

STATEMENT OF THE COMMISSION ON HUMAN RIGHTS, PHILIPPINES
National Human Rights Institution

delivered by Commissioner Cecilia R.V. Quisumbing
at the
United Nations Human Rights Council, Geneva, 3 June 2008
Re: Agenda Item 3, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

Thank you Mr. President. I speak on behalf of the Commission on Human Rights of the Philippines (CHRP), an ICC accredited national human rights institution conforming to the Paris principles.

The CHRP had highlighted the growing incidence of killings of activists since 2004 and acknowledges that the Philippine government has taken several steps since 2006 to address this issue including preventing further killings and working to ensure that existing criminal cases in court go through the criminal justice system.

The Philippine Commission expresses its appreciation for the constructive comments of the Special Rapporteur, Professor Philip Alston, and for his recognition that non-state actors have also played a role in extrajudicial killings. International law on this area must be developed further, to reflect current challenges in many countries.

The CHRP and the independent Melo Commission have reached the same conclusion as the Special Rapporteur that there is no State policy that approves of or encourages such killings. But, we are of the position that the government must increase its efforts to ensure that the momentum is not only maintained but accelerated and these violations be stopped once and for all.

The judiciary has recently conducted a survey on criminal cases which fall under the definition of political killings and killings of media practitioners. This is a first step in making accountable for speedy justice the judges before whom these critical cases are being heard. We are all waiting for convictions of these killers and the judiciary is the independent branch of government with the power to deliver justice in accordance with the rule of law.

It is worthy to note that so far 6 persons have been convicted, 1 has been acquitted, 5 cases have been dismissed and eleven have reached the stage of presentation of evidence by the defense. Justice may have been slow so far but we can see progress along the spectrum of criminal trials. Nor can we complain about the dismissal of some cases – the rule of law, including the burden of evidence is paramount, even over winning popularity points for convictions at the cost of due process.

The task force on political killings, established by the President Gloria Macapagal Arroyo in November, has taken a very active leadership role, following up cases with prosecutors and clerks of court, investigations with the police, and even re-opening new cases.

The Commission notes that both government and civil society report a significant drop in incidences in 2007 and hopes that this trend not only holds but continues.

There is a notable drop in statements by military commanders in the field that could be taken to label activists as enemies of the state and therefore legitimate targets in counter-insurgency efforts.

However, much more remains to be done.

The fourth commission on human rights, which has just begun its term this may, has made it a priority to strengthen its monitoring, including through modernizing its information and technology systems. We will continue to interact with government, give input on our perspective the premier human rights institution, as we monitor its compliance with international human rights commitments.

The Constitution of the Philippines gives the commission the power to grant immunity from prosecution to witnesses as it pursues investigations into human rights violations – this tool will be put to use more fully in the coming months, to encourage members of the military and police and former members of the military and police to come forward with what they know.

Mr. President, the United Nations, at least in writing, recognizes the important role of National Human rights Institutions as domestically located experts, independent monitors, and bridges between government and civil society. We hope this will be recognized not only in the assignment of seats here in the session hall but also in giving national institutions speaking time separate from that of other stakeholders. NHRI's are NOT the same as civil society organizations, nor are they government, they are in a class of their own.

The CHRP recognizes the importance of special procedures mandate holders. The visit of Mr. Alston to the Philippines did not cause the government to act on this issue but did give impetus to the internal dialogue. Perhaps the council would be so kind to provide mandate holders with their own seating in the session hall while they await their turn at the front of the room. Both special procedures experts and national human rights institutions deserve adequate seating at the human rights council, in keeping with the spirit of GA resolution 60/251.

The CHRP appreciates the acknowledgement of the Special Rapporteur made of the independence and work of the commission. We have institutionalized capacity building programs for personnel to improve monitoring and protection in areas with major military operations. The Commission, however, is concerned about being given prosecutorial powers, which may give rise to a conflict of interest as the monitor of human rights remedies at the domestic level.

As the bridge between civil society and government, between the national and international, the Commission on Human Rights of the Philippines hopes to strengthen links with civil society especially in documenting incidents and gathering evidence to strengthen the prosecution of perpetrators, and we would much appreciate increased cooperation between civil society organizations and the Commission on Human Rights towards this goal.

Thank you, Mr. President.