The European Parliament,

- having regard to the International Covenant on Civil and Political Rights and the Additional Protocol thereto, to which the Philippines is 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, signed in October 2009 and intended to speed up judicial proceedings against the perpetrators of extrajudicial killings, and to the new ‘Justice for All’ programme,
- having regard to the recent ratification by the Philippines of the Rome Statute of the ICC and of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (OPCAT),
- having regard to the report of the UN Working Group on the Universal Periodic Review (UPR) on the Philippines of 31 May 2012,
- having regard to the statement by VP/HR Catherine Ashton of 24 April 2012,
- having regard to its previous resolutions on the Philippines, notably that of 21 January 2010,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

A. whereas Esmail Amil Enog, an employee of the Ampatuan family of Maguindanao, went missing in March 2012 after having testified in court that he had driven armed militia members to the site where 57 victims were killed in 2009; whereas his dismembered body bearing traces of torture was found on 31 May 2012;

B. whereas, in an unprecedented move, the leading members of the Ampatuan family accused of masterminding the Maguindanao massacre were arrested after the events of 23 November 2009, while the assets and bank accounts of 28 clan members and associates were frozen;

C. whereas the trial of the persons accused of committing the Maguindanao massacre began on 8 September 2010 in Manila; whereas Andal Ampatuan and several of his sons are on trial for the massacre, while about 100 other suspects are still at large;

D. whereas Esmail Enog was the third witness to have been killed since the trial began in 2010, while the relatives of other witnesses have reported being attacked, threatened, offered bribes or harassed;

1 OJ C 305 E, 11.11.2010, p. 11.
E. whereas Mr Enog’s brutal death is a clear indicator of the fact that the climate of impunity that fostered the Maguindanao massacre is still alive in the country;

F. whereas, according to international press reports, four journalists have been killed in 2012 and the Philippines is deemed a dangerous country for the media by human rights monitoring organisations;

G. whereas extrajudicial killings and enforced disappearances have significantly declined since President Aquino assumed power; whereas, however the government’s ability to effectively combat the widespread impunity of the perpetrators of such acts and tackle the politically motivated violence in the country remains insufficient;

H. whereas, according to human rights organisations, of the many hundreds of cases of extrajudicial killings in the last decade, only seven, involving 11 defendants, have been successfully prosecuted, and none since President Aquino took power;

I. whereas after the Maguindanao massacre the government established an Independent Commission Against Private Armies to dismantle private militias, but with no concrete results so far;

J. 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;

K. whereas the most recent UPR of the Philippines reiterated the recommendations of 2008, i.e.: end impunity for extrajudicial killings, enforced disappearances and torture, and bring those responsible to justice; step up efforts for the total prohibition of torture, extrajudicial killings and enforced disappearances; end impunity by bringing the perpetrators to justice; and ensure the adequate protection of journalists and human rights defenders;

L. whereas the Enforced or Involuntary Disappearance Act was adopted by the Senate of the Philippines in June 2011 and by the country’s House of Representatives in May 2012;

1. Strongly condemns the murder of the third witness of the Maguindanao massacre and the assassination of four journalists, and expresses its solidarity with the families of the deceased;

2. Expresses its serious concern over judicial independence and slow convictions for human rights violations in the country, and calls for an immediate independent investigation into the recent murder cases;

3. Calls on the Government of the Philippines to take further measures in order to end impunity for extrajudicial killings, enforced disappearances and torture and bring those responsible to justice, including the perpetrators of the Maguindanao massacre who are still at large; further calls for the release of all disappeared persons still in captivity and for light to be shed on all other unresolved cases;

4. Welcomes the indictment of 196 people over the Maguindanao massacre, but deplores the fact that no real progress has been made so far in the trial;
5. Urges the Government of the Philippines to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to enact the Enforced or Involuntary Disappearance Act;

6. Calls on the Government of the Philippines to ensure the adequate protection of human rights defenders, trade unionists and journalists, effectively investigate and prosecute attacks against journalists, and introduce into domestic law strong legislation prohibiting such acts and imposing criminal penalties;

7. Urges the state authorities to establish, under the Commission on Human Rights, a specialised programme for witness and victim protection, including the protection of the families of victims, in cases involving serious human rights violations, particularly when the perpetrators are believed to be soldiers, police or state officials;

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

9. Urges the government to immediately prohibit and disband paramilitary forces (including where paramilitary activity is supervised by military command) and local militias, and to establish full military and police control over the armed civilian units, notably the Civilian Armed Forces Geographical Units and Civilian Volunteer Organisations;

10. Calls on the government to take concrete steps to implement the recommendations made to the Philippines during the recent UPR; urges it to revoke, without further delay, Executive Order 546, in order to ban private armies;

11. Welcomes the ratification by the Philippines of the Rome Statute of the International Criminal Court on 30 August 2011 and of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) on 17 April 2012;

12. Welcomes the important steps taken by the Government of the Philippines in its attempts to prevent killings and bring their perpetrators to justice, as well as the launch of a new Task Force of dedicated prosecutors to address extrajudicial killings and enforced disappearances;

13. Welcomes the successful implementation of the EPJUST programme and the new EU-Philippines justice support programme ‘Justice for All’, which will be launched soon and will allocate EUR 10 million over the period 2012-2015 in order to promote equitable access to justice and its efficient enforcement for all citizens in general, and in particular for poor and disadvantaged people, especially women, children, minorities and indigenous peoples, as well as human rights and social activists;

14. Calls on the Government of the Philippines to enable a visit by the UN Special Rapporteur to investigate the human rights situation in the country;

15. Instructs its President to forward this resolution to the EU High Representative for Foreign Affairs and Security Policy, the President and Government of the Philippines, the UN High Commissioner for Human Rights, and the governments of the ASEAN member states.