



National Council of the Churches of Christ in the USA OFFICE OF THE GENERAL SECRETARY

March, 2009

Dear Members of the United States Congress,

We, the leaders and members of faith-based, labor, and human rights organizations concerned with the ongoing human rights crisis faced by our friends and colleagues in the Philippines' civil society, wish to express our support and appreciation for the attention and efforts by members of the House and Senate Appropriations Committees to ensure that our military aid to the Philippines is not exacerbating an already tragic situation. In 2007, the US Congress voted for the first time to attach human rights conditions to the military aid our government is providing the Philippine government. Partly as a result of this high level of scrutiny by the US Congress, there was a dramatic decline in the extrajudicial killings in 2008. Unfortunately, though the number of extrajudicial killings has declined significantly over the past year, widespread human rights abuses continue.

As you may recall, the United Nation's Special Rapporteur for extrajudicial killings, Philip Alston, noted in his report to the United Nations in 2007:

Many in the [Philippine] Government have concluded that numerous civil society organizations are "fronts" for the Communist Party of the Philippines (CPP) and its armed group, the New People's Army. One response has been counter-insurgency operations that result in the extrajudicial execution of leftist activists. In some areas, the leaders of leftist organizations are systematically hunted down by interrogating and torturing those who may know their whereabouts, and they are often killed following a campaign of individual vilification designed to instill fear into the community.¹

The perpetrators of these abuses continue to enjoy impunity and there is strong evidence that Philippine military officials responsible for human rights abuses will never face justice. In one glaring example, this past October the Philippine Supreme Court found that there is convincing and corroborated evidence that at least one high-level military official is responsible for human rights abuses, including enforced disappearances and torture, yet there has been no official investigation. In March, Human Rights Watch summed up the government efforts by stating, "Of the hundreds of political killings since 2001, not a single military official has been convicted," and "the principle of command responsibility has yet to be applied in a single case."²

We are also alarmed at reports that the Philippine government is increasingly using politically motivated prosecutions to charge and detain political activists, labor leaders, attorneys, academics and clergy. As the UN Special Rapporteur warned in his 2007 report, "Senior Government officials are attempting to use prosecutions to dismantle the numerous civil society organizations and party list groups that they believe to be fronts for the CPP."

¹ United Nations, General Assembly. *Interim Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Phillip Alston*. August 16, 2007. Available at http://www.twincitiesamnesty.org/A_HRC_8_Philippines_Advance_Edited.pdf

² <http://www.hrw.org/en/news/2008/03/25/philippines-justice-absent-killings-and-disappearances>

In particular, the Rapporteur identified the Inter-agency Legal Action Group (an ad hoc mechanism comprised of representatives of several executive branch agencies including the Armed Forces of the Philippines (AFP) and the Department of Justice) whose sole purpose is to “bring charges against members of these civil society organizations and party list groups.” Most charged have not “actually committed any obvious criminal offence.” Unfortunately, by working hand-in-hand with the military, the prosecutors for the Department of Justice appear to be subverting the justice system.

Finally, we are concerned by reports that the AFP is continuing its vilification campaign against members of civil society organizations. For example, in 2008, the AFP-Civil Military Operations unit has conducted “symposiums” in Mindanao in which they accuse every member of one particular democratically elected trade union of being terrorists simply because of their union membership.

The impact of these actions is severe. Due to the continued attacks on segments of Philippine civil society, democracy in the Philippines is suffering. In 2008, the second year in a row, Freedom House downgraded the Philippines by ranking it as merely a “Partly Free” country.

For FY 2008, the US Congress conditioned a small part of US military aid, just \$2 million out of a total of \$30 million in Foreign Military Financing (FMF), on three conditions: (1) the Philippine government’s successful implementation of the UN Special Rapporteur’s recommendations; (2) the prosecution of those in the military and others responsible for the human rights violations; and (3) the end of the vilification of legal civil society organizations by the military. These same conditions are in the FY 2009 State Department Operations Bill reported out by the Senate Appropriations Committee (S. 3288) last July.

The Philippine government did not meet any of these conditions in 2008, however, the Department of State provided the Philippines with the full FMF allocation. We are very concerned about the lack of transparency in the reporting process.

The experience in 2008 demonstrates that conditioning only a portion of the military aid, and then sending it without significant scrutiny, sends the wrong signal to the Philippine government, because the human rights violations have continued with impunity.

We urge the US Congress to require that:

- The Department of State’s human rights certification is made publicly available in order to promote greater transparency and understanding between the United States and the people of the Philippines,
- The human rights conditions on FMF enumerated above are in the FY 2009 omnibus appropriations bill and
- The Philippine government receives ~~no further~~ FMF until it meets all of three human rights conditions.

These steps are necessary to ensure that U.S. military aid does not directly or indirectly promote human rights violations and undermine democracy in the Philippines. The rights and freedoms of the Filipino people depend on it.

Sincerely,



Michael Kinnamon
General Secretary