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MOTION FOR A RESOLUTION

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

pursuant to Rule 115 of the Rules of Procedure

by Pasqualina Napoletano, Marc Tarabella

on behalf of the PSE Group

on the human rights situation in the Philippines

European Parliament resolution on the human rights situation in the Philippines

The European Parliament,

- having regard to the findings of the Melo Commission and those of the Task Force Usig set out by the Philippines President,
 - Having regard to the preliminary report of the UN Special Rapporteur on Extrajudicial Executions Philip Alston
 - having regard to the European Commission's Country Strategy Paper (CSP) and the National Indicative Programme (NIP) 2005-2006 for the Philippines,
 - having regard to its previous resolutions on the Philippines,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A whereas in the recent years the number of politically motivated killings of left-leaning opposition figures, trade unionists, journalists and human rights activists in the Philippines has dramatically risen and the overall human rights situation in the country has significantly worsened;
- B whereas both the findings of the Melo Commission as well as the results of investigation by the UN Special Rapporteur leave no doubt as to the involvement of the Army, including its highest levels, in those political killings;
- C whereas one of the key witnesses, a member of the Bayan Muna opposition party, who assisted the UN Special Rapporteur in his mission in the Philippines was shot dead on 10 March 2007;
- D whereas most of these extrajudicial killings have not been prosecuted and its authors have not been identified by the police and brought to justice;
- E whereas the setting up of two investigatory bodies and the invitation to the UN Special Rapporteur indicates a first, but insufficient, step in the process of recognition by government of the gravity of the situation;
- F whereas the virtual impunity and witness vulnerability that prevails in the country makes it impossible to investigate and prosecute criminal offences effectively;
- G whereas recent anti-terrorist measures of the government give rise to serious concern regarding possible breaches of human rights of the persons detained on the basis of this law;

1. Expresses its grave concern at the increasing number of extrajudicial killings of leftist activists and journalists that occurred in the recent years in the Philippines, the role that army forces had played in orchestrating and perpetrating such murders and the total denial by the AFP of their involvement in the killings and reluctance of the military, the police and some government members to recognise the problem;
2. Calls for the immediate public release of the Melo Commission report and asks for the setting up of a special court with a mission to conduct speedy trials of all cases of extrajudicial killings in the country;
3. Positively views the Six-Point Programme of the government to end the political killings as a step in the right direction; stresses, however, that the government of the Philippines must show real commitment to elucidating those killings and readiness to bring to justice and punish those responsible for them, including representatives of the security forces;
4. Is also concerned about the recently adopted "Human Security Act" aimed at preventing terrorism that allows for arrest without warrant and arbitrary detention up to 3 days and could lead to abuses and torture in police and military detention centres; calls in this respect upon the government of the Philippines to undertake concrete protection measures to avoid human rights abuses that could result from application of this law;
5. Calls upon the government to adopt measures in order to end the systematic intimidation and harassment of witnesses in the criminal prosecution for killings and ensure a truly effective witness protection; stresses also the need to stop enticing violence towards some political or civil society groups and to restore normal accountability mechanisms to check on government abuses; calls particularly in this respect on the Ombudsman to take seriously its constitutional role in responding to extrajudicial killings attributed to public officials;
6. Calls upon the Commission to respond positively to the request for assistance expressed by President Gloria Macapagal Arroyo in investigating political murders by sending a special delegation and providing technical assistance;
7. Instructs its President to forward this resolution to the Council, the Commission, the President and the government of the Philippines, the UN Secretary General, the UN High Commissioner for Human Rights and the governments of the ASEAN Member States.