



EUROPEAN PARLIAMENT

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Plenary sitting

12.6.2012

B7-0331/2012

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on impunity in the Philippines
(2012/2681(RSP))

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on behalf of the Verts/ALE Group

**European Parliament resolution on impunity in the Philippines
(2012/2681(RSP))**

The European Parliament,

- having regard to the Declaration by the EU Presidency of 25th November 2009 on the killings in the Maguindanao, Philippines and to the statement of Philip Alston, UN Special Rapporteur on extrajudicial killings, of 2nd December 2009
 - having regard to the UN Covenant on Civil and Political rights and the Additional Protocol of which the Philippines are signatory
 - having regard to the recent ratifications of the Rome Statutes of the ICC and the Optional protocol of the Convention Against Torture by the Philippines
 - having regard to the Enforced or Involuntary Disappearance Act which was passed by the Senate in June 2011, but remains pending in the House of Representatives
 - having regard to the opening of an office of the Philippine National Commission of Human Rights in the Autonomous Region of Muslim Mindanao
 - having regard to the 2006 Executive Order 546 which directs the police to support the military in counter-insurgency operations
 - having regard to the European Commission's Country Strategy Paper 2007-2013 for the Philippines
 - having regard to the new EU-Philippines Justice Support Programme, 'Justice For All' intended to promote efficient enforcement of justice for all citizens
 - having regard to the statement by the HR/VP Catherine Ashton of 24 April 2012
 - having regard to its previous resolutions on the Philippines, notably the one of 21 January 2010,
 - having regard to Rule 122 of its Rules of Procedure,
- A. whereas extrajudicial killings and enforced disappearances have significantly declined since President Benigno Aquino III took office in 2010, however the government's ability to effectively combat widespread impunity of the perpetrators of such acts has yet to make progress
- B. whereas according to human rights organisations, of the many hundreds of cases of extrajudicial killings, in the last decade only seven cases, involving 11 defendants have been successfully prosecuted, none since president Aquino took power;
- C. whereas according to the May 2011 report of the Independent Commission Against Private Armies there are at least 72 active private armed groups in the country; many of them are state-sponsored Citizens armed forces with reportedly some 50000 members
- D. whereas the Mangindanao massacre of 23 November 2009, representing the biggest death toll of journalists ever in one incident anywhere in the world, revealed in a shocking way to what extent local warlords, the corruption of the security forces and impunity for the most ruthless crimes have taken hold of the Philippines
- E. whereas in an unprecedented move the leading members of the Ampatuan family who are accused of masterminding the Mangindanao massacre, were arrested after the event and the

assets and bank accounts of 28 clan members and associates frozen; however in the meantime numerous events have slowed down the prosecution;

F. whereas at the beginning of June it was revealed that Esmail Amil Enog, the driver of the Ampatuan family and a key trial witness had been killed and "probably chain-sawed to pieces"- reportedly already the third such case; whereas victims' families are being intimidated with contempt charges, former Governor Zaldy Ampatuan almost won a dismissal motion for his case, dozens of suspects remain on the loose and Justice Secretary Leila de Lima had to alter the lead prosecutor and others in his team for inactivity

G. whereas the undue process illustrates that the Philippines' justice system continues to be deeply flawed: the witness protection program providing no security, corruption, dysfunctional court room rules and lack of resources for the prosecution;

H. whereas under the shock of the massacre President Aquino promised to rescind Executive Order 546 and to ban private armies but has since renounced his intentions and wants instead to 'professionalize' the militias

1. Expresses its deep dismay at the recently discovered murder of Esmail Amil Enog as well as those of the other witnesses in the Mangindanao case and calls on the Aquino government to improve the witness protection program and to further enhance the national law enforcement and prosecution capacities

2. Recognises the reduction in the numbers of killings and enforced disappearances since President Aquino came to power together with the creation of a special task force and calls on the government to increase its efforts to shed light on the hundreds of unresolved cases of the past and to bring the perpetrators to justice, including members of the security forces

3. Expresses its concern that the use of torture and ill-treatment of suspects in police custody continues to be widespread and urges the Philippine authorities to increase their efforts to rigorously combat the violations of the 2009 national Anti-Terror Act;

4. Underlines that victims of torture and ill treatment and families of the disappeared should have access to a medical evaluation and be adequately compensated

5. Urges the government to increase the resources for the National Police, the National Bureau of Investigation and the Department of Justice, to ratify the UN Convention on the Protection of All Persons from Enforced Disappearance and to enact the Enforced or Involuntary Disappearance Act

6. Reiterates its call for government action in order to stop all private and local funding of police and military auxiliaries and to disband paramilitary forces and local militias and urges the government to revoke Executive Order 546

7. Continues to support the EU -Philippine Justice for All Program and hopes that the monitoring system, established under EPJUST in order to track the nation's progress in combating extrajudicial killings and related abuses also focuses on the capacities of investigation and prosecution;

8. Calls on the Philippine government to invite the UN special rapporteurs to visit the country
9. Instructs its President to forward this resolution to the Council, the Commission, the President and Government of the Philippines, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States.