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PHILIPPINES: A MOCKERY OF JUSTICE AFTER MAGUINDANAO?

Amnesty International is deeply concerned that three years on from the Maguindanao massacre the Philippines has failed to ensure that justice is swiftly and fairly served. Since 23 November 2009 almost half the 197 suspects for whom arrest warrants have been issued remain at large, no prosecution has been concluded, nor perpetrator convicted, and at least six witnesses to the massacre and their families have themselves been killed.

Alijol Ampatuan, who according to prosecutors was willing to identify perpetrators, was shot at close range this February. Esmail Amil Enog, who testified in court that he had been a driver for gunmen implicated in the massacre, was found chain-sawed into pieces after disappearing in May. That same month a prospective state witness, police officer Hernanie Decipulo died in police custody. His death was reported as a suicide. Another prospective state witness, Suwaib Upham, was killed in 2010. In June, the police reported that three relatives of witnesses have also been killed. Myrna Reblando, the widow of a journalist who was killed, was compelled to leave the country fearing for her safety after receiving credible threats in 2011.

In October 2012, the UN Human Rights Committee concluded that “the Philippine government should ensure the full protection of witnesses by increasing the effectiveness of the witness protection program” and that authorities should “fully investigate cases of killings and suspected intimidation of witnesses to put an end to the climate of fear that plagues investigation and prosecution.” Amnesty International fully supports this statement and urges the Philippine authorities to also extend protection to relatives of massacre victims who risk reprisal, intimidation and bribes. Protection should include regular monitoring and communication with all the families and witnesses. For those who have received credible threats or are otherwise in danger, the authorities must provide security escorts or other means of ensuring their safety.

Trials in the civil and criminal cases are ongoing at a Quezon City Regional Trial Court. However, there have been several delays and setbacks and most of the court proceedings have been bail hearings. Three years on from the massacre, and the substance of the cases has barely been touched. In a more positive move, the Supreme Court initiated the use of judicial affidavits in the civil action case, allowing majority of the victim-complainants to testify through them. Amnesty International urges the Chief Justice of the Supreme Court to further initiate judicial remedies to expedite progress in the civil and criminal cases.

Meanwhile the Department of Interior and Local Government has yet to complete administrative proceedings against the 62 police officers implicated in the killings. Amnesty International calls on President Aquino to use his executive authority to push for the resolution of all administrative cases of all government officials implicated in the massacre.

Three days after election-related Maguindanao massacre in 2009, then-presidential candidate Aquino pledged to revoke Executive Order 546, which authorizes the police and its auxiliaries to act as “force multipliers.” After his election as president, Aquino backtracked on this promise in November 2010.

In 2013 the Philippines will be holding national elections, including in Mindanao. According to the Philippine National Police, at least 60 private armed groups have not been dismantled and are at risk of using violence to influence the outcome of the elections. State-sponsored armed groups including police auxiliaries, Civilian Volunteer Organizations and the Civilian Armed Forces Geographical Unit, continue to operate. Amnesty International reiterates its call to President Aquino to revoke Executive Order 546 immediately in order to prevent renewed human rights violations in the run-up to the May 2013 elections.

On this third anniversary, the Maguindanao massacre has become an emblem of impunity for unlawful killings in the Philippines. The families of those killed nevertheless fight on for justice, despite dwindling resources and threats to their life. It is high time for the Philippine authorities to fully abide by their obligations under international human rights law and ensure effective remedy for victims of the Maguindanao massacre and their families.

Background

The full impact of government support for the private armed groups of local politicians became starkly clear on 23 November 2009, when 57 people, including 32 journalists, travelling in an election convoy were massacred in what has been repeatedly described by media groups as ‘the world’s largest ever single attack on journalists’. The victims were brutally killed and dumped in a mass grave on a hillside in the town of Ampatuan in the southern Philippine province of Maguindanao.

Those killed were on their way to witness the filing of candidacy for a local politician when they were stopped by over 100 armed men. Leaders of the powerful Ampatuan clan, many of them elected government officials, have been charged in connection with the killings but no prosecutions have been concluded. The clan’s private armed group and members of the local police and military are likewise implicated in the murder case.

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