

**AMNESTY
INTERNATIONAL**



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Dear Candidates

I am writing to urge you to make specific public commitments to protect and promote human rights if you are elected President of the Republic of the Philippines.

As you may know, Amnesty International, the largest non-governmental human rights organization in the world, works to prevent human rights violations throughout the world and to promote awareness of all human rights. Amnesty International is independent from all governments and does not support or oppose individual candidates for elected office.

The recommendations in this letter are based on Amnesty International's long-standing research into human rights violations under successive governments in the Philippines. We believe that these recommendations, if implemented by the new government, would improve the Filipino people's human rights situation.

Amnesty International recognizes that the Philippines has taken steps towards better protecting the human rights of its people. The outgoing President has signed the Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and other Crimes Against Humanity, the Magna Carta of Women and the Anti-Torture Law.

Despite these measures, serious human rights violations such as enforced disappearances, torture in secret detention and political killings persist. The lack of human rights protection and flagrant disregard of the rule of law are exemplified by the 23 November mass killing of 63 men and women, in Maguindanao province in the run up to local elections. Now more than ever, the international community is watching how the Philippine government will provide accountability for this human rights tragedy.

Respect for human rights helps to ensure rather than undermine stability and security. The measures Amnesty International is suggesting are aimed at preventing human rights violations by increasing the accountability of Philippine institutions such as the security forces.

In the attached document we list some practicable and time-bound recommendations for the incoming President in the first 100 days and first year in office. We encourage you to include these in your agenda as head of your political party and as the next possible President of the Philippines. Amnesty International is sending this letter to all candidates, asking them to make public their positions with regard to each of the recommendations.

I look forward to receiving your response to this letter.

Very truly yours,

Sam Zarifi
Director for Asia and the Pacific, Amnesty International

Amnesty International's recommendations to all candidates in the Philippine presidential election

1. End extrajudicial executions, unlawful arrests, secret detention, enforced disappearances, torture and other ill-treatment, and prevent the use of counterinsurgency and counterterrorism to justify human rights violations

In the first 100 days, Amnesty International calls on the President to:

Issue an executive order that clearly states your administration's commitment to stop the practice of enforced disappearances and extrajudicial executions in the country. In particular, establish a presidential commission that will review all cases of extrajudicial executions and enforced disappearances during the last decade, in cooperation with impartial and independent bodies such as inter-governmental and non-governmental organizations, with the aim of enabling speedy prosecutions for cases with enough evidence, or re-opening investigations for cases whose progress is stalled due to lack of effective investigation;

As a presidential priority, initiate legislation that specifically criminalizes enforced disappearances and extrajudicial executions;

Certify as urgent for concurrence of the Senate the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, per the commitment by the Philippine State to the United Nations in 2008;

Review the government's counter insurgency policies, such as Oplan Bantay Laya 2 and other such policies, with input from the Commission on Human Rights of the Philippines, and revoke those policies which have led to human rights violations or do not comply with international humanitarian law;

And within the first year, Amnesty International calls on the President to:

Order the Armed Forces of the Philippines to stop the practice of arbitrary or secret detention and close any secret detention facilities it is operating. Instruct the military to provide the Commission on Human Rights with unimpeded access to all military camps and temporary military detachments to investigate allegations of enforced disappearances;

To prevent further cases of enforced disappearances and torture, introduce a national quick response hotline for families of victims of arbitrary or warrantless arrests and enforced disappearances to gain immediate recourse. The reported cases should be made public within 24 hours through media and local alert reports, when possible, to help ensure the safety and whereabouts of anyone who has been improperly arrested or subjected to enforced disappearance. This could also prevent torture and other ill-treatment, often used against members of groups that have been characterized as "enemies of the state".

2. Establish control and accountability over the military, police and other state-sponsored forces, and ensure witness protection

In the first 100 days, Amnesty International calls on the President to:

Revoke Executive Order 546, which directs the Philippine National Police to support the military in its counterinsurgency work, including through the use of militias and paramilitary groups

Ensure that the military exercises full control over all state-sponsored militias and paramilitary groups, and that the Department of National Defense clearly define and differentiate their purposes (particularly the CAFGU, SCAA, CVO, police auxiliaries, *barangay* defense forces), chain of command and accountability mechanisms, or otherwise disarm and disband them;

Disarm and disband all private armies;

Implement through an executive order a clear and transparent mechanism that prevents the appointment or promotion of persons who face allegations or have records of grave human rights abuses from the Commission on Human Rights to senior levels of government, law enforcement and the judiciary, as well as for the provincial, regional and national command posts for the military. Ensure that persons facing such allegations, particularly on cases of enforced disappearances, torture and extrajudicial executions, including through command responsibility, are suspended from their posts until such time that their names have been cleared by a civilian court (if there is a court case) or an independent, transparent and credible investigation has been conducted by the Commission on Human Rights of the Philippines (if there is no court case). Government officials and police or military officers undergoing investigation for crimes involving grave human rights violations should be suspended from posts where they can exert power or influence over victims and witnesses. If found guilty, such officials should be barred from holding senior positions in the government and the military.

And within the first year, Amnesty International calls on the President to:

Ensure that the Philippine National Police and the Armed Forces of the Philippines incorporate international human rights and humanitarian law standards as integral and permanent components of training for police, military and their auxiliaries, militias and paramilitary groups. Ensure that the police and the armed forces develop and implement human rights-based policies in their rules of engagement and operating procedures, including practical information such as rights-based procedures for arrest and detention, appropriate use of force, interrogation of criminal suspects without using torture and other ill-treatment under any circumstances, and appropriate sanctions for those who are found to have committed human rights violations;

Provide sufficient resources and mandate to the human rights offices of both the Armed Forces of the Philippines and the Philippine National Police in order for them to be able to promptly and effectively conduct detailed and impartial investigations of credible allegations of human rights violations. In particular it is crucial that these investigations are no longer undertaken by personnel in the same regional command as the alleged perpetrators. For high profile cases, such investigations should be conducted in cooperation with the Commission on Human Rights of the Philippines, to ensure transparency and credibility. Reports produced from such investigations should be available to the public;

Review the Witness Protection Act with a view to introducing provisions that enable a more sustainable protection for witnesses enrolled in the program, including resettlement of witnesses to a different region in the country, a realistic start-up package for witnesses leaving the program after the promulgation of their case/s and a change of identity for witnesses in exceptional cases.

Establish under the Commission on Human Rights a specialized program for witness protection and sanctuary for families of victims, for cases involving grave human rights violations, including but not limited to extrajudicial executions and enforced disappearances, particularly when the suspected perpetrators are members of the armed forces, police or are government officials.

3. Ensure the safe and voluntary return of the displaced, and embed human rights protection in the peace process

In the first 100 days, Amnesty International calls on the President to:

Order the relevant Departments to take stock of the current situation of the estimated 125,000 long-term displaced population in Mindanao, and ensure the full compliance with the UN Guiding Principles on Internal Displacement. The administration must ensure that those who are displaced are provided with adequate food, water, shelter and clothing, as well as essential healthcare and sanitation. The government must guarantee unimpeded humanitarian access to areas under its control.

And within the first year, Amnesty International calls on the President to:

Integrate human rights principles in any peace process with armed opposition groups (including the Moro Islamic Liberation Front and the Communist Party of the Philippines-New Peoples Army-National Democratic Front). Specifically, include provisions on mutual cooperation on human rights protection and joint investigations on credible allegations of violations of human rights and international humanitarian law committed in the context of armed conflicts;

Ensure the implementation of agreements such as the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law and the Joint Agreement on Safety and Immunity Guarantees;

Ensure that displaced families are able to return to their homes safely and are given resettlement and rehabilitation support. This includes access to adequate healthcare and education, assistance to recover their means of livelihood, and the restoration of their land and property including establishment of effective mechanisms for resolving land disputes.

4. Make human rights a priority integrated across government bodies

In the first 100 days, Amnesty International calls on the President to:

Declare as a presidential priority bill the charter of the Commission on Human Rights in the Philippines, facilitating its approval in both legislative branches;

Through an executive order, integrate all human rights principles into government policies and practices. In particular, mandate the Commission on Human Rights in the Philippines as a monitoring body, and as a first step appoint human rights desks in all Departments, ensuring that all policies and practices by each Department comply with international human rights law and standards.

And within the first year, Amnesty International calls on the President to:

Integrate binding obligations to respect, protect and fulfill human rights into the Medium Term Development Plan;

Commit to a realistic and practicable timeline in resolving the most serious cases of human rights violations by independent and efficient investigations and, where warranted, prosecutions that lead to convictions of the perpetrators, sustained protection for witnesses and reparations for the victims and their families.

5. Ratify key treaties on human rights and international humanitarian law

In the first 100 days, Amnesty International calls on the President to:

Immediately sign the Optional Protocol of the International Convention on Economic, Social and Cultural Rights to facilitate the process of ratification within the new administration's term;

Immediately sign the International Convention for the Protection of All Persons from Enforced Disappearances as a step towards ratification;

Immediately transmit to the Senate the instrument of ratification of the Rome Statute of the International Criminal Court for their deliberations.