitrary killings these duties lie on the authorities in relation to killings by nonstate actors, when they act with the knowledge or acquiescence of the authorities and as a result are not subject to effective investigation, prosecution, or punishment. In addition the Special Rapporteur state that crimes, including murder, carried out by individuals can also give rise to state responsibility in instances where the State has failed to take all appropriate measures to deter, prevent, and punish the perpetrators as well as address any attitudes or conditions in society which encourage or facilitate such crimes. "In most situations, isolated killing of individuals will constitute a simple crime and not give rise to any governmental responsibility. But once a pattern becomes clear in which the response of the Government is clearly inadequate, its responsibility under international human rights law becomes applicable. Through its inaction the Government confers a degree of impunity upon the killers."

An essential part, of due diligence of the part of the state, and a crucial component in the battle against impunity, is the conduct of effective investigations which lead to prosecution and punishment of perpetrators of extrajudicial killings. The U.N. Human Rights Committee, responsible for monitoring compliance of state signatories with obligations under the ICCPR, identified this as among its principal subjects of concern after considering the periodic reports of the Philippines in October 2003. Amnesty International shares this conviction and urges the government

to address the problem of adequate investigations and prosecutions in the Philippines. This is particularly urgent in relation to the continuing pattern of political killings.

CONCLUSIONS

Unearthing the evidence establishing responsibility for the current pattern of political killings will take political will. It will require political determination and persistent practical efforts to undo the legacy of impunity, which has the potential to undermine efforts to hold perpetrators of political killings accountable and is aided by the assumption that such killings are to some degree an acceptable by-product of continuing armed conflict.

It will take sustained efforts to unravel the chronology of events that led each attack, to establish the facts constituting every political killing and to establish whether there was an official chain of command underlying both the crime and its coverup. Effective, robust measures are necessary to protect those who come forward to assist the case.

Unless these steps are taken, the corrosive impact of political killings will continue and hopes for a just and lasting peace, as outlined in the government's 2004–2010 Peace Plan will remain unrealized.

The struggle for respect for human rights, fought with high cost from the time of President Marcos and reflected in the 1986 Constitution and the Philippines' ratification of international human rights treaties, is facing a serious challenge. Within the context of "all-out-war" against Communist insurgents the rising incidence of political killings risks a retaliatory spiral of killings by armed groups. The need is pressing for both sides of the conflict, supported by all sectors of civil society, to assert and commit to renewed respect for human rights.

RECOMMENDATIONS

To the Government of the Philippines

(1) Not to treat this as a public relations problem; but to take serious steps to find out who was behind these systematic killings and to make public those findings.

(2) Fully implement the Melo Commission recommendations.

(3) Accept offer of assistance from the U.N. and other countries.

(4) Allow international observers to monitor investigations and trials.

(5) Ensure that the administration speak with one voice on condemning these killings.

(6) Ensure that the new antiterror law is not used to commit human rights abuses.

(7) Announce a comprehensive strategy to stop political killings and to bring those involved to justice.

(8) Amnesty International's 14-Point Program for the Prevention of Extrajudicial Executions, based on the U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, provides a framework within which the pattern of political killings can be stopped. The organization urges the Government of the Philippines to implement the program in full.

Given reports of continuing political killings, Amnesty International has made a number of recommendations, addressed to the government, international organizations, civil society organizations and the armed groups. A summary of key recommendations include:

A. Reassert Respect for Human Rights

(1) *Official Condemnation:* Consistently and at every level of government condemn all political killings.

(2) *Chain of Command Control:* Prohibit orders from superior officers or public authorities authorizing, inciting or tacitly encouraging other persons to carry out unlawful killings, even through silence or failing to take action to investigate, and ensure that those in command exercise appropriate and effective control over those within their command.

(3) *Action Against "Death Squads" and Vigilantes:* Prohibit and disband any "death squads," private armies, vigilantes, criminal gangs, and paramilitary forces operating outside the chain of command but with official support or acquiescence.

B. Guarantee the Administration of Justice

(1) *Investigation:* Ensure that all complaints and reports of political killings are investigated promptly, impartially, independently, thoroughly, and effectively. An independent and impartial body should exercise oversight to ensure investigations

are conducted by the police and other investigative agencies in accordance with international standards.

(2) *Prosecution:* Ensure that those responsible for political killings are brought to justice in accordance with international standards of fairness.

(3) *Protection Against Death Threats and Other Intimidation:* Take action to fully implement the Witness Protection, Security and Benefit Act (RA 6981) in order to ensure safe, reliable, and durable mechanisms guaranteeing the participation in the legal process of witnesses to political killings.

C. The Peace Process: Ensure Compliance With the Human Rights Agreement

(1) All sides of the armed conflict should recommit to and ensure compliance with the 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

(2) Respect for human rights the ground should be enhanced by taking steps to ensure the operation of the Joint Monitoring Committee of the CARHRIHL.

D. Action by Other Human Rights Institutions

National: The Deputy Ombudsman for the Military and Other Law Enforcement should conduct prompt, impartial, and effective investigations of all reported political killings which should, as appropriate, lead promptly to recommendations to the Department of Justice to file criminal charges against those found responsible.

To the United States Government

(1) The Leahy Law must be vigorously implemented. The U.S. Embassy must be proactive in identifying members of the Armed Forces of the Philippines, who may be involved in political killings.

(2) The United States should give a strong and clear message to the Government of the Philippines that United States-Philippines relations will suffer if the current trend in political killings continues and if Philippine authorities fail to bring past abusers to justice.

(3) Report to appropriate congressional committees about the reported assistance given to the Government of the Philippines in fighting Communist insurgency.

(4) Insist on specific benchmarks from the Government of the Philippines to address political killings.

(5) Offer technical and other assistance to help solve the cases.

Thank you for inviting Amnesty International to this important hearing.

Senator BOXER. Thank you, sir. Mr. Martin, executive director, Philippine Facilitation Project, U.S. Institute of Peace here in Washington.

STATEMENT OF G. EUGENE MARTIN, EXECUTIVE DIRECTOR, PHILIPPINE FACILITATION PROJECT, U.S. INSTITUTE OF PEACE, WASHINGTON, DC

Mr. MARTIN. Madame Chairman, Senator Webb, thank you very much for giving me the opportunity to talk this afternoon about some of my experiences in the Philippines. My remarks, however, do not reflect the views of the United States Institute of Peace, which does not advocate specific policy positions.

I have been working at the Institute of Peace for nearly 4 years to end violent conflict in one of the most violent parts of the country, in the Island of Mindanao. We try to further the peace process between the government and the Moro Islamic Liberation Front. I believe the work of the Institute of Peace provides a model for addressing extrajudicial killings. Institute efforts to counter public prejudice and discrimination against the Muslim minority, through education and advocacy can be replicated in mitigating public apathy over the killings.

USIP's experience in training military officers in conflict management and negotiation skills can heighten military discipline, and civilian control over security forces. Institute programs to enhance the rule of law complement State Department and USAID

efforts to strengthen judicial institutions. By working with the U.S. agencies the Institute can contribute to the alleviation of the present violence.

I believe, Madame Chairman, that the violence is caused by two underlying causes: A weak political system and the legacy of the Marcos dictatorship. You mentioned being in the Philippines in 1986. I was there a year later, and you're absolutely right, it was a totally different view. The often corrupt and ineffective justice system forces people to resolve disputes through direct and extra-legal, and often violent, means. Elite families tend to hold political power and economic power through threats or violence. Elections tend to be corrupt, candidates are often targets of harassment, and voters are threatened with retribution for supporting opposition.

Marcos martial law politicized many institutions, including the military and the police. Violence against anyone perceived to be opposed to government policies was tolerated, if not authorized. Extra-legal arrests, disappearances and killings—known as salvaging—were condoned and used by the military and the regime. Many opponents allied themselves with the National Democratic Front, and the Moro Islamic and National Liberation Fronts, to provide protection and to fight against Marcos martial law. The alienation generated by martial law violence between civil society elements suspicious of government policies, and security personnel, who see a Communist hand behind every civil society protest, continues today.

I believe the present rash of violence and killings is a result of political instability and weakness. President Arroyo has expressed a determination to solve the problem and resolve the killings. However, I question her capability to take the necessary steps to end the killings on her own. She depends upon military and provincial elites to remain in office, promoting military officers who support her and allowing political supporters considerable latitude. Her challenge to the Armed Forces to eliminate, in 2 years, a decades-old Communist NPA insurgency has given some in the AFP a green light to take any action against the NPA and their civil society-front organizations.

I do mention, however, that the Communist insurgency is a serious threat to the Philippine Government, and to democracy. They are not serious, unlike—as Mr. Kumar said—the MILF, which is ready to reach an agreement with the government. I don't believe the CCP—OCCP is. As the last remaining Maoist insurgency, they use violence and abuse their legal democratic space, to advance their power. Their goals are to destabilize and weaken the government, gain power through coalitions, and eventually replace the democratic system with an ideological Communist dictatorship.

I'm not optimistic about the short-term chances of stopping the killings. The National Election Campaigns are underway, chances of an upsurge in campaign-related violence is possible. Leftists candidates will be particular targets. National Security Advisor Gonzalez stated that such candidates will not be allowed to win seats in the election. His view will, in a sense, give potential hunting licenses to the military and local officials who agree with him.

Many observers feel the new law, an antiterrorism law, will increase military operations against civilian opponents. Security

Advisor Gonzalez has already stated the NPA will be labeled a terrorist organization. I believe Ambassador Kenney was right in expressing her concern over the killings, and I think there are ways of linking our economic and military assistance to try to resolve some of these problems.

Thank you.

[The prepared statement of Mr. Martin follows:]

PREPARED STATEMENT OF G. EUGENE MARTIN, EXECUTIVE DIRECTOR, PHILIPPINE FACILITATION PROJECT, U.S. INSTITUTE OF PEACE, WASHINGTON, DC

I appreciate the opportunity to participate in this hearing on the tragic extrajudicial killings in the Philippines. Having lived in the Philippines for 6 years and now working to facilitate the peace process in Mindanao between the government and the Moro Islamic Liberation Front (MILF), I am well aware of the many political, economic, and social issues underlying these violent acts.

The Philippine Facilitation Project of the Institute of Peace is an excellent model for active U.S. engagement in conflict situations. At the request of the State Department, the Institute has been working for nearly 4 years to end conflict between the central government in Manila and the Islamic Moro people of Mindanao. The centuries-long conflict has made the southern Philippines one of the most violent areas of the country. The Institute is actively exploring with negotiators from the Philippine Government and the MILF alternatives for resolving the long conflict. As an independent, nonpartisan Federal institution, the USIP is able to promote U.S. interests unofficially. Our work gives us insights into the causes of violence in society, not only in Mindanao but nationwide. That said, my remarks represent my opinion based upon my experience and do not necessarily reflect the views of the United States Institute of Peace, which does not advocate specific policy positions.

ROOT CAUSES OF VIOLENCE

I believe there are two underlying causes of the violence. First, weak political and social institutions, particularly a corrupt and ineffective justice system, prompt citizens to resolve conflicts on their own. When one cannot obtain justice through the police or courts, alternative means are found. This can be through direct personal action, drawing upon family or clan support, or arranging for criminal or revolutionary organizations to settle matters.

In Philippine society, family is primary. Nearly any action can be justified if it is to support the family. Kinship ties extend well beyond the nuclear family, into clans and tribal or community groups. Identities often are based on familial or, being an island nation, geographical relationships rather than broader nationalism. In Mindanao much of the violence is caused by clan conflicts, known as "rido," which can continue for generations. Absent access to, or confidence in, justice through legal mechanisms and institutions, the aggrieved party often takes direct action against the perceived offender to obtain satisfaction.

The fractious nature of society leads to weak political institutions. Elite families who hold political and economic power in much of the country often seek to maintain their power in any way possible. Elections tend to be corrupt, candidates running against incumbents are often the targets of harassment if not violence, and voters are threatened with retribution for opposition to power holders. Prime targets also for threats and violence, including killings, are media or civil society investigators into political and economic corruption.

The second underlying cause of violence is the legacy of the Marcos dictatorship. Martial law politicized the institutions of government and violence against anyone perceived to be opposed to government policies was tolerated if not authorized. Soldiers, police, judges, and prosecutors became perpetrators of violent actions against broad segments of the population. Extralegal arrest, detention, incarceration, disappearances, and killings (known as salvaging) were condoned and used to advance the regime's power and reduce political opposition.

Many of those who opposed the Marcos regime responded in similar fashion. Lacking legal of safe alternatives, many allied themselves with revolutionary organizations for protection and influence. These included the National Democratic Front (NDF) of the Communist Party of the Philippine (CPP) and, in Muslim areas, the Moro National Liberation Front and subsequently the Moro Islamic Liberation Front. While many if not most of those who affiliated with the NDF during martial law years were not Communist, the NDF provided the only available support network against Marcos. Marcos' militarized response to the historical struggle of the

Moros against Manila's colonial policies enhanced the appeal of those who advocated armed violence to counter military and militia pogroms against Muslim civilians. The violence of the Marcos regime abetted the Communist insurgency and Moro decisions that safety was possible only through independence from the Philippines rather than by working within the political system.

CURRENT SITUATION IN THE PHILIPPINES

I believe the present rash of violence and killings is the result of political instability and weakness. President Arroyo has expressed her determination to address and resolve the killings. She established the Independent Commission to Address Media and Activist Killings, headed by former Supreme Court Associate Justice Jose Melo. She also welcomed the investigation of Professor Philip Alston, the Special Rapporteur of the U.N. Human Rights Council. However, I question her capability to take the necessary steps to end the killings. She has been politically weak since her controversial election in 2004, depending upon support from military and provincial leaders to counter impeachment measures by her opponents in Congress. She has promoted military officers who support her and placed retired military and police officers in high-level civilian offices. Her challenge to the Armed Forces of the Philippines (AFP) to eliminate the decades old Communist New Peoples Army (NPA) insurgency within 2 years has given the AFP a green light to take any action it wishes against the NPA and their allies. Faced with a persistent low-level NPA insurgency, the military resorts to stretching counterinsurgency strategies to branding leftist organizations as enemies of the state that can be intimidated or eliminated by any means.

The Communist insurgency is a serious threat to the Philippine Government and democracy. The world's last remaining Maoist insurgency, the NDF, uses violence and abuses democratic privileges to advance its power. As a legal political movement, NDF leaders are elected to Congress where they continue to oppose the administration and seek to block or destabilize government policies. During election campaigns, the NDF uses kidnappings, "revolutionary" taxes, threats, and violence to support its candidates and harass opponents. The party's political goals are to weaken the government, gain power through coalitions, and eventually replace the democratic system with an ideological Communist dictatorship.

One of the legacies of the Marcos regime is the continued alienation of many civil society elements from the government and especially the military. NGOs, religious bodies, academics, small farmers, and indigenous peoples remain suspicious of government officials and military personnel because of the oppression and violence used against them during martial law. Many government officials, particularly in the armed forces and police, reciprocate the mistrust, seeing a Communist hand behind civil society protests against administration policies and actions. Powerful elites influence local police or military commanders to use force against farmers' complaints over land grabs or workers' demonstrations over working conditions. Murders of activist farmers and labor leaders in rural provinces are covered up. Journalists investigating the crimes become targets. Similarly, prosecutors and judges are intimidated. Tragically, the result is further alienation from and resistance to the government.

The killings have become a major issue within the Philippines, yet there is little public outrage despite the release of the Melo Commission report and the initial criticisms of the Special Rapporteur of the U.N. Human Rights Council. Public perceptions are influenced by military and official attributions that most of the killings are internal CPP–NPA purges. Most civil society reaction has been from leftist oriented NGOs rather than mainstream organizations, further limiting public concern.

SHORT-TERM PROSPECTS IN THE PHILIPPINES

While we all hope the killings will stop immediately, I am not optimistic in the short run. I am confident, however, that through conscientious efforts by Philippine political and civil society leaders, as well as international partners such as the United States, this cycle of violence can be halted.

My pessimism over short-term remedial action by the government is based upon the following:

—It is election time again. Campaigning for national elections on May 14 is well underway. Little if any serious effort will be exerted to investigate killings of political significance. In fact, as contesting parties struggle to win by any means, there will likely be an upsurge of campaign related violence.

—Candidates from left-wing political parties will be particular targets. National Security Advisor Norberto Gonzales stated on March 8 that such candidates must not be allowed to win seats in the Congress. The Gonzales view that party-list

candidates "are under the direct influence of the Communist Party" gives a potential hunting license to military and local officials who agree with him.

—The new antiterrorism law, which President Arroyo signed on March 6, gives new "legal teeth" to the government's war on terrorism. The Arroyo administration describes the law, titled the "Human Security Act of 2007," as being "very concerned on human rights." Many observers fear the law may increase unfettered military operations against opponents deemed to be terrorists. National Security Advisor Gonzales has already stated that the NPA will be labeled a terrorist organization when the new law is promulgated. Legal leftist organizations and elected individuals may be designated.

—The new Defense Secretary, Hermogenes Ebdane, Jr., is a retired police officer. He succeeds a civilian. Senior Department of National Defense officials are now mostly former military officers rather than civilians. Secretary Ebdane likely will promote military perceptions of security threats. U.N. Rapporteur Alston stated "the AFP is in a state of almost total denial . . . of its need to respond effectively and authentically to the . . . killings . . . attributed to them."

The killings and the state of democracy in the Philippines have implications for U.S. interests. Prolonged United States support for the Marcos regime in order to save our military bases alienated many in the Philippines. U.S. Ambassador Kenny has rightly expressed official U.S. concern over the extrajudicial killings. However, other U.S. interests—counterterrorism cooperation and training opportunities the AFP provide U.S. forces—may limit pressure on the Arroyo administration.

The U.S. Institute of Peace involvement in the Mindanao peace process provides insights into many of these issues. It is readily apparent that there are multiple, often uncoordinated, policymakers in the Arroyo administration with diverse agendas. The President has authorized her negotiators to propose a forward-looking self-determination package to the MILF. Yet, military officers in central Mindanao continue to support local political leaders who use their militia as private armies to contest MILF influence. The Arroyo administration avoids exercising national authority over local political and economic interests opposed to a peace agreement with the Moros so as to retain their support against administration opponents. It expends little effort to counter biased or incorrect media reports on Mindanao events.

RECOMMENDATIONS

The United States and other nations are not without influence to help end the violence of extrajudicial killings. The Philippines is sensitive to and dependent on the goodwill and support of its neighbors and international donors. Some useful tools include:

- Donor nations and international financial institutions already have strong anticorruption requirements for economic assistance. Linking assistance to forceful judicial reform and independent investigations of the killings would enhance the resolution of the cases.
- Philippine desires to qualify for the Millennium Challenge Corporation assistance gives the U.S. influence to demand rigorous action against the killings.
- The sizeable defense relationship the United States has with the Philippines provides a mechanism to encourage civilian control over the armed forces.
- Forceful public U.S. official support for human rights reforms and protections would counter some Filipino perceptions that U.S. concern over the killings is tempered by our efforts to counter terrorism.

MODEL FOR SUCCESS

The U.S. Institute of Peace has established a unique relationship with key players in the peace process in Mindanao. Working with minimal publicity, the Institute has made a significant contribution to the progress in the talks over the past 4 years. The Institute has worked closely with civil society to foster open debate to mitigate Filipino public prejudice and discrimination against the Moro minority. Engaging NGOs, church leaders, educators, and media representatives, the Institute seeks to change public perceptions of the conflict and the benefits a durable peace agreement would bring the nation. Similar programs focused on highlighting a need to end the extrajudicial killings and to bring perpetrators to justice could help strengthen judicial institutions and public demands for resolution of the killings.

The Institute's peace efforts supplement Embassy, USAID, and the Pacific Command's counterterrorism and developmental programs and priorities. Working independently but cooperatively with these official U.S. agencies, the Institute addresses the political, religious, historical, and social issues underlying the conflict. Parallel programs dealing with judicial reform, civilian control over security forces, and amelioration of the Communist insurgency could begin to address the causes of the

killings. Institute efforts to reduce intra-Moro clan and tribal conflict through support for dialog and cooperation among the next generation of Moro leaders could be duplicated in other conflict situations, which now end in political killings.

Regrettably, the State Department's support for the Institute's facilitation project is ending just as the peace process is at a critical juncture. Once the negotiators reach agreement on outstanding issues, a politically contentious, long-term transition period to implement the agreement will require close monitoring and engagement. Granting the Moros self-determination will alter power relationships in Mindanao. The potential for extralegal violence is real. Continued Institute presence is critical to help both Muslim and Christian communities through this difficult period. Without renewed funding, however, the Institute's unique investment of trust and credibility with key players will be lost prematurely.

The coordinated approach U.S. agencies, the Institute of Peace, neighboring countries, and international donors have used to advance the Mindanao peace process can be replicated to resolve the extrajudicial killings. U.S. interests would be served and the Philippines would benefit.

Thank you, Madam Chairman. I welcome your questions and those of your colleagues.

Senator BOXER. Thank you for that excellent testimony, both of you.

And now, Bishop, we welcome you. We know it took some courage. We really welcome you here.

STATEMENT OF BISHOP ELIEZER PASCUA, GENERAL SECRETARY, THE UNITED CHURCH OF CHRIST IN THE PHILIPPINES, QUEZON CITY, PHILIPPINES

Bishop PASCUA. Hello. Thank you very much, Senator Boxer, Senator Webb. Good afternoon.

I'm Bishop Eliezer Pascua, general secretary of the United Church of Christ in the Philippines. I was elected by our Eighth Quadrennial General Assembly that was held in Mindanao last May 2006. But, before my election, I was serving as jurisdictional Bishop of the Southern Luzon jurisdiction—the area where many of our church workers, pastors, and lay leaders were killed.

I've come to the United States of America, first by the invitation of our partner church, the Presbyterian Church U.S.A., through the sacramento presbytery, particularly. And, also being delegate to the Ecumenical Advocacy days just concluded, and a delegate also of the ongoing International Ecumenical Conference on Human Rights situation in the Philippines, here in Washington DC.

I appear before this hearing as a witness to the fact that political and extrajudicial killings are happening in the Philippines. I think it is not superfluous to repeat, coming from us, that extrajudicial killings have been happening in our country. And included among numerous victims were church people, priests, pastors, even bishops, and lay leaders, working for the church. I am speaking from the ground, so to speak, but let me inform this body that our general assembly—in May of last year—which elected me to the position of general secretary, passed a strongly worded resolution condemning the ongoing, unabated political killings in the country that were then—as far as we know—more than 600 victims already and 9 members and pastors of the UCCP. About 15 or so are coming from the whole of the churches.

But right during the course of our discussion, one of our active lay leaders was also slain—Mr. Noli Capulong, who was an active member of Calamba UCCP, 45 kilometers south of Manila. He was

a brother of Noli Capulong, Atty Emilio Capulong, who was the principle author of this resolution.

Such an event made the general assembly discussion about the resolution more intense, and therefore they passed an action, or asked to hold, and call for a Peace and Human Rights Summit in which we did last July where we called International Ecumenical Partners and organizations aside from other church partners.

I am speaking now from representing the voices of the victims from the churches. Our pastors who are victimized suffered just like many others. Most of them were killed in broad daylight by two motorcycle-riding men. There were supposed to have been many witnesses, but until now their cases remain unsolved, just like the 836 fatalities or victims. Those cases of those who were killed, until today, remain unsolved.

So, Madame Senator may I make this call as part of our summary of calls. One, we ask this committee to ask the Philippine Government to immediately stop the extrajudicial killings, abductions, and other forms of human rights violations. And that the revocation of all hit lists, which target church people, and others, and label us as Communist Front Organizations. No. 2, to ask the Philippine Government to take effective measures to bring to justice members of its Security Forces and their agents against whom there is credible evidence of human rights violations. And No. 3, call upon the Philippine Government to comply with its obligations under international law, and rescind its national security policy under its current counterinsurgency and counterterrorism campaign, which has the effect of legitimizing and encouraging the killing of innocent civilians. This includes making the distinction between combatants and noncombatants, as well as labeling, as falsely accusing critics of the Philippine Government's policies, or those who advocate for human rights, or being enemies of the state.

Thank you very much.

[The prepared statement of Bishop Pascua follows:]

PREPARED STATEMENT OF BISHOP ELIEZER M. PASCUA, GENERAL SECRETARY, UNITED CHURCH OF CHRIST IN THE PHILIPPINES, QUEZON CITY, PHILIPPINES

INTRODUCTION

I am Bishop Eliezer M. Pascua, General Secretary of the United Church of Christ in the Philippines (UCCP). I was elected to this office during our 8th Quadrennial Session of our General Assembly held May 2006 in Digos City, Davao del Sur.

However, before my election as General Secretary, I was serving as Jurisdictional Bishop assigned in Southern Luzon Jurisdiction for a total of 14 years with only 2 years break (1990–98 then 2000–2006). From 1998–2000 I served as administrative pastor of a local church in College, Los Banos, Laguna. The Southern Luzon Jurisdiction covers the UCCP churches in areas within three political regions, namely, National Capital Region which is mainly Metro Manila area, southern Tagalog and Bicol region.

I have come to the United States of America first, by the invitation of the Presbyterian Church (USA) particularly through the Presbytery of Sacramento in keeping with our church-to-church partnership and their solidarity with us under the present predicament we and the Filipino people are in, especially with respect to the human rights situation, and second, by being a delegate to the Ecumenical Advocacy Days and to the International and Ecumenical Conference on Human Rights Situation in the Philippines which is taking place in Washington, DC, March 12–14, 2007.

Now, I appear before the hearing of the U.S. Senate Subcommittee on East Asian and Pacific Affairs as a witness to the fact that political or extrajudicial killings are

happening in the Philippines and included among numerous victims were church people: Priests, pastors, even bishop and lay leaders working for the church.

ATTACK AGAINST THE CHURCH

Let me inform this body that during our General Assembly in May last year, which elected me to the office of General Secretary of the UCCP, the delegates passed unanimously a strong resolution condemning the extra judicial killings being done against human rights activists and church people and calling the Office of President Gloria Macapagal-Arroyo to put a stop to it. But coupled with that resolution was a mandate that the UCCP hold a Human Rights and Peace Summit in cooperation with partner churches and civil society groups and ecumenical international bodies.

Let it be put on record that at the height of the deliberation on such resolution by the General Assembly, Mr. Noli Capulong, an active lay leader of UCCP-Calamba of the Northeastern Southern Tagalog Conference and spokesperson of Southern Tagalog Environmental Action Movement, was shot dead by two unidentified motorcycle-riding gunmen at around 6 p.m. of May 27, 2006, in Calamba, Laguna (about 45 kms south of Manila). Noli had long been under military surveillance for his advocacy work for justice, peace, human rights, and environmental concerns. And he happened to be the youngest brother of Atty. Emilio Capulong who was the principal author of such resolution and also a staunch defender of human rights himself.

All the more our demand for justice and call for the stopping of political killings and other forms of human rights violations became more intense. We just held the Peace and Human Rights Summit last July 21, 2006, in cooperation with the National Council of Churches in the Philippines, the Ecumenical Bishops Forum and the Roman Catholic Benedictine Sisters for Peace. It was participated in by many representatives from various churches and organizations locally and internationally where we invited also some living victims themselves and/or relatives of the killed victims to share about their grim experiences of human rights violations.

I am sharing this story to say that even this trip of mine to the USA is part of that whole advocacy of our church to stop the killings, end the violence, and work for and promote change to make current life in the Philippines different from what it is now.

From the year 2001 to the present we came to know that there may already be as high as 836 persons killed extralegally in the Philippines. The victims actually came from all walks of life: Farmers, fisherfolks, workers, indigenous people, Moro people, journalists, lawyers, doctors, teachers, students, young persons, women, and even children. I would like to make particular mention that church people were also not spared.

Among the 836 or so who were killed, 26 were church people, clergy, and lay persons. The church people killed came from the Philippine, Independent Church, United Methodist Church, Born Again Christian Church, United Church of Christ in the Philippines, and Roman Catholic Church for many of the lay persons. Out of the 25 church martyrs, 15 belonged to the United Church of Christ in the Philippines. That is why we are called the hardest hit among the churches.

With such an appalling death toll of extrajudicial killings in our country at this time of the Arroyo administration, nobody could ever claim that she/he is not afraid and is safe. I admit that I have that fear rather now and later when I go back to the Philippines. How much more with those who have always been there who were close or in proximity with the victims within their household or even in their community when they were assassinated. You can all imagine the chilling effect among the people that this extralegal killings have been causing.

Reportedly, almost all of these cases actually remain unsolved, and that even those cases that the military or police ruled as either the work of the antigovernment group or ordinary crimes that they claimed solved, however, remained to be the result of unsatisfactory and unbelievable police crime investigation work.

Example of this was the killing of Bishop Alberto Ramento last October 3, 2006, right inside his convent in Tarlac City. Bishop Ramento was receiving death threats already before he was killed. The Philippine National Police (PNP) report said that Bishop Ramento was stabbed to death by robbers. Simply because Bishop Ramento's cellular phone and ring were discovered stolen after the incident, the PNP was quick to dismiss the case as a simple case of robbery with homicide. But people were in wonderment, particularly those who conducted a fact-finding mission, that the crime scene investigation by the police was perfunctorily and hastily finished in about 2 hours and, thereafter, they did not cordon off the crime scene, thus, allowing everyone in.

Apparently no fingerprint was taken during the crime scene investigation because the police report never came up with a fingerprint finding. Except for the sworn statement of the church caretaker, Archimedes Ferer, there was also no interview done on the family and the people close to Bishop Ramento after the crime scene investigation and before the PNP single-mindedly declared it just a few hours after the crime scene investigation that it was a case of robbery with homicide.

A few days after the tragic incident, the Philippine National Police presented four men as suspects in the case. However, according to observers, an analysis of their investigation would reveal questionable results.

In most of the earlier cases of killings, however, the police and military were hastily concluding that the crime was the work of the New People's Army (NPA) or antigovernment groups since the assailants usually were unidentified men riding in motorcycles and since no witnesses are willing to testify so the cases just lied there unsolved.

Let me tell you that in virtually all cases of killings of the church people, just like in the rest of the cases, the police and military were always in complete denial of their accountability and responsibility despite their having clear leads or evidence in most cases that apparently point to them. I would like to cite the following cases:

The killing of Rev. Edison Lapuz along with Mr. Alfredo Malinao on May 12, 2005, in Sitio Motor, Barangay Crossing, San Isidro, Leyte (in the major island group of Visayas). Reverend Lapuz was the Conference Minister of the United Church of Christ in the Philippines-North Eastern Leyte Conference, where Mr. Malinao was a village councilor. They were killed pointblank by two motorcycle-riding men wearing bonnet masks and helmets right just at the back of Reverend Lapuz' house when they were whiling away some hours after having done the funeral for his father-in-law that afternoon.

But the lead was more on the instances a few days before the incident. Mr. Fortunato Lapuz, father of Edison, reported to the Fact Finding team that Lieutenant Mangohon, the commanding officer of the local military detachment visited their house several times. On May 1, 2005, Mr. Lapuz was asked whether he knew of Reverend Lapuz' organizational involvements and whether he knew Benito Montecena, Alberto Mauring, Benjamin Tumbiga, and Fernando Kiling, all members of local small farmers group. Then he was told that Reverend Lapuz and the said farmers were under surveillance by Lieutenant Mangohon's team. On May 3, 2005, the same Lieutenant Mangohon returned with another person and requested if they could look into the family album. Mrs. Lapuz who was the only person at the house allowed them to do so. Lieutenant Mangohon, being a soldier well identified as such by Reverend Lapuz' parents is an indispensable person that must be included in the investigation. But until now we don't know of any investigative action that has been done on this Lieutenant Mangohon if only to find out the real truth.

The assassination of Rev. Jemias Tinambacan and the frustrated killing of his wife, Rev. Marilou Tinambacan is another good case to have a lead for evidence. Reverends Jemias Tinambacan and Marilou are both UCCP Pastors in Misamis Occidental and both are active members as well of ecumenical organizations Ecumenical Center for Development (KASIMBAYAN) and Promotion of Church Peoples' Response (PCPR). The tragic incident took place on May 9, 2006, at about 5:30 p.m. along the national highway in Barangay Mobod, Oroquieta City, Misamis Occidental in Mindanao. Four armed men on board two motorcycles suddenly appeared on the side of their van and began shooting them.

Reverend Jemias after being hit by those gunshots lost control of the wheel of their van and crashed onto a tree. Reverend Jemias sustained three gunshot wounds at his head while Reverend Marilou luckily, however, was not hit as badly as she was able to hide beneath the dashboard of the van. As the suspects continued firing at the vehicle Reverend Marilou even saw and identified one of them as Orland "Mamay" Guimalan, a known military intelligence agent in their place.

Madame Senator and members of this subcommittee, friends, I can cite many more of these cases of extrajudicial killings whose perpetrators could have been identified and brought to the bar of justice if the authorities and our government would make the force and order of law to operate.

You may also have been asking in your mind at this point why these church people are being killed. I tell you they were killed not merely because of the church where they belong to, but more so because they have been actively involved in doing their task as servants of God. Their expression of faith is not confined within the four walls of the church but extend among the people in their community. They were like modern-day prophets whose commitment and service to God is seriously being carried out in journey with the poor people in their struggle for abundant life. And because of this, their names are being listed down under the military's Order of Battle as presented in their CD entitled "Knowing the Enemy."

CONCLUDING REMARKS

But so long as our government and the police and military would always look at the whole country and particularly the restless and critical citizens as a battlefield for their counterinsurgency and war on terror, political killings, enforced disappearances, and other forms of human rights abuses shall not be abated.

And so long as the government and the military would continue to be in complete denial of their responsibility of any degree to any of these innocent lives that have been sacrificed unnecessarily there is no way that we could force them to stop the killings. Their sense of impunity had reached to a point like having the "hardened heart of Pharaoh" in the Exodus story.

Senator BOXER. Thank you, sir.

Ms. Enriquez.

STATEMENT OF MARIE HILAO-ENRIQUEZ, SECRETARY GENERAL OF ALLIANCE FOR THE ADVANCEMENT OF PEOPLE'S RIGHTS IN THE PHILIPPINES (KARAPATAN), QUEZON CITY, PHILIPPINES

Ms. HILAO-ENRIQUEZ. Yes; good afternoon to this honorable committee, and thank you very much, Senator Boxer. Thank you very much, Senator Webb, for giving us this opportunity to relate to you what's happening in our country.

I'm Marie Hilao-Enriquez, secretary general of the Human Rights Organization called KARAPATAN, which documents and investigates cases of human rights violations in my country. We have 15 regional centers, and we put out annual reports on human rights in the Philippines.

Today is the birthday of my sister, Liliosa Hilao, who was killed in a detention center in Camp Crame 34 years ago during the martial law period of President Marcos.

The killings, tortures, and horrors of those days of martial law are now being brought back in by the Arroyo administration. We have seen a worsening human rights situation under President Arroyo's watch. From 2001 up to the present, our group has documented 836 victims of extrajudicial killings, 196 victims of enforced disappearances, 355 victims of frustrated killings. Military deployments are happening in the rural areas identified by the military as priority areas for counterinsurgency. Lately, we are alarmed that not only military deployments are happening in the rural areas, but in urban slum areas as well.

The victims of extrajudicial killings—as has been already said—include lawyers, farmers, leaders of trade unions, indigenous people, the Moro people, women, youth activists, church people, and out of the 836 victims, 31 KARAPATAN workers have been killed under the Arroyo administration.

In areas of counterinsurgency programs, cases of human rights violations, like harassment of individuals, evacuations, torture, and illegal arrests are also happening. In many of the cases of extrajudicial killings, we found out the responsibility or culpability of the military and police.

What are the reasons for these human rights violations under Mrs. Arroyo's Presidency? The country has not experienced any substantial changes, especially in our economic conditions. People remain poor, and as the policies of globalization are being implemented by this administration, people have become restive and

protests—which are constitutionally guaranteed rights under our Constitution—are happening.

But the response of the government is like that of the dreaded Marcos regime, one of repression. President Arroyo, has resorted to a calibrated preemptive response, banning all rallies in Metro Manila, and other parts of the country. She has resorted to Executive Order 464, which stipulates that no government official can testify in congressional or Senate hearings, unless she has permission. She resorted to a national State of Emergency last year in what we term as a "foray of Mrs. Arroyo"—of President Arroyo—into having martial law powers. Lately, she has signed into law the Anti-terror, or Human Security Act, which we think will pave the way for a more martial law-like atmosphere in the Philippines.

She has resorted to an all-out war against the insurgents, implementing a counterinsurgency program called Oplan Bantay Laya, which purportedly is the endgame strategy to end the insurgency. But, to us, this has remained the state policy under the aegis of the U.S. Bush's War on Terror, and she has given 1 billion pesos to this counterinsurgency program. This, to us, is the cause of many of the extrajudicial killings, because the military has resorted to labeling many of the victims as "Communists" or "terrorists" under this Oplan Bantay Laya.

A surveillance of, and harassments happen to these victims before the killings, and perpetrators conceal their identities. We call on the Senate subcommittee to please adopt the documents that we submitted to this body as part and parcel of my oral and written testimony before this honorable subcommittee. My testimony adds to what Bishop Pascua has said.

We call on the Senate committee to conduct an investigation, review and examination of the U.S. security cooperation, and military assistance, and aid to the Philippine Government, and ensure that it does not support the national security policy that exacerbates the violations of human rights, including the killing of church people and human rights activists.

We call on you to review U.S. development assistance to the Philippine Government, as well as trade and economic arrangements, and look into whether such aid and investments exacerbates, instead of reduce, social and economic inequities, and aggravate—rather than stop—the prevalent violations of human rights. It must be ensured that such appropriations and investments are not, in any way, used to promote or contribute to the perpetration of such violations. We ask your committee to ensure——

Senator BOXER. You need to wrap up now.

Ms. HILAO-ENRIQUEZ [continuing]. Ensure that any future U.S. military appropriations and economic and official development assistance to the Philippine Government be conditioned to a strict adherence to international laws and standards of human rights and good governance.

Thank you very much.

[The prepared statement of Ms. Hilao-Enriquez follows:]

PREPARED STATEMENT OF MARIE HILAO-ENRIQUEZ, SECRETARY GENERAL OF ALLIANCE FOR THE ADVANCEMENT OF PEOPLE'S RIGHTS IN THE PHILIPPINES (KARAPATAN), QUEZON CITY, PHILIPPINES

To the distinguished Senators of the subcommittee: First, let me express my sincerest gratitude to Senator Barbara Boxer and the members of the Subcommittee for East Asian and Pacific Affairs of the Senate Foreign Relations Committee, for conducting this hearing on the events happening in the Philippines. The rest of the members of our delegation share the same sentiment.

I am Marie Hilao-Enriquez, secretary general of the human rights group in the Philippines, called KARAPATAN. My organization has been documenting cases of human rights violations in the country since 1995. Let me also say that I am one of the martial law survivors and my parents as well as one of my sisters are among the named lead plaintiffs in the historic class action suit against Marcos that we filed in the U.S. Federal Court system in 1986. In 1992, the class action suit won for the Filipino martial law victims a landmark ruling holding Marcos guilty of crimes against humanity.

I have come before you, after several trips here in the United States and other countries, in an effort to inform the Filipinos abroad as well as citizens of the countries I visited of the alarming human rights violations happening under the watch of the sitting President—Mrs. Gloria Macapagal-Arroyo.

Let me put on record at the outset that complementary to the following, I am hereby adopting and incorporating by way of reference the Summary of Calls of the Ecumenical Voice on Peace and Human Rights in the Philippines, "Let the Stones Cry Out," an ecumenical report on the human rights situation in the Philippines, released by the National Council of Churches in the Philippines (NCCP) March 2007, and the compendium of selected documents accompanying the foregoing as part and parcel of my oral and written testimony before your honorable subcommittee.

When Mrs. Arroyo was catapulted to the Presidency in 2001, the country's human rights situation has not improved but has gone for the worst. Immediately upon assuming office, Mrs. Arroyo implemented the same economic policies of past administrations that did not change the conditions of the majority poor and ordinary Filipinos.

Her boasted "sound economic fundamentals" have sent more of our fellow Filipinos out of the country seeking for jobs abroad, sometimes even in countries where war is raging and their lives are placed at great risk. The economic conditions of our people have worsened to a point that the latest surveys would indicate that more Filipinos would consider themselves poor and hungry.

Instead of promoting democracy and human rights consistent with the spirit of a People Power uprising that catapulted her to power in 2001, Mrs. Arroyo's administration has curtailed civil liberties, disregarded human rights and international humanitarian laws, and launched attacks on the people.

The infractions on civil liberties and human rights occur against the background of a worsening political crisis of the Arroyo government and increasing foreign military involvement by President George Bush's administration.

Mrs. Arroyo is facing calls to vacate the executive office on serious charges of massive electoral fraud and graft and corruption, intense and vicious extrajudicial killings, political persecution and serious affronts to civil liberties consistent with her constant agenda for political survival.

Mrs. Arroyo has so far faced two impeachment complaints in the Philippine Congress for violation of the 1987 Constitution, betrayal of public trust, graft and corruption and human rights violations. Those who dare criticize the Arroyo government publicly risk being labelled as "destabilizers" or "Communist sympathizers" or even "terrorists."

Mrs. Arroyo and her allies recently enacted into law the "antiterrorism bill" (ATB), now called the Human Security Act of 2007 which will practically kill the constitutionally enshrined bill of rights and, many Filipinos fear, could be used as a legal ground for declaring martial law.

In the aftermath of the attacks in the United States on September 11, 2001, Mrs. Arroyo declared her support to the U.S. "war on terror." The Philippines began receiving increased U.S. military aid and was named America's major "non-NATO ally in Asia."

Based on the June 2005 World Policy Institute Special Report, the Philippines has a requested Foreign Military Funding (FMF) aid from the U.S. Government of US$4.5 billion in 2006, a full $1 billion increase from the FY 2001 level. The worrisome part of this aid, the same report says, is that "arming undemocratic governments all too often helps to enhance their power, frequently fueling conflict or

enabling human rights abuses in the process." The report also posits the fear that giving arms to countries with active armed conflicts will exacerbate the conflict.

An internal security plan, code named Oplan Bantay Laya (OBL or Operation Freedom Watch), viewed as patterned after the Phoenix Program in Vietnam in the 1960s, was created in early 2002. The OBL was approved by Arroyo's Cabinet Oversight Committee for Internal Security (COCIS) and became a blueprint of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP).

Although OBL purportedly aims to crush decisively the three-decade old Communist rebellion, it highlights the "neutralization" of what the Philippine authorities call "front organizations," leaders and members as "enemies of the state." In effect, the new antiterrorist-insurgent campaign makes no distinction between armed guerillas and unarmed activists, making the latter fair targets of political assassinations and abductions by suspected state-organized death squads.

The executive policy that is merged with the aforementioned military strategy had also taken the form of restrictions on civil and political rights, specifically through the Calibrated Preemptive Response (CPR) issued on September 21, 2005, the anniversary of Marcos' martial law, and Presidential Proclamation 1017 that placed the Philippines under a state of emergency on February 24, 2006, after which arbitrary arrests and illegal detention particularly in the cities became prevalent. Several arrests have been made including that of Representative Crispin Beltran, a labor leader and representative in the House of Representatives from the Anakpawis (toiling masses) party list. Five other members of progressive party-list groups Bayan Muna (people first), Gabriela (women's group) and Anakpawis were able to protect their liberty but are now facing what they and their lawyers say are illegal arrests on false charges.

In the 6 years of the Arroyo Presidency, democracy and human rights continue to deteriorate in the Philippines. A total of 836 victims of extrajudicial killings has been recorded and documented since 2001 when she came to power. Three hundred fifty-seven more were documented to have survived attacks on their lives. At least 196 other persons have been documented to have been abducted and remain missing to this day. Scores have been tortured while thousands have been displaced and harassed, hundreds have experienced physical assault in the course of military operations or while exercising their rights to assembly and free speech. The National Union of Journalists of the Philippines (NUJP) recorded 47 journalists killed in the course of their work during the same period.

The killings have victimized Filipinos coming from a wide range of sectors—farmers, workers, indigenous peoples, Moro people, lawyers, church people, human rights workers, youth activists, women and members of progressive groups, especially the new parties that were able to seat representatives in Congress. Twenty seven KARAPATAN human rights workers and leaders were killed from 2001 up to the present.

The killings continue to be committed with impunity far surpassing that of the Marcos dictatorship. As a survivor of Marcos' martial law, I can say that the dictator was able to violate our rights because he declared martial law. Under Mrs. Arroyo, a virtual martial atmosphere is obtaining in the country without the formal declaration, under a supposed democratic society. Gross and systematic violations of human rights happen in the country now with such impunity that the victims are left with no recourse or redress from the institutions in the country.

A case in point is that of the case of my colleague, Eden Marcellana, secretary general of KARAPATAN-Southern Tagalog and Eddie Gumanoy, a farmer leader who was with her in an 11-member fact-finding team.

From 19 to 21 April 2003, Marcellana, a staunch and vocal oppositor to various military atrocities in Mindoro Island and elsewhere, together with Eddie Gumanoy, chair of the peasant organization KASAMA–TK, led a group of human rights volunteers in a Fact-Finding Mission (FFM)—Quick Reaction/Response Team (QRT) in Mindoro Oriental, Philippines, to verify and document reports of human rights violations committed reportedly by then-Col. Jovito Palparan and elements of his 204th Infantry Brigade. On their way back from the mission, about a mere 5.5 kilometers from the military camp, the vehicle which they were riding in was stopped and commandeered by armed men. The dead bullet-ridden bodies of Marcellana and Gumanoy were found near each other in another town in the morning of 22 April 2003.

Due to widespread calls and public criticism, President Gloria Macapagal-Arroyo was for the first time forced to form a task force from the Department of Justice (DOJ) to look into the subject kidnappings and murders. The task force recommended the filing of charges against a sergeant working directly under Col. Palparan and several rebel returnees under the latter's control. In the meantime,

the sergeant was arrested for an unrelated charge of robbery but was able to post bail at once.

But the DOJ Panel of Prosecutors recommended the dismissal of the charges of arbitrary detention, murder, and robbery against the respondents despite the independent, credible, and positive identification by four survivors-witnesses and other overwhelming evidence. The Chief State Prosecutor dismissed the case accordingly on 17 December 2004.

Prior to such dismissal, congressional investigations were held before the House of Representatives and the Senate in May 2003. The House Committee on Civil, Political and Human Rights in its report called for a further probe and the temporary relief of then-Colonel Palparan while the investigation was ongoing. The Senate Committee on Justice and Human Rights, after conducting an initial hearing, suspended its inquiry due to the ongoing preliminary investigation before the DOJ.

Almost contemporaneously, Colonel Palparan's promotion to brigadier general and then to major general was eventually confirmed by the congressional Commission on Appointments despite various oppositions from different sectors. While the case was still pending preliminary investigation before the DOJ, General Palparan was quietly sent to Iraq in early 2004 to head the Philippine mission in the U.S. invasion and occupation.

Separate hearings before the national Commission of Human Rights (CHR) were also heard. But after submitting testimonial and documentary evidence in support of their charge of human rights violations, the victims and their heirs were compelled to withdraw from the CHR hearings because they sincerely believed at that point and under the circumstances then that they cannot get justice, that the hearing was to be used to clear Colonel Palparan and remove obstacles to his pending promotion to major general, and in view of another high profile extrajudicial execution in Mindoro of an activist lawyer and of Marcellana's successor. Nonetheless, the CHR issued a resolution castigating Colonel Palparan for his responsibility and inaction for various violations in his area of responsibility.

A separate complaint for violation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHIRHL) was filed before the Joint Monitoring Committee (JMC) of the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) on 4 June 2004. The JMC has not yet acted on the complaint as the GRP has refused to convene with its counterpart after having met previously only twice in April 2004.

The victims and their heirs filed a Petition for Review/Appeal of the DOJ Panel dismissal on 22 February 2005 before the present Justice Secretary.

While the said Petition for Review/Appeal remained unresolved despite several efforts to follow it up or calls to resolve the same, the victims and the heirs participated in two nongovernmental people's tribunals to submit their testimonial and documentary evidence for the killing, namely: The International People's Tribunal (IPT) of the International Solidarity Mission (ISM) on August 2005 and the Citizen's Congress for Truth and Accountability (CCTA) on November 2005. In the IPT, General Palparan and his military were particularly adjudged guilty of crimes against humanity and the extrajudicial killing of Marcellana and Gumanoy, among others.

The victims and their heirs were also compelled to file a specific complaint on 16 March 2006 before the United Nations Human Rights Committee (UNHRC) in New York against the Philippine Government for violation of the International Covenant on Civil and Political Rights (ICCPR) under its Optional Protocol. The complaint remains outstanding.

In the meantime, there were reports that the sergeant implicated in the case was also sent to Haiti as part of the Philippine mission to the U.N. peacekeeping forces.

Earlier, on October 2003, representatives of the victims and the heirs brought the case to the attention of the UNHRC in Geneva during its 79th session. In that session, then acting Justice Secretary Merceditas Gutierrez (now Ombudsman) openly claimed before the UNHRC that the case had already been filed in court when in fact it was still at the preliminary investigation before the DOJ at that time.

The present Justice Secretary eventually approved the dismissal of the charges by the DOJ Panel and denied the Petition for Review/Appeal of the victims and heirs only after almost 2 long and agonizing years on 20 November 2006 through a minute perfunctory resolution. The victims and the heirs filed a Motion for Reconsideration on 7 December 2006 while the respondents filed their Comment on 22 December 2006. The incident is still pending.

From the above, this case is emblematic of the search for justice of human rights violations victims as it is clear that they and their heirs have tried practically every available legal remedy to seek justice not only before the domestic fora but even in the international arena. It is also clear that the acts of different agencies and

branches of the Philippine Government have individually and collectively engendered the impunity for this and other human rights violations.

From 2005 until August 2006, several separate and independent international peace and solidarity fact-finding missions were conducted in the Philippines by eminent human rights advocates and organizations. Members of these missions expressed dismay and alarm over the gross and systematic violations of human rights after finding out for themselves the magnitude of the violations and worse, the apparent failure of government authorities to address the problem or at least rein in the Philippine military, police, and paramilitary forces.

In August 2005, 86 delegates from 18 countries came to the Philippines in an International Solidarity Mission (ISM) to look into reported cases of human rights violations. Evidence gathered and witnesses interviewed during the mission were presented before an International People's Tribunal (IPT) on August 19, 2005. The tribunal was presided by Nobel Peace Prize Nominee Dr. Irene Fernandez (Malaysia), civil liberties lawyer Prof. Lennox Hinds (USA) and human rights lawyer Hakan Karakus (Turkey) with a College of Jurors. Among others, the IPT found the Arroyo government guilty of human rights violations.

Alarmed by reports that lawyers and judges are also being killed or threatened, an independent delegation of two judges and six lawyers from The Netherlands and Belgium belonging to the Dutch Lawyers for Lawyers Foundation, Dutch Lawyers Without Borders, joined by the International Association of Democratic Lawyers (IADL), came to the Philippines for an International Fact Finding Mission on Attacks against Filipino Lawyers and Judges and investigated the violence committed against their Philippine colleagues in June 2006. Completing their mission, the group concluded that many lawyers and judges in the Philippines have been threatened and killed, especially since the beginning of 2005 and a remarkable number of these lawyers and judges have been involved in human rights-related cases confirming likewise that some authorities tagged many of the victims as "enemies of the state" that made them vulnerable to political assassinations.

In August 2006, the 68-member International Peasant Solidarity Mission (IPSM), composed of 16 foreign participants from nongovernment and people's organizations in the United States, Belgium, Canada, The Netherlands, Japan, and Nepal, found that there were clear indications of the military's culpability, in particular the notorious Maj. Gen. Jovito Palparan, Jr., in most cases of extrajudicial killings of leftist activists.

Furthermore, religious denominations from different countries also voiced their alarm. The United Church of Australia, the third largest Christian denomination in Australia, released a report in Canberra on its inquiry into the deaths over the last 2 years of 14 clergy and members of the United Church of Christ in the Philippines.

In August last year, the Hong Kong Christian Institute (HKCI) likewise expressed its deep concern over the increasing number of political killings and human rights violations in the Philippines and urged the Arroyo government to take stronger action to address this issue and prevent further killings from taking place. Similarly, the Methodist Church in the United States as well as different groups from Canada led by the British Columbia Committee for Human Rights in the Philippines (BCCHRP) also voiced their concern.

Earlier, similar concerns were expressed by the World Council of Churches, the National Council of Churches in the Philippines and the Asian Human Rights Commission (AHRC), among many other institutions. The Inter-Parliamentary Union, an international assembly of parliamentarians, as well as the International Association of People's Lawyers (IAPL) and prominent lawyers' groups in the United States, Europe and even Africa, have voiced the same alarm.

Even representatives from embassies of a number of countries have also expressed their condemnation of the extrajudicial killings, abductions, and enforced disappearances in the Philippines.

In a comprehensive report it released in August 2006, the London-based Nobel Peace Prize winner, Amnesty International, stated in no uncertain terms that "the methodology of the attacks, including prior death threats and patterns of surveillance by persons reportedly linked to the security forces, the leftist profile of the victims and climate of impunity which, in practice, shields the perpetrators from prosecution, has led Amnesty International to conclude that the attacks are not an unconnected series of criminal murders but constitute apolitically motivated pattern of killings. The organization remains gravely concerned that members of the security forces may have been directly involved in the killings, or else have tolerated, acquiesced to, or been complicit in them."

Because of mounting and widespread criticisms on the extrajudicial killings, the President was compelled to order the police to look into these cases and solve them as soon as possible. Thus, the Philippine National Police formed the Task Force

Usig. However, the head of the Task Force immediately announced that the perpetrators of the killings are the Communists or the rebels themselves because of an "internal purge" within the Communist movement.

Amidst even greater pressure on both the national and international leaders, President Arroyo also formed the Melo Commission on August 21, 2006, which she said she empowered to make independent investigations into the killings. This was declared amidst calls for an independent investigative body that would look into these cases. But human rights organizations, as well as victims' relatives, simply did not have trust in this commission and thus did not participate in its hearings. The President did not consult the victims or the human rights organizations on the composition of the commission, the members of which she handpicked and thus, was perceived as not the independent body that will look into the cases.

In September 2006, the President went to Europe and facing international protest actions, invited European nationals to go to the country to look into these killings as the European Union called on her to resolve the cases.

Criticisms continued to hound the Arroyo administration as the killings of leaders and key members of progressive people's organizations went on. Because of pressure, the administration was forced to formally invite the U.N. Special Rapporteur on Extrajudicial, Summary of Arbitrary Executions, Mr. Phillip Alston, to visit the Philippines in February of this year.

After a 10-day visit and a series of meetings between nongovernment organizations, government offices as well as witnesses and relatives of victims, Mr. Alston said that, "The AFP (Armed Forces of the Philippines) remains in a state of almost total denial (as its official response to the Melo Report amply demonstrates) of its need to respond effectively and authentically to the significant number of killings which have been convincing attributed to them. The President needs to persuade the military that its reputation and effectiveness will be considerably enhanced, rather than undermined, by acknowledging the facts and taking genuine steps to investigate. When the Chief of the AFP contents himself with telephoning Major General Palparan three times in order to satisfy himself that the persistent and extensive allegations against the general were entirely unfounded, rather than launching a thorough internal investigation, it is clear that there is still a very long way to go."

He further went on to say, "The increase in extrajudicial executions in recent years is attributable, at least in part, to a shift in counterinsurgency strategy that occurred in some areas, reflecting the considerable regional variation in the strategies employed, especially with respect to the civilian population. In some areas, an appeal to hearts and minds is combined with an attempt to vilify left-leaning organizations and to intimidate leaders of such organizations. In some instances, such intimidation escalates into extrajudicial execution. This is a grave and serious problem . . ."

Mr. Alston's visit also paved the way for the public release of the report of the Melo Commission, which was initially not made public by the government despite public clamor from different camps. However, after a scathing statement from the U.N. Special Rapporteur, the President was forced to order the release of the report to the public. In spite of the fact that the Melo Commission based its findings on documents that came mostly from the police that are themselves widely believed to be complicit, the Melo report still says that extrajudicial killings are going on in the country and "rogue elements" in the military may "have a hand" on these killings.

But the killings are going on with such a brazen impunity and unless stopped, will continue to erode the foundations of a democratic society and rule of law in a supposed democratic Philippines. Recently, the Chief of Staff has announced the continuation of the Oplan Bantay Laya II with the deployment of military troops in urban slum areas where progressive party lists gained high number of votes in the 2004 elections. Terror grips these communities and we fear a further escalation of killings and violence in the runup to the 2007 elections in May. Just recently, the government has finally issued a warrant of arrest on the basis of trumped up charges to one of the progressive party-list candidates. Harassments and surveillance on our offices are getting to be frequent.

Thus, unless the extrajudicial killings are ordered stopped by our President, as commander in chief, who has supervision and effective control of the armed forces, there will be no letup in these human rights violations. And unless adherence to basic due process, democratic principles, civilian supremacy over the military and elementary principles of international humanitarian law that distinguishes combatants and civilians are faithfully done by the Arroyo government, the killings will continue.

And it is at this juncture that even more effective international moral and other pressure be brought to bear upon the Philippine Government especially that the

brutal and unmitigated killings, disappearances, torture, harassment, and persecution of its citizens still haunt the Filipino people with unbridled impunity despite the wide array and breadth of national and international criticism and condemnation.

Senator BOXER. Thank you. You've been excellent panel.

Here's how we're going to proceed. I can stay here until about 5 to 4. Senator Webb will stay here as long as he would like to, to do his questions. And so, let me just start off by thanking, thanking you very much for adding to our body of knowledge on this.

And I'd like to ask unanimous consent to place into the record a summary of the Alston Report, the Alston Report that—he's the Special Rapporteur of the U.N. Human Rights Council and Extrajudicial Summary or Arbitrary Executions, without objection.

I think this document is a very fair document, and I think that it points out what has to happen.

Now, both Senator Webb and I have stated and cited this very special relationship we have with the Philippines, and how much we treasure that friendship. And, if I might say, I think this is a very important turning point for the government, and for the people. Because as Mr. Alston says, the Philippines remains an example to all of us—these are his words—in terms of the peaceful ending of martial law by the People's Revolution and the adoption of a constitution reflecting a powerful commitment to ensure respect for human rights.

And again, I was there in 1986. The spirit of that day and that time will never leave me. And it is with a heavy heart that I see some of the things that are happening now.

I think that Mr. Alston puts the response of the Government into context. He says, "There's been some important first steps, but there's a huge amount that needs to be done." And as long as I have this gavel, I hope I can use it in a way to shine the spotlight on what's going on, and to make sure that this critical juncture—the government moves in the best direction, in the most democratic direction—rather than in the other direction. Because that would be a very sad time, indeed, for the people in the Philippines, and for all of us who really care about the Philippines.

So, we're placing this in the record, because you know, everyone ought to read it—it's a very important document that raises the critical issues, and the problems.

Now, I want to share with Senator Webb, and some of you, something that happened as we were setting this particular hearing up. And, I mention it, because I believe that the truth is important to talk about.

Now, we all followed the press in the Philippines when we decided to have this hearing. And, I say to my colleagues, we had a statement issued that there were going to be people here from the government, which is fine with us, this is a place for everyone to come. But, it was specifically stated that the people they were going to send were going to be police and military, to this hearing.

Now, I don't understand, why you would have to send military and police to a hearing that a couple of Senators are holding to look at human rights and allegations of human rights abuses. And, we made it very clear—and to their credit, they responded, "OK,

we won't send any military, we won't send any police," and they added, "we won't send any intelligence officials." [Laughter.]

But, if you're here today, I don't know who you may be, we welcome you. But we don't need to have military and police and intelligence officials at an open hearing where there'll be a public discussion and a public record.

So, I think the need to have more collaboration, and I see—I'm so pleased that our State Department is still here—this is a pretty basic point, that we don't try to intimidate witnesses at an open hearing. People from the church; people from the human rights community—that's the wrong signal to send this committee.

And, I mention it because, again, I think it's almost maybe a lack of understanding here about how we should proceed. And the good news is, there's so many good people both in this country, and the State Department, and the human rights organizations, and also leaders in the Philippines who understand what a true democracy is. And, the fact is, of course we have dissent—my God, you should see some of the arguments we get into here. We all see the world slightly different from what, each other. But the beauty of a free democracy is that you respect the other person's views. And you battle it out in the court of public opinion, and on the floor of the Senate, and the votes that are taken, and you don't come after your adversaries in a way that intimidates them, or subjects them to fear, and worse.

So, I just have a couple of questions, I want to ask one to Mr. Martin, because Mr. Martin, you made a prediction here, which was very disturbing to me. You told us that there was kind of a signal sent that there may well be more violence around the election. And, I want you to tell me, when is the election, and one more time, if you can say—what was this sort of signal that you've heard, and who was it from?

Mr. MARTIN. Thank you, Senator.

The election is scheduled for May 14. These are national elections; campaigning has already begun.

The quote I gave you was from National Security Advisor Norberto Gonzalez, who stated on March 8, that such candidates must not be allowed to win seats in the Congress. His view is that party list candidates, i.e., those who run as party members, are "under the direct influence of the Communist Party." I think this gives a very powerful message to people who may feel that they should be stopped from winning the election.

Senator BOXER. And you predicted violence around the elections.

Mr. MARTIN. Unfortunately, Philippine elections are often accompanied by violence; yes, Ma'am.

Senator BOXER. Do you think it would help to send in some international observers for a period of time, starting as soon as possible, through the election period?

Mr. MARTIN. I should let my State Department colleagues answer that. My understanding is that Embassy officers will be monitoring the elections in various parts of the country. I understand, also, this morning, that the Carter Center has been approached—whether or not they've decided, I don't know.

Senator BOXER. OK.

And, I would say, Bishop, I found your testimony to be pretty compelling, and I'm asking you if you could repeat for the record, your three recommendations at the end of your testimony. Could you repeat those? The three recommendations you made? For the government?

Bishop PASCUA. In the light of the realities of the extrajudicial killings, we propose that this committee ask the Philippine Government immediately stop the extrajudicial killings, and other forms of human rights violations, and including the revocation of all hit lists that target church people, farmers, workers, party-list members and leaders, human rights defenders, community organizers, activists, indigenous people, moral people, national minorities, women, lawyers, members of the press, and other civilians, most of whom are suspected or labeled by Philippine authorities as alleged Communist sympathizers, or affiliated with Communist-front organizations.

No. 2, ask the Philippine Government to take effective measures to bring to justice members of the Security Forces and their agents, against whom there is credible evidence of human rights violations, including immediately suspending those persons and former members who have been credibly alleged to be responsible for gross violations of human rights, and investigating, prosecuting, and punishing them.

And, No. 3, call upon the Philippine Government to comply with its obligations under international law, and receive its national security policy under its current counterinsurgency, and counterterrorism campaign, which has the effect of legitimizing and encouraging the killing of innocent civilians. And this includes making no distinction between combatants, and noncombatants, as well as labeling and falsely accusing critics of Philippine Government's policies, or those who advocate for human rights, as being enemies of the State.

Senator BOXER. I wanted to thank you, because I thought you just really honed in on the problem.

I'm going to turn it over to Senator Webb, but I wanted to note that Senator Lugar has repeatedly asked the Philippine Government to investigate the incidents of journalists being killed—you mentioned journalists, Reporters Without Borders 2007 report said that at least 6 journalists were reportedly killed in the Philippines in 2006. The report states that authorities have failed to stem the wave of violence against journalists, and then, according to some estimates, 50 journalists have been killed since 2001.

And, critics of the Philippine Government have complained that in many cases, the personalities had exposed local government corruption or human rights abuses, and that police beholden to local elites did not perform a proper investigation.

So, let me just say, in turning it over to my colleague to go as long as he would like, and ask as many questions to complete this record—that I'm very appreciative to you for coming out here today—all four of you.

And again, I know, because I can get a sense of it—that this isn't easy for you to do. But you know, when you shine light on an issue, and you come out of your fear, and you're out there, that—I

think—is the best antidote to these kinds of problems. We have to step out and give a face to these issues.

And again, I will do everything I can to make sure that the Government of the Philippines fulfills the hopes and dreams of the people there, in a way that we all can move forward, with prosperity, and security and yes, we're in it, on the war against terror—I cited the fact that I had lost a constituent who was beheaded by the Abu Sayyaf, and we all—we all want to work to stop terror, in its tracks. We don't, however, want to use it as an excuse to do bad things to people who don't deserve this kind of treatment.

And again, we're going to have our differences, in America, we're going to have our differences, in the Philippines between people, but we don't resolve it with violence and killing, and fear and intimidation.

I again, want to thank the State Department representative for staying, it means a lot to me that you did. We will continue to work together on this committee, we will be following up with some letters, after we go through the testimony, very—line by line—and again, I want to thank you, and I want to thank my good colleague for coming over here today and completing the hearing, and I will turn the gavel over to you, so you are now the chairman.

Senator WEBB [presiding]. Thank you, Madame Chairman.

I'd like to echo the chairman's comments, in terms of expressing my appreciation for your testimony today. This is an issue that I am coming in on without having dealt with it, obviously, in a previous Congress. I just assumed the mantle of serving in the Senate, but as I said, I do have a good bit of time in Asia over my adult lifetime, and some of that time has been spent in the Philippines.

I'm quite aware of the potential for violence, quite frankly, in Philippine society. You can't drive down the street in a place like Manila without seeing some security guard standing outside of a bank somewhere with an M–16. And I know that is, you know, it's an easy thing for violence to occur, below the water line in societies like that. I guess the reality that we're dealing with here.

I have four or five questions that may be appropriate to the State Department witnesses as much as to the panel here, but for the record, I think for the benefit of the committee as we analyze this issue, and I'm pledging to you that we will, my staff, we're going to look at this information and the recommendations that were given, and see where we could assist in the resolving the problem, if appropriate.

But, I'd like to start with some fairly basic questions about the facts, I think we can't really solve problems unless we know what the facts really are, and the first question I have is—how we have arrived at these figures, the 836 figure, in one of the reports it was listed as between 136 and 800—but how exactly have we determined that there were this number of people who were assassinated?

Ms. HILAO-ENRIQUEZ. Yes; thank you, sir.

My organization, as I said, has 15 regional centers, and our documentation is such that we have workers in the field and the 836 that we have documented, includes—a majority of this includes farmers in the areas that have been deployed with military troops. But these farmers are civilians. And, in some cases, when military

operations occur, some of the troops vent their ire on these civilians.

I understand that there has been a report from the Philippine National Police saying that the number is lower, and I think they have a different category, in fact they have recategorized the killings, and telling our group that some of the cases that we documented are victims of legitimate encounters.

But, in our investigation, many of these alleged—the alleged victims of legitimate encounters, are not victims of legitimate encounters, but victims of military troops directly shooting them.

Senator WEBB. But, you could say that a percentage of that 836 would be attributable to the excessive use of military force, rather than politically targeting someone. Would that be fair?

Ms. HILAO-ENRIQUEZ. I would say that these are the result of counterinsurgency operations by military forces, and for us, we also consider these as extrajudicial killings.

Senator WEBB. But, in terms of trying—for us, trying to understand the political nature, as opposed to reckless behavior, or soldiers in an area unjustifiably taking out their anger. There would be a percentage of these that were killed as a result of inappropriate behavior by soldiers in an area, as opposed to targeted political killings. Would that be—is that fair to say?

Ms. HILAO-ENRIQUEZ. As I said, in our documentation, we consider these cases as not only as simple—what's this—behavioral problem on the soldiers, but because they are related to counterinsurgency operations, we consider these as extrajudicial killings, especially that State Security Forces are involved in such cases. Under our Constitution, State Security Forces should protect the people and——

Senator WEBB. Right.

Ms. HILAO-ENRIQUEZ [continuing]. Our citizens' rights.

Senator WEBB. Do you know the percentage of the 836 that were killed as a result of military activities like that? Farmers, you know, the soldiers—shooting people? Like, in the fields, that sort of thing you're talking about?

Ms. HILAO-ENRIQUEZ. I would say that in many of these instances—because it's around half of the 836 we consider the victims as civilians being killed by the military during counterinsurgency operations. Like, if I can just illustrate my point.

There was this group of farmers in Palo Leyte, and they were conducting farming activities in the area early one morning, in November 2005, and then the soldiers came and just shoot at them, and so seven of the farmers were killed.

But then, the victims were portrayed as rebels, and the military said that they were New People's Army. So, this was the report given by the military. But, when we went to the area and investigated, they were ordinary farmers, with no arms.

Senator WEBB. You say geographically, what would be the breakdown of these killings, between, say, Luzon, Mindanao, and other areas?

Ms. HILAO-ENRIQUEZ. The highest number that has registered in our documentation is southern Tagalog Region. These are the areas south of Manila, and then next would be central Luzon, north of

Manila, and then next would be the Bicol Region, and eastern Visayas and southern Mindanao.

Senator WEBB. What—do you know—could you tell us what percentage are religious figures?

Ms. HILAO-ENRIQUEZ. Pardon?

Senator WEBB. How many are religious figures? People who are in the church, serving in the church?

Bishop PASCUA. In our accounting, there are already 26 religious people—clergy and lay persons who are working with the church. And out of that, 16 belong to the United Church of Christ in the Philippines. Other churches who have offered their members and church workers are United Methodist Church, the Philippine Independent Church, where Bishop Romento belonged, and that is a born-again Christian church. And the Roman Catholics for those lay persons who are working in the community-based programs.

Senator WEBB. And how many are media? How many have been media figures? Reporters? Journalists?

Ms. HILAO-ENRIQUEZ. Well, from our information, coming from the National Union of Journalists in the Philippines, I think the figure now comes to 49 since President Arroyo came to power.

Senator WEBB. Are you comfortable with the newly created office, the Human Rights Office, of the Armed Forces of the Philippines? The activities that they're engaging in? This is for the panel.

Ms. HILAO-ENRIQUEZ. I am not very comfortable with that. I think it's not only a newly created office, before they have already a certain section in the military they call a human rights desk, or office. And, because in the years past, we had dialogs with them, and what they do is just to receive the complaints, and then write us and say that, "We will look into the complaint," and then nothing has been heard from them.

I don't know, now, if this office will perform in the same manner that it performed in the past, but I'm not very confident—especially since that—they have been—even after the Melo Report and the Alston Press Statement came out, the military maintains that the rebel forces are the ones committing these killings.

Senator WEBB. Are any of you aware of any precedent in Philippines' history where government officials have been held accountable when civilians have been killed for political reasons, other than deposing President Marcos. But, I mean, in a general sense. Are you aware of any point in the Philippines' history where government officials who have engaged in this kind of conduct have been held accountable?

Ms. HILAO-ENRIQUEZ. Not to my mind, sir. As I said, I am a survivor of martial law.

Senator WEBB. Right.

Ms. HILAO-ENRIQUEZ. I cannot recall——

Senator WEBB. Does any of the other panel know of any time in the history of the Philippines that people have been held accountable for this kind of conduct?

[No response.]

Senator WEBB. All right.

This has been helpful, I think, as I've said before, these kinds of issues are best addressed first by developing the right kind of factual information so that we can evaluate and make policy deci-

sions. And, I can tell you that the questions that I just asked you have been very helpful to me.

With that, I thank you again, for your testimony, I thank all of you for being here, and this hearing will be closed.

[Whereupon, at 4:04 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. WILLY C. GAA, PHILIPPINE AMBASSADOR TO THE UNITED STATES

We welcome the initiative of the U.S. Senate's Subcommittee on East Asian and Pacific Affairs 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 dialog 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 U.N. 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 U.N. 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 4 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 requited 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 U.S. Government and the Philippine National Police (PNP)—is being conducted under the auspice's 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 U.S. 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 U.S. Military Assistance Group (JUSMAG) serves as a strong oversight mechanism which strictly inventories and monitors the use of U.S.-provided military equipment. The AFP must even secure its prior approval before it could dispose of equipment which have already been rendered unusable.

U.S. military assistance is vital to the AFP's counterterrorism 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 wholistic one, with both military and socioeconomic 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 cease-fire 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 United States 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 U.S. 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 U.S. economic assistance is administered by the USAID which ensures its responsible and cost-effective use.

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

We have a cease-fire 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 U.S. 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 toward achieving durable peace and sustainable development in Muslim Mindanao are the interfaith dialogs, 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 proactive 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.

U.N. Special Rapporteur Professor 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 subcommittee 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 Subcommittee 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.

SUMMARY REPORT OF PROF. PHILLIP ALSTON, SPECIAL RAPPORTEUR OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS—MANILA, FEBRUARY 21, 2007

I have spent the past 10 days in the Philippines at the invitation of the Government in order to inquire into the phenomenon of extrajudicial executions. I am very grateful to the Government for the unqualified cooperation extended to me. During my stay here I have met with virtually all of the relevant senior officials of Govern-

ment. They include the President, the Executive Secretary, the National Security Adviser, the Secretaries for Defense, Justice, DILG and the Peace Process. I have also met with a significant number of Members of Congress on different sides of the political spectrum, the Chief Justice, the Chief of Staff of the Armed Forces of the Philippines (AFP), the Chair of the Human Rights Commission, the Ombudsman, the members of both sides of the Joint Monitoring Committee, and representatives of the MNLF and MILF. Of particular relevance to my specific concerns, I also met with Task Force Usig, and with the Melo Commission, and I have received the complete dossier compiled by TF Usig, as well as the report of the Melo Commission, and the responses to its findings by the AFP and by retired Major General Palparan. I have also visited Baguio and Davao and met with the regional Human Rights Commission offices, local PNP and AFP commanders, and the Mayor of Davao, among others.

Equally importantly, roughly half of my time here was devoted to meetings with representatives of civil society, in Manila, Baguio, and Davao. Through their extremely valuable contributions in the form of documentation and detailed testimony I have learned a great deal.

Let me begin by acknowledging several important elements. The first is that the Government's invitation to visit reflects a clear recognition of the gravity of the problem, a willingness to permit outside scrutiny, and a very welcome preparedness to engage on this issue. The assurances that I received from the President, in particular, were very encouraging. Second, I note that my visit takes place within the context of a counterinsurgency operation which takes place on a range of fronts, and I do not in any way underestimate the resulting challenges facing for the Government and the AFP. Third, I wish to clarify that my formal role is to report to the U.N. Human Rights Council and to the Government on the situation I have found. I consider that the very fact of my visit has already begun the process of acting as a catalyst to deeper reflection on these issues both within the national and international settings. Finally, I must emphasize that the present statement is only designed to give a general indication of some, but by no means all, of the issues to be addressed, and the recommendations put forward, in my final report. I expect that will be available sometime within the next 3 months.

SOURCES OF INFORMATION

The first major challenge for my mission was to obtain detailed and well-supported information. I have been surprised by both the amount and the quality of information provided to me. Most key Government agencies are organized and systematic in much of their data collection and classification. Similarly, Philippines civil society organizations are generally sophisticated and professional. I sought, and obtained, meetings across the entire political spectrum. I leave the Philippines with a wealth of information to be processed in the preparation of my final report.

But the question has still been posed as to whether the information provided to me by either all, or at least certain, local NGO groups can be considered reliable. The word "propaganda" was used by many of my interlocutors. What took them to mean was that the overriding goal of the relevant groups in raising EJE questions was to gain political advantage in the context of a broader battle for public opinion and power, and that the HR dimensions were secondary at best. Some went further to suggest that many of the cases were fabricated, or at least trumped up, to look more serious than they are.

I consider it essential to respond to these concerns immediately. First, there is inevitably a propaganda element in such allegations. The aim is to win public sympathy and to discredit other actors. But the existence of a propaganda dimension does not, in itself, destroy the credibility of the information and allegations. I would insist, instead, on the need to apply several tests relating to credibility. First, is it only NGOs from one part of the political spectrum who are making these allegations? The answer is clearly "no."

Human rights groups in the Philippines range across the entire spectrum in terms of their political sympathies, but I met no groups who challenged the basic fact that large numbers of extrajudicial executions are taking place, even if they disagreed on precise figures. Second, how compelling is the actual information presented? I found there was considerable variation ranging from submissions which were entirely credible and contextually aware all the way down to some which struck me as superficial and dubious. But the great majority are closer to the top of that spectrum than to the bottom. Third, has the information proved credible under cross-examination. My colleagues and I heard a large number of cases in depth and we probed the stories presented to us in order to ascertain their accuracy and the broader context.

As a result, I believe that I have gathered a huge amount of data and certainly much more than has been made available to any one of the major national inquiries.

EXTENT OF MY FOCUS

My focus goes well beyond that adopted by either TF Usig or the Melo Commission, both of which are concerned essentially with political and media killings. Those specific killings are, in many ways, a symptom of a much more extensive problem and we should not permit our focus to be limited artificially. The TF Usig/Melo scope of inquiry is inappropriate for me for several reasons:

(a) The approach is essentially reactive. It is not based on an original assessment of what is going on in the country at large, but rather on what a limited range of CSOs report. As a result, the focus then is often shifted (unhelpfully) to the orientation of the CSO, the quality of the documentation in particular cases, etc.;

(b) Many killings are not reported, or not pursued, and for good reason; and

(c) A significant proportion of acknowledged cases of "disappearances" involve individuals who have been killed but who are not reflected in the figures.

HOW MANY HAVE BEEN KILLED?

The numbers game is especially unproductive, although a source of endless fascination. Is it 25, 100, or 800? I don't have a figure. But I am certain that the number is high enough to be distressing. Even more importantly, numbers are not what count. The impact of even a limited number of killings of the type alleged is corrosive in many ways. It intimidates vast numbers of civil society actors, it sends a message of vulnerability to all but the most well connected, and it severely undermines the political discourse which is central to a resolution of the problems confronting this country.

Permit me to make a brief comment on the term "unexplained killings," which is used by officials and which consider to be inapt and misleading. It may be appropriate in the context of a judicial process but human rights inquiries are more broad-ranging and one does not have to wait for a court to secure a conviction before one can conclude that human rights violations are occurring. The term "extrajudicial killings" which has a long pedigree is far more accurate and should be used.

TYPOLOGY

It may help to specify the types of killing which are of particular concern in the Philippines:

—Killings by military and police, and by the NPA or other groups—in course of counterinsurgency. To the extent that such killings take place in conformity with the rules of international humanitarian law, they fall outside my mandate.

—Killings not in the course of any armed engagement but in pursuit of a specific counterinsurgency operation in the field.

—Killings, whether attributed to the military, the police, or private actors, of activists associated with leftist groups and usually deemed or assumed to be covertly assisting CPP–NPA–NDF. Private actors include hired thugs in the pay of politicians, landowners, corporate interests, and others.

—Vigilante, or death squad, killings.

—Killings of journalists and other media persons.

—"Ordinary" murders facilitated by the sense of impunity that exists.

RESPONSE BY THE GOVERNMENT.

The response of Government to the crisis of extrajudicial executions varies dramatically. There has been a welcome acknowledgement of the seriousness of the problem at the very top. At the executive level the messages have been very mixed and often unsatisfactory. And at the operational level, the allegations have too often been met with a response of incredulity, mixed with offence.

EXPLANATIONS PROFFERED

When I have sought explanations of the killings I have received a range of answers.

(i) The allegations are essentially propaganda. I have addressed this dimension already.

(ii) The allegations are fabricated. Much importance was attached to two persons who had been listed as killed, but who were presented to me alive. Two errors, in circumstances which might partly explain the mistakes, do very little to discredit the vast number of remaining allegations.

(iii) The theory that the "correct, accurate, and truthful" reason for the recent rise in killings lies in purges committed by the CPP/NPA. This theory was relentlessly pushed by the AFP and many of my Government interlocutors. But we must distinguish the number of 1,227 cited by the military from the limited number of cases in which the CPP/NPA have acknowledged, indeed boasted, of killings. While such cases have certainly occurred, even those most concerned about them, such as members of Akbayan, have suggested to me that they could not amount to even 10 percent of the total killings.

The evidence offered by the military in support of this theory is especially unconvincing. Human rights organizations have documented very few such cases. The AFP relies instead on figures and trends relating to the purges of the late 1980s, and on an alleged CPP/NPA document captured in May 2006 describing Operation Bushfire. In the absence of much stronger supporting evidence this particular document bears all the hallmarks of a fabrication and cannot be taken as evidence of anything other than disinformation.

(iv) Some killings may have been attributable to the AFP, but they were committed by rogue elements. There is little doubt that some such killings have been committed. The AFP needs to give us precise details and to indicate what investigations and prosecutions have been undertaken in response. But, in any event, the rogue elephant theory does not explain or even address the central questions with which we are concerned.

SOME MAJOR CHALLENGES FOR THE FUTURE

(a) Acknowledgement by the AFT

The AFP remains in a state of almost total denial (as its official response to the Melo Report amply demonstrates) of its need to respond effectively and authentically to the significant number of killings which have been convincingly attributed to them. The President needs to persuade the military that its reputation and effectiveness will be considerably enhanced, rather than undermined, by acknowledging the facts and taking genuine steps to investigate. When the Chief of the AFP contents himself with telephoning Major General Palparan three times in order to satisfy himself that the persistent and extensive allegations against the General were entirely unfounded, rather than launching a thorough internal investigation, it is clear that there is still a very long way to go.

(b) Moving beyond the Melo Commission

It is not for me to evaluate the Melo Report. That is for the people of the Philippines to do. The President showed good faith in responding to allegations by setting up an independent commission. But the political and other capital that should have followed is being slowly but surely drained away by the refusal to publish the report. The justifications given are unconvincing. The report was never intended to be preliminary or interim. The need to get "leftists" to testify is no reason to withhold a report which in some ways at least vindicates their claims. And extending a commission whose composition has never succeeded in winning full cooperation seems unlikely to cure the problems still perceived by those groups. Immediate release of the report is an essential first step.

(c) The need to restore accountability

The focus on TF Usig and Melo is insufficient. The enduring and much larger challenge is to restore the various accountability mechanisms that the Philippines Constitution and Congress have put in place over the years, too many of which have been systematically drained of their force in recent years. I will go into detail in my final report, but suffice it to note for present purposes that Executive Order 464, and its replacement, Memorandum Circular 108, undermine significantly the capacity of Congress to hold the Executive to account in any meaningful way.

(d) Witness protection

The vital flaw which undermines the utility of much of the judicial system is the problem of virtual impunity that prevails. This, in turn, is built upon the rampant problem of witness vulnerability. The present message is that if you want to preserve your life expectancy, don't act as a witness in a criminal prosecution for killing. Witnesses are systematically intimidated and harassed. In a relatively poor society, in which there is heavy dependence on community and very limited real geographical mobility, witnesses are uniquely vulnerable when the forces accused of killings are all too often those, or are linked to those, who are charged with ensuring their security. The WPP is impressive—on paper. In practice, however, it is deeply flawed and would seem only to be truly effective in a very limited number of cases. The result, as one expert suggested to me, is that 8 out of 10 strong cases,

or 80 percent fail to move from the initial investigation to the actual prosecution stage.

(e) Acceptance of the need to provide legitimate political space for leftist groups

At the national level there has been a definitive abandonment of President Ramos' strategy of reconciliation. This might be termed the Sinn Fein strategy. It involves the creation of an opening—the party-list system—for leftist groups to enter the democratic political system, while at the same time acknowledging that some of those groups remain very sympathetic to the armed struggle being waged by illegal groups (the IRA in the Irish case, or the NPA in the Philippines case). The goal is to provide an incentive for such groups to enter mainstream politics and to see that path as their best option.

Neither the party-list system nor the repeal of the Anti-Subversion Act has been reversed by Congress. But, the executive branch, openly and enthusiastically aided by the military, has worked resolutely to circumvent the spirit of these legislative decisions by trying to impede the work of the party-list groups and to put in question their right to operate freely. The idea is not to destroy the NPA but to eliminate organizations that support many of its goals and do not actively disown its means. While nonviolent in conception, there are cases in which it has, certainly at the local level, spilled over into decisions to extrajudicially execute those who cannot be reached by legal process.

(f) Reevaluate problematic aspects of counterinsurgency strategy

The increase inextrajudicial executions in recent years is attributable, at least in part, to a shift in counterinsurgency strategy that occurred in some areas, reflecting the considerable regional variation in the strategies employed, especially with respect to the civilian population. In some areas, an appeal to hearts and minds is combined with an attempt to vilify left-leaning organizations and to intimidate leaders of such organizations. In some instances, such intimidation escalates into extrajudicial execution. This is a grave and serious problem and one which intend to examine in detail in my final report.

CONCLUSION

The Philippines remains an example to all of us in terms of the peaceful ending of martial law by the People's Revolution, and the adoption of a constitution reflecting a powerful commitment to ensure respect for human rights. The various measures ordered by the President in response to Melo constitute important first steps, but there is a huge amount that remains to be done.

RESPONSE OF DEPUTY ASSISTANT SECRETARY ERIC JOHN TO QUESTION SUBMITTED FOR THE RECORD BY SENATOR RICHARD G. LUGAR

Question. The FY08 budget outline reflects a major drop in foreign assistance for the Philippines. The proposed cut in the FY08 budget request is $28.5 million below the FY 2006 funding level. Democracy and governance programs were cut from $13.1 million to $8.1 million, and FMF programs from $29.7 million to $11.1 million.

What is the rationale for this drastic change in financial assistance to the Philippines? The figures suggest that the Philippines is no longer a key component in the U.S. war against terror. How was this calculation achieved? How will Philippine reformers view the zeroing out of anticorruption efforts? How will this cut in funding impact efforts to further promote the rule of law and democracy in the Philippines?

Answer. The Philippines remains an important treaty ally and partner of the United States. Our relations are based on our history, shared values, and personal ties, with more than 3 million Filipinos resident in the United States and more than 100,000 American citizens living in the Philippines. We are pleased with United States-Philippines cooperation on issues that affect the region and the international community, including U.S. support for the Philippine Government's considerable recent success against al-Qaeda-linked terrorists.

The Department reduced its FY08 request for assistance to the Philippines not because we value our alliance any less, but because of the tough decisions required in a constrained budget. In addition, the Philippine Government has decided to increase its budgetary contribution to key areas, reducing the need for U.S. funding.

Our most important goal in FY 2008 remains counterterrorism and promoting stability and security, not only in the Philippines, but in the southeast Asian region. About 60 percent of our development resources will continue to be directed to conflict-affected Mindanao. In addition, the United States continues its longstanding

support for institutional reform within the Armed Forces of the Philippines and the Philippine National Police. Besides bolstering these forces' capabilities, our support of these institutional reforms also seeks to improve respect for human rights. The Philippine Government has contributed $4 million of its own funding to this effort, and we encourage this partnership.

Despite the substantial budget challenges we face, we recognize the need to continue and even enhance our most critical democracy and governance program activities. Democracy funding is concentrated on promoting good governance, where it will best support the success of the 2-year $21 million MCC Threshold Program, which focuses on supporting Philippine anticorruption efforts. Our programs to support judicial reform, improve economic governance, and strengthen local governance also contribute to anticorruption efforts. President Arroyo has announced that the Philippine Government will contribute $21 million of its own matching funds to this effort.

RESPONSES OF DEPUTY ASSISTANT SECRETARY ERIC JOHN AND PRINCIPAL DEPUTY ASSISTANT SECRETARY JONATHAN FARRAR TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR NORM COLEMAN

Question. Role of the Philippine Military: Philip Alston, the U.N. expert on extrajudicial executions, stated in his initial findings that: "The Armed Forces of the Philippines remains in a state of almost total denial of its need to respond effectively and authentically to the significant number of killings which have been convincingly attributed to them." An Amnesty International Press release dated February 23 states: "The Body of Evidence is now so compelling that it can no longer be ignored: There is substantial confirmation of the pattern of political killings in the Philippines." Amnesty International and other investigative teams report that many of the victims have been threatened by the military, including being informed that their names are on an "order of battle" list indicating who should be targeted in offensive military operations.

- Do you agree with these statements? Do you believe the killings, harassment, and disappearances taking place in the Philippines are being conducted by the Armed Forces of the Philippines?
- Do local commanders have a list of targeted members of legal organizations?

Answer. We are concerned about unlawful killings in the Philippines, whoever may be responsible, but particularly about allegations that members of the security forces have been involved. As the State Department's "Country Report on Human Rights Practices" indicates, elements of the military and the police apparently were involved in some of the killings. We have strongly urged, and will continue to encourage, the Philippine Government to investigate thoroughly any alleged involvement by its security forces in these killings and to bring the perpetrators to justice. We have heard reports from NGOs that local military units list "enemies of the state" in a presentation made to local communities and that an "order of battle" list may exist; however, we are unable to confirm the existence of these lists.

Question. Impunity: What is being done to bring the killers to justice and address the apparent climate of impunity in the Philippines?

- If the military has evidence of illegal activities, why are the perpetrators not arrested and brought into the justice system?

Answer. We are encouraged that President Arroyo has taken several steps to address this problem. We were pleased that the Arroyo administration decided to make the Melo Commission findings public and is taking steps to implement Commission recommendations. We also note that President Arroyo invited the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Phillip Alston, to conduct a 10-day fact-finding mission in February. No previous Philippine Government has done as much substantively and institutionally as the Arroyo administration has done to address this issue. President Arroyo's initiatives include establishing a police task force, called Task Force Usig ("to prosecute"), to investigate the killings and to file charges against the perpetrators, as well as a Presidential commission under the leadership of former Philippine Supreme Court Justice Melo. The Melo Commission has examined this problem and made policy recommendations, on which the government has promptly acted.

Following the Melo Commission report, the Armed Forces of the Philippines issued a new directive reiterating the principle of command responsibility and established a human rights office to investigate—along with the Philippine Commission on Human Rights—cases in which military involvement is alleged. President Arroyo ordered the Philippine Department of Justice to strengthen and expand the govern-

ment's witness protection program. At President Arroyo's request, the Philippine Supreme Court has established special courts to handle these cases. President Arroyo also instructed the Department of Justice and the Presidential Human Rights Committee to give priority to cases for trial by these special courts. In addition, President Arroyo ordered the release of 25 million pesos (US$500,000) to the Commission on Human Rights (CHR), which the CHR will use to establish human rights centers in local communities.

U.N. Special Rapporteur Alston's report cites the Philippine Government's recognition of the gravity of the problem, expresses concern about the views of the Armed Forces of the Philippines (AFP) regarding the situation, and states that the various measures ordered by President Arroyo in response to the Melo Commission report constitute important first steps, but much remains to be done. We concur with that assessment.

According to the records of Task Force Usig, Philippine authorities have filed charges in 50 cases of extradjucial killings, with 10 individuals under arrest and 27 suspects at large. At least 11 cases have alleged links to the military, with criminal charges filed in 6 cases already, while 29 cases have alleged links to the Communist Party of the Philippines/New People's Army (CPP/NPA). Another 60 cases remain under investigation.

Question. U.S. Assistance: Given the United States significant role in the arming and training of the AFP, how can the U.S. Congress and the American people be sure that our tax dollars and soldiers are not contributing to this crisis?

- What accountability measures are in place to track U.S. military aid to the AFP?

Answer. As required by the Leahy amendment, all candidates for U.S. Government sponsored training who are members of the Philippine security forces, both military and police, are thoroughly vetted before approval. This includes training in the United States, in the Philippines, or elsewhere, including the International Law Enforcement Academy in Bangkok.

The U.S. Embassy in Manila submits names of candidates for vetting to the constitutionally mandated Philippine Commission on Human Rights (CHR) and the Philippine National Bureau of Investigation. Concurrently, vetting is conducted by the U.S. Embassy, including the Consular Section, the Regional Security Office, and other USG agencies, such as the Drug Enforcement Administration.

If there is no locally available questionable information on the candidate, the Embassy then forwards the name of candidate or unit to the State Department in Washington for another tier of vetting that also includes the Department of Defense, FBI, and CIA. Once the Embassy receives notification back from the Department's office in Washington that it possesses no credible information of gross violations of human rights by the candidate, they are permitted to attend training. Candidates for whom questionable information is available have been and will continue to be excluded from receiving U.S. assistance.

In addition to these immediate efforts to protect the integrity of our training programs, the United States has provided longstanding support for institutional reform within the AFP and the Philippine National Police, as well as the Philippine judiciary. This assistance has included human rights training for Philippine security forces. The United States is also a firm supporter of Philippine Defense Reform, which aims to strengthen a professional and effective military that respects and protects civil liberties and human rights.

Question. Press Freedoms: What is the status of press freedoms in the Philippines?

- To what do you attribute the larger numbers of journalists murdered in the Philippines in recent years?
- Dana Dillon from the Heritage Foundation has stated that "No one claims President Arroyo ordered or knew of any of the killings of reporters. But government foot-dragging when it comes to apprehending the killers is unacceptable for a country that receives such large amounts of American aid." Do you agree with this statement?

Answer. Philippine law provides for freedom of speech and of the press, and, except for a few instances during a week-long imposition of a state of national emergency, the government has generally respected these rights in practice. The media are active and express a wide variety of views without restriction. Broadcast and print media are freewheeling and are often criticized for lacking rigorous journalistic ethics. They tend to reflect the particular political or economic orientations of owners, publishers, or patrons, some of whom are close associates of present or past

high-level officials. Special interests often use bribes and other inducements to solicit one-sided and erroneous reports and commentaries that support their positions.

Journalists continued to be murdered. The National Union of Journalists of the Philippines (NUJP) recorded 12 journalists killed in 2006. Task Force Usig classified two of these cases as work-related slayings. According to the task force, 7 of more than 70 cases of journalist killings since 1986 resulted in convictions. In many cases, the suspected killers were local government officials retaliating against "hard-hitting reporters." It is difficult to determine definitively who was responsible given the low number of convictions in these cases. Two mayors and two village chairmen have already surrendered, with charges now filed against them. Two police and one soldier have been arrested in other cases. Out of 26 cases involving journalists from 2001–07, the police have filed cases in 21 and are still investigating the remaining 5.

We take this problem seriously, and are committed to helping our Philippine allies bring those responsible to justice. We are encouraged by the steps that the Philippine Government has taken to date, but we will continue to make clear that more progress is essential and that we stand ready to be of assistance.

In respect to Philippine journalism we currently have a State Department Human Rights and Democracy Fund (HRDF) grant awaiting congressional notification that will help Filipino media reduce sensationalist reporting, highlight the human cost of ongoing violent conflict, and encourage reconciliation and reasoned debate. This project will contribute to democracy and human rights by working to make the media a more constructive and responsible force for social and political cohesion, and will create a national association of human rights journalists.

Question. New People's Army: Please explain the rationale for placing the New People's Army on the U.S. State Department list of international terrorist organizations.

- What has been the effect on the ongoing peace negotiations with the National Democratic Front?
- Has the placement of the NPA on the terrorism list diverted the focus from the pursuit of radical Islamic terrorists?
- Do you believe there has been an increased destabilization in the Philippines countryside? If so, to what do you attribute this unrest, and do you believe that unrest has been exploited by the NPA in their recruiting?

Answer. The Communist Party of the Philippines/New People's Army (CPP/NPA) has been seeking the violent overthrow of the Philippine Government since the 1970s. Two CPP/NPA members were convicted in connection with the 1989 murder of Col. James "Nick" Rowe, the deputy commander of the Joint U.S. Military Advisory Group.

The Communists broke off peace negotiations in August 2004 after the Philippine Government refused to ask the United States and the European Union to remove the CPP/NPA from their lists of foreign terror organizations. We have consistently stated that we are willing to examine the question of removing the CPP/NPA from the list once it fully renounces terrorism in pursuit of its political objectives.

The Philippine Government is combating multiple insurgencies and terrorist groups. The CPP/NPA's violent nationwide insurgency has forced the Philippine Government to divert resources from combating jihadist terrorists. Nonetheless, Philippine Armed Forces have been able to achieve major successes against al-Qaeda linked Jemaah Islamiyah and Abu Sayyaf Group terrorists in Mindanao and the Sulu Archipelago. Recent successful military operations led to the deaths of Abu Sayyaf Group Leader Khadaffy Janjalani and Operations Chief Abu Solaiman.

While we don't see any increased destabilization in the Philippines countryside, we note that the CPP/NPA regularly attacks AFP and Philippine National Police units and installations and targets their officers and government officials for assassination. The CPP/NPA continues to extort money from local businesses and demand "permit to campaign fees" from politicians in areas under its control.

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