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7 SEP 10 11:10

SENATE

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P. S. RES. No. 240

Introduced by Senator M. A. Madrigal

RESOLUTION

DIRECTING THE BLUE RIBBON COMMITTEE AND THE COMMITTEES ON JUSTICE AND HUMAN RIGHTS AND ON NATIONAL DEFENSE AND SECURITY TO INVESTIGATE, IN AID OF LEGISLATION, THE ROLE AND RESPONSIBILITY OF THE A.F.P. AND THE INTER-AGENCY LEGAL ACTION GROUP (IALAG), HEADED BY THE NATIONAL SECURITY ADVISER, IN THE PATTERN OF SUMMARY KILLINGS AND ENFORCED DISAPPEARANCES OF ACTIVISTS AS CITED BY THE ADVANCED FINAL REPORT OF THE U.N. SPECIAL RAPPORTEUR ON EXTRAJUDICIAL KILLINGS AND TO MAKE THE NECESSARY RECOMMENDATIONS IN RELATION TO THE OWN RECOMMENDATIONS OF THE SAID U.N. REPORT

WHEREAS the 59th anniversary of the Universal Declaration of Human Rights prompts an accounting of state compliance with international human rights covenants in the face of the unresolved pattern of summary executions and enforced disappearances that has gripped the Philippines since 2001, when President Gloria Macapagal-Arroyo came to power;

WHEREAS the human rights group Karapatan has documented 887 cases of extrajudicial killings and 185 enforced disappearances from January 2001 to the present, and any disparity of number with military or government agencies does not erase the fact of such human rights violations and that the creation of an "investigative" commission and one task force after another has failed to make anyone accountable, let alone convicted, which has exacerbated the culture of impunity;

WHEREAS firm steps for action are necessary as the Philippines is set to undergo the Universal Periodic Review (UPR) by the United Nations Human Rights Council (UNHRC) in April 2008 that will allow the participation of non-government organizations;

WHEREAS the report of Mr. Philip Alston, United Nations Special Rapporteur for extrajudicial, summary or arbitrary executions, which was released last Oct. 28, 2007 provides a critical framework for action and reform as top officials of the Macapagal-

Arroyo administration remain in what Mr. Alston has described as “a state of denial” concerning the involvement of security forces in the killings of political activists;

WHEREAS it should be noted that Mr. Alston’s *investigative report* was done at the behest of the Macapagal-Arroyo government itself, and his advanced final report to be submitted to the 8th session of the UN Human Rights Council next year, carries the full authority and weight of the UN body;

WHEREAS in his 66-page report, the highly respected professor of law stuck to his findings in his 10-day fact-finding mission to the Philippines on Feb. 12-21, 2007, that far from being “unexplained killings,” government military forces are responsible for a “significant” number of these and their “purge theory (by the CPP-NPA) can only be viewed as a cynical attempt to displace responsibility”;

WHEREAS the Alston Report noted “two policy initiatives” that “are of special importance to understanding why the killings continue”: First is “the military’s counterinsurgency strategy against the CPP/NPA/NDF [Communist Party of the Philippines/New People’s Army/National Democratic Front] that increasingly focuses on dismantling civil society organizations purported to be CPP front groups.”; and second is the failure of the criminal justice system “to arrest, convict, and imprison those responsible for extrajudicial executions. This is partly due to a distortion of priorities that has law enforcement officials focused on prosecuting civil society leaders rather than their killers”;

WHEREAS the Alston Report directly blamed the Inter-Agency Legal Action Group (IALAG) which was created under Executive Order 493 on January 17, 2006 to coordinate the investigation and prosecution of cases involving national security. Composed of the AFP, PNP, DOJ, DND, the Intelligence Service of the AFP (ISAFP), the Criminal Investigation and Detection Group of the PNP (PNP-CIDG), the IALAG is supervised by the National Intelligence Board chaired by Norberto Gonzales who is also the National Security Adviser;

WHEREAS “IALAG’s proactive legal strategy requires drawing up lists of individuals who are considered enemies of the state but many of whom will not be reachable by legal process...The temptation to execute such individuals is clear [and] representatives of the AFP and PNP with the capacity to do so participate in IALAG bodies at all levels, and there is circumstantial evidence that this has sometimes occurred,” said the Alston Report;

WHEREAS IALAG has been encouraging “prosecutors to act as team players with the AFP and PNP in counterinsurgency operations and to de-prioritize cases involving the deaths of leftist activists,” the Report said as it sharply recommended the abolition of the IALAG superbody and to “refocus” the criminal justice system “on investigating and prosecuting those committing extrajudicial executions and other serious crimes”;

WHEREAS among others, the Alston Report also recommended the elimination of extrajudicial executions from counter-insurgency operations as it admonished the President “as Commander-in-Chief of the Armed Forces, [to] take concrete steps to put

an end to those aspects of counterinsurgency operations which have led to the targeting and execution of many individuals working with civil society organizations”;

WHEREAS the Alston Report further called on the Philippine government to order all military officials to stop linking people’s organizations to the armed groups as such “public vilification” had been “accompanied by operational measures”; sought transparency in the AFP’s “Order of Battle,” its purpose and who qualify to be included in such list; criticized the Malacañang policy requiring government officials, including military officers, to get approval from the President before they can appear at congressional inquiries; and rapped the Office of the Ombudsman for its failure to act on even a single case of the 444 complaints filed before it between 2002 and 2006 regarding killings attributed to public officials;

WHEREAS it is incumbent upon the Philippines to address the issues and act on the recommendations raised by this UN Report which is plainly concerned with the larger issue of state compliance to its obligations under international human rights laws and to institute “the necessary measures to ensure that the principle of command responsibility, as it is understood in international law, is a basis for criminal liability within the domestic legal order”;

THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the Blue Ribbon Committee and the Committees on Justice and Human Rights and on National Defense and Security to investigate, in aid of legislation, the role and responsibility of the AFP and the Inter-Agency Legal Action Group (IALAG), headed by the National Security Adviser, in the pattern of summary killings and enforced disappearances of activists as cited by the advanced final report of the UN Special Rapporteur on Extrajudicial Killings and to make the necessary recommendations in relation to the own recommendations of the said UN report.

Adopted,



M. A. MADRIGAL