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Plenary sitting

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B7-0308/2012

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 the cases of impunity in the Philippines
(2012/2681(RSP))

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on behalf of the ECR Group

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

The European Parliament,

- having regard to the Declaration of 25 November 2009 by the EU Presidency on the killings in Maguindanao province, Philippines, and to the statement of 2 December 2009 by Philip Alston, UN Special Rapporteur on extrajudicial killings,
 - having regard to the UN Covenant on Civil and Political Rights and the Additional Protocol thereto, to which the Philippines are a signatory,
 - having regard to the Commission's Country Strategy Paper 2007-2013 for the Philippines,
 - having regard to the Financing Agreement for the EU-Philippines Justice Support Programme, which was signed in October 2009 and which is intended to speed up judicial proceedings against the perpetrators of extrajudicial killings,
 - having regard to the UPR working group report on the Philippines adopted on 01 June 2012 and its 88 recommendations,
 - having regard to the statement by the spokesperson of High Representative Catherine Ashton on the ratification by the Philippines of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT),
 - having regard to its previous resolutions on the Philippines,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas political killings and disappearances, especially of members of opposition organisations, journalists, human rights activists and religious leaders, continue to be widespread in the Philippines, and whereas human rights organisations speak of more than 1000 politically motivated murders and disappearances in the past decade,
- B. whereas the virtual impunity of the perpetrators and the government's inability effectively to tackle politically motivated violence in the country makes it very difficult to bring those responsible to justice,
- D. whereas on 23 November 2009 100 armed men from a local militia led by the Ampatuan family, including officials of the local police force, tortured and brutally murdered 57 members of a convoy, including female relatives of Esmail Mangudadatu, some of whom were raped, lawyers and 32 journalists, who were on their way to file Mangudadatu's candidacy for the governorship of Maguindanao province in Mindanao,
- E. whereas this massacre, which produced the biggest ever death toll among journalists in

one incident anywhere in the world, revealed in a shocking way the extent to which local warlords, the corruption of the security forces and impunity for the most ruthless crimes have taken hold of the Philippines,

- F. whereas Esmail Enog, a key witness to the Maguindanao massacre was found dead two months after he had gone missing,
 - G. whereas Esmail Enog was the third witness to have been killed since the trial began in 2010 and the relatives of other witnesses have also reported being attacked, threatened, offered bribes, and harassed,
 - H. whereas Mr Enog's brutal death is a clear indicator to the fact that the climate of impunity that had fostered the Maguindanao massacre is still alive in all of the country and indicates a larger legal paralysis,
 - I. whereas since the Maguindanao massacre, the death of four more journalists, killed for their work, and another seven murders in which no clear motive was determined were recorded,
 - J. whereas the Philippines ranks third on the Committee to Protect Journalists' global Impunity Index, just slightly better than Iraq and Somalia,
 - K. whereas a bill proposing to criminalise cases of enforced disappearance was adopted by both Chambers of Congress of the Philippines; Brazil called on the Philippines to ratify the UN Treaty on the subject and other UN member states welcomed the proposal of a new National Human Rights Action Plan which had been promised in 2008 and is still undelivered,
 - L. whereas the Aquino administration has failed to revoke Executive Order 546 used to authorise the operations of armed civilian units,
 - M. whereas no effort was made to bring justice to the victims and hold the perpetrators accountable to the full limit of the law and the families of the victims are personally involved in leading a campaign to ensure justice,
1. Strongly condemns the Maguindanao massacre of 23 November 2009 and all other cases of extrajudicial killings and enforced disappearance such as the death of Esmail Enog, a key witness to the Maguindanao massacre and expresses its solidarity with the families of the deceased;
 2. Regrets that extrajudicial execution and enforced disappearance cases remain unsolved and unlawful killings continue to be reported in the Philippines;
 3. Welcomes the indictment of 196 people over Maguindanao massacre and deplores the fact that the charges came as campaigning opened for the presidential elections of 2010 and no real progress has been made so far;
 4. Is deeply concerned that since the Maguindanao massacre nearly two years ago the trial has repeatedly bogged down in technicalities, witnesses and complainants have regularly

been intimidated, bribed or attacked and the culture of impunity continues to be widespread;

5. Underlines the slow progress has raised doubts about the President Benigno Aquino administration's ability to achieve justice and stresses that the investigation must be comprehensive and independent and that it must be followed by effective prosecutions, including of the powerful figures suspected of involvement;
6. Calls on the Philippines Government to take decisive steps in order to end extrajudicial killings and disappearances, and to shed light on all other unresolved cases; urges the Philippines Government to ratify the UN Convention on Forced Disappearances;
7. Calls on the Philippines Government to take action in order to stop immediately all private and local funding of police and military auxiliary groups and to disband paramilitary forces and local militias; stresses the need to immediately revoke Executive Order 546;
8. Calls for a review and clear indication on application of Rule 65 which allows defendants to file limitless motions of *certiorari* and thus slower the beginning of the trial by prolonging the process endlessly;
9. Calls on the Philippines Government to urgently revise the Human Security Act of 2007 in the light of the principle of rule of law and ensure that the principle of the Human Security Act complies with international human rights law;
10. Calls on the Philippines Government to undertake a thorough investigation and prosecution of all cases of disappearances and develop a witness protection program that would be independent from the police and military in order for victims to feel confident and safe in the process;
11. Calls on the Philippines Government to step up efforts to eliminate instances of political violence in order to safeguard the future of democracy in the Philippines; calls in particular on the authorities to take steps designed to protect the media and freedom of expression in general;
12. 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.