

Statement of

Eric G. John
Deputy Assistant Secretary of State
Bureau of East Asian and Pacific Affairs

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Extrajudicial Killings in the Philippines: Strategies to End the Violence

Senator Boxer, Senator Murkowski, and Distinguished Members of the Subcommittee, thank you for inviting me to testify today on the situation in the Philippines. Let me extend my congratulations to the new Members of this Committee; I look forward to working with all of you. I am glad to have the opportunity to appear before you with my colleague, Principal Deputy Assistant Secretary Jonathan Farrar from the Department of State's Bureau of Democracy, Human Rights and Labor.

As you know, the United States has a long and warm relationship with the Philippines dating back more than a hundred years. The Philippines is a vibrant democracy, and one of five U.S. treaty allies in the Asia-Pacific region. Our soldiers fought heroically side-by-side in World War Two and are working side-by-side today to combat international terrorism. The U.S. is the Philippines' largest investor, trading partner, and provider of foreign assistance. Our relations are undergirded by significant people-to-people connections in the form of the more than three million Filipinos resident in the U.S. and the more than 100,000 American citizens living in the Philippines.

Today, our Philippine allies are enjoying solid economic growth, working on a peace agreement with Muslim separatists in Mindanao, looking to bolster their democracy via Congressional elections in May, and achieving unprecedented success against al Qaeda-linked terrorists responsible for the

deaths of hundreds of innocent civilians and the gruesome murders of American citizens.

One negative factor in this otherwise positive picture is the increase in reports of extrajudicial killings, the subject of this hearing. Unfortunately, political violence is not a new phenomenon in the Philippines. The so-called “Huk Rebellion” in the 1940s and ‘50s resulted in thousands of deaths. The communist New People’s Army (NPA), a U.S. designated Foreign Terrorist Organization, has been seeking the violent overthrow of the government since 1968 and continues to sow violence and terror in the country.

Extrajudicial killings, committed by the security forces, the NPA, or others, were common during the Marcos dictatorship, and have continued, albeit with less frequency, since that time. Over the past one to two years, however, we have seen a troubling increase in reports of extrajudicial killings.

As friends and allies, we are concerned about such killings, whoever is responsible, but particularly about allegations that members of the security forces have been involved. There is disagreement about the numbers of victims, but of course even one such killing is too many.

We take this problem seriously and are committed to helping our Philippine allies in bringing those responsible to justice. We are encouraged by the steps that the Philippine Government has taken to date, indeed, we judge that no Philippine Administration has done as much substantively and institutionally as what this one has done over the past year, but we will continue to make clear that more progress is essential and that we stand ready to be of assistance to Philippine authorities.

Addressing extrajudicial killings in a serious, effective way and ensuring that Philippine authorities bring those responsible to justice is important to our relationship and, of course, to the Philippines’ own democratic development.

We are encouraged that President Arroyo has taken several steps to address this problem, including establishing a police task force, called Task Force Usig (“to prosecute”), to investigate the killings and to file charges against the murderers, as well as a commission under the leadership of former Philippine Supreme Court Justice Melo. The Melo Commission has examined this problem and made policy recommendations, on which the

government has promptly acted. The Philippine Government also invited UN Special Rapporteur on Extrajudicial, Summary, and Arbitrary Killings Professor Philip Alston to inquire into the issue.

Concerning the report of UN Special Rapporteur Alston, I would note that in his report he cites the Philippine Government's recognition of the gravity of the problem, expresses concern about the views of the Armed Forces of the Philippines (AFP) regarding the problem, and states that the various measures ordered by President Arroyo in response to the Melo Commission report constitute important first steps, but much remains to be done.

The Melo Commission report, which was recently released to the public, concludes that circumstantial evidence links "some elements" of the military to the killings, but given the lack of witnesses there is insufficient evidence to support successful prosecutions or convictions; there is no official or sanctioned policy by the military or its civilian superiors to resort to illegal liquidations; there is no definitive accounting of the actual number of killings, but "even one is too many"; the killing of journalists is mostly attributable to reprisals from politicians, warlords, or business interests, rather than agents of the government; and prosecutions have been more successful when there is a greater willingness of witnesses to testify. The report also states that President Arroyo's resolve to stop these killings has been made clear, both in public statements and through actions such as the creation of Task Force Usig and the Melo Commission itself.

The Commission's recommendations include: creation of an independent civilian investigative agency with authority to execute warrants and make arrests; training for prosecutors; creation of special courts to handle these cases; enhancement of the witness protection program; increasing the investigative capabilities of the police; and orientation and training for security forces.

Following the issuance of the Melo Commission report, the Philippine Government took several important steps. The AFP has issued a new directive reiterating the principle of command responsibility and established its own Human Rights Office to investigate -- along with the Philippine Commission on Human Rights -- cases in which involvement by military elements is alleged. The Philippine Department of Justice strengthened and expanded the government's witness protection program. At President Arroyo's request, the Philippine Supreme Court has established special courts to handle these cases. President Arroyo also instructed the Philippine

Department of Justice and the Presidential Human Rights Committee to prioritize cases for trials by these special courts. In a statement, President Arroyo said that “cases that are strong enough to be brought to court should be prosecuted effectively and immediately to instill confidence in the process we have put in place,” while emphasizing that “due process is the watchword as we bring these killers to justice.”

We believe that the Melo report is a useful assessment of scope of the problem facing the Philippines and measures that can be taken to address it. Our Ambassador in Manila, Kristie Kenney, has stated that the Government of the Philippines has issued “a serious action plan and we would be glad to provide assistance in helping them implement it.” She met with the members of the Melo Commission on March 5 to discuss their next steps and to explore ways the U.S. Government could be additionally helpful.

The steps that we are taking include an ongoing and dynamic dialogue with Philippine officials at all levels of government on issues of human rights, rule of law, and law enforcement. U.S. Embassy officials vigorously reach out to Philippine contacts in the military, the law enforcement community, the judiciary, the human rights sector, and civil society to make these points and to determine new ways the U.S. Government could be additionally helpful. In this dialogue, we have reiterated our concerns over extrajudicial killings and strongly urged Philippine officials to take additional steps such as those recommended by the Melo Commission. Ambassador Kenney has repeatedly spoken publicly as well as at several military venues against extrajudicial killings and in advocacy of ensuring that anyone responsible for such a crime faces justice.

We will soon conduct a training program for forty Philippine investigators and prosecutors from the ten areas of the country with the most extrajudicial killings to improve their skills and understanding. We are also looking into making additional grants to the Philippine Commission on Human Rights to support its nationwide investigatory efforts. We understand that the Philippine Government has reached out to members of the European Union for assistance in implementing the conclusions of the Melo report. I have reached out to representatives of the European Union here in Washington to underscore our support for the Philippine Government’s request. I have also repeatedly addressed this matter with the Philippine Ambassador to the United States.

In addition to these immediate efforts, the U.S. has provided long-standing support for institutional reform within the AFP and the Philippine National Police, as well as the Philippine judiciary. This assistance has included human rights training for Philippine security forces in country, as well as at the International Law Enforcement Academy in Bangkok and at U.S. military and FBI training academies.

In compliance with the Leahy amendment, we work closely with the Philippine Commission on Human Rights to vet all Philippine military and law enforcement officials who undergo U.S. training.

The U.S. is also a firm supporter of Philippine Defense Reform, which aims to strengthen a professional and effective military that respects and protects civil liberties and human rights. We do this through ongoing training and exchange of ideas and information on issues relating to human rights. Also under the Philippine Defense Reform program, a U.S. expert has started working with the military's Office of the Inspector General to improve its internal capabilities.

The AFP is doing superb work in battling al Qaeda-linked terrorists. The close U.S. relationship with the AFP is contributing to its effectiveness, and has resulted in an important component that emphasizes civil-military operations and human rights.

On the law enforcement side of the ledger, several U.S. agencies work with their Philippine partners to provide training in case management and investigative techniques. These programs routinely include human rights training as an integral part of the curriculum. A new U.S. Senior Law Enforcement Advisor and his staff are now stationed at the Philippine police headquarters to assist in its internal transformation program to make it a more transparent, accountable, and effective institution and to provide better investigatory tools. U.S. law enforcement agencies also provide technical assistance to the Philippine Bureau of Customs, Bureau of Immigration and Deportation, and Philippine Coast Guard in areas relating to national security and border protection.

U.S. development assistance helps the Philippine Judiciary to improve systems for case management, assists civil society groups to participate in legal and judicial reform discussions, and provides training for Philippine judges and lawyers on the new code of conduct developed by the Supreme Court.

Beyond our discussions with Philippine officials and our training efforts, we are in close contact with civil society groups and human rights organizations in the Philippines, and we document our views on human rights in the Philippines in the annual State Department Country Report on Human Rights Practices. I would note that the Country Report is taken seriously in Manila and that the Philippine Government's spokesman called it, "constructive criticism from a time-honored ally." Our efforts are aimed at strengthening the rule of law, professionalizing law enforcement and judicial authorities, and empowering civil society, so these institutions can play a more effective and professional role in investigating and prosecuting such crimes.

To conclude, we take the problem of extrajudicial killings in the Philippines seriously and are committed to helping our Philippine allies as they bring those responsible to justice. We are encouraged by the steps that the Philippine Government has taken to date, but we will continue to make clear that more progress is essential and that we stand ready to be of additional assistance to Philippine authorities.

Thank you. I would be happy to answer your questions.