



Australian Government
Refugee Review Tribunal

Country Advice

Philippines

Philippines – PHL39188 – Bagong
Alyansang Makabayan (BAYAN) –
Pwersa ng Masang Pilipino (PMP) –
State protection

12 September 2011

1. Is there an Alyansa Makabayan/ Masang Pilipino party in the Philippines?

A search was conducted on Alyansa Makabayan (Patriotic Alliance) and Masang Pilipino (Filipino Masses). One source was located that mentions the Alyansang Makabayan ng Masang Pilipino (AMMP) but no further information was found.¹ No specific reference to Alyansa Makabayan was found but a group named Bagong Alyansang Makabayan (New Patriotic Alliance) was located.² The group, also commonly known as BAYAN, operates throughout the Philippines.³ Masang Pilipino most likely refers to Pwersa ng Masang Pilipino (Force of the Filipino Masses), formerly the Partido ng Masang Pilipino (Party of the Filipino Masses) – generally known as the PMP.⁴

The relationship between these two groups is unclear. It is noteworthy that a prominent candidate to run for the PMP in the May 2010 elections,⁵ Jose Virgilio Bautista, was formerly the President of the Nueva Ecija Chapter of BAYAN.⁶ More broadly, sources indicate that political parties in the Philippines regularly form coalitions and have shifting alliances.⁷

Note that as no further information was found on the AMMP, the responses to the following questions provide information on BAYAN and the PMP.

2. Deleted.

¹ “Messages and Greetings” (undated), Sundalo Tagapagtanggol ng Pilipino website <http://sundalo.bravehost.com/From%20the%20People.htm> – Accessed 9 September 2011 <Attachment>

² The groups is sometimes spelt Bagong Alyansa Makabayan, see for example, ANAD Partylist 2011, “ANAD hits Davao City Mayor Duterte-Carpio’s arrogance”, 5 July <http://www.samarnews.com/news2011/jul/b209.htm> – Accessed 9 September <Attachment>

³ “What is Bayan?” (undated), on the Bagong Alyansang Makabayan website <http://www.bayan.ph/site/about/> – Accessed 12 September 2011 <Attachment>

⁴ Banks, Arthur S. et al. (eds.) 2010, “Philippines”, *Political Handbook of the World 2010*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/document.php?id=phw2010_Philippines&type=toc&num=145#H2_3 – Accessed 12 September <Attachment>

⁵ “About JV Bautista” (undated), available on politicalarena.com <http://ph.politicalarena.com/jv-bautista/profiles/view> – Accessed 9 September 2011 <Attachment>

⁶ “Who’s JV?” (undated), on the JV Baurista website <http://jvbautista.wordpress.com/about/> – Accessed 9 September 2011 <Attachment>; “PROFILE: Jose Virgilio “JV” Larion Bautista”, 2010. *ABS-CBN News*, 5 May, <http://www.abs-cbnnews.com/research/2010-candidate-profiles/05/07/10/profile-jose-virgilio-jv-larion-bautista> – Accessed 9 September 2011 <Attachment>

⁷ Banks, Arthur S. et al. (eds.) 2010, “Philippines”, *Political Handbook of the World 2010*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/document.php?id=phw2010_Philippines&type=toc&num=145#H2_3 – Accessed 12 September <Attachment>; P.M.& Thornton, L.L. 2003, *Political Parties in Asia: Promoting Reform and Combating Corruption in Eight Countries* http://www.accessdemocracy.org/files/1681_asia_polparties_050404.pdf – Accessed 9 September <Attachment>

3. What are the main aims and policies of the party? Who are the prominent members in Manila?

A separate overview of BAYAN and PMP is provided below.

BAYAN

BAYAN is a leftist group formed in the mid-1980s.⁸ The group's website notes it is an alliance of mass social and political groups, primarily "organizations of workers and peasants". Sections "from the youth, women, indigenous peoples, government employees and professionals" also make up the group's members.⁹ The group reports that it struggled against "the Marcos dictatorship and the Estrada regime" as well as the "repressive policies and campaigns...[of] the Arroyo regime".¹⁰

BAYAN's website provides the following broad overview of the group:

BAYAN is a multi-sectoral campaign center for its member organizations nationwide. Its range of activities include fora, seminars, lobbying, pickets, marches, demonstrations and people's strikes;

BAYAN works with other patriotic and progressive organizations and individuals based on the principles of consensus, independence and initiative;

BAYAN supports progressive candidates and parties in elections; Conducts education campaigns on the country's basic problems and how to solve them in ways that are democratic and people-oriented;

BAYAN initiates and/or promotes socio-economic relief and rehabilitation projects in support and in defense of the democratic rights of internal refugees and other victims of militarization and natural and man-made calamities, especially among the peasants and national minorities in the countryside.

BAYAN is a founding member organization of the International League of Peoples Struggle (ILPS) and works with other anti-imperialist and democratic forces worldwide.¹¹

The Constitution of the Bagong Alyansang Makabayan sets out the group's Declaration of Principles. It states that "[i]t is the commitment of BAYAN to carry the Filipino people's

⁸ "What is Bayan?" (undated), on the Bagong Alyansang Makabayan website <http://www.bayan.ph/site/about/> – Accessed 12 September 2011 <Attachment>; Gonzales, S. 2009, "A 'sacrificial lamb' for a military pact", *Asia Times*, 20 March http://www.atimes.com/atimes/Southeast_Asia/KC20Ae03.html – Accessed 12 September <Attachment>

⁹ "What is Bayan?" (undated), on the Bagong Alyansang Makabayan website <http://www.bayan.ph/site/about/> – Accessed 12 September 2011 <Attachment>

¹⁰ "What is Bayan?" (undated), on the Bagong Alyansang Makabayan website <http://www.bayan.ph/site/about/> – Accessed 12 September 2011 <Attachment>

¹¹ "What is Bayan?" (undated), on the Bagong Alyansang Makabayan website <http://www.bayan.ph/site/about/> – Accessed 12 September 2011 <Attachment>

struggle against U.S. imperialism, feudalism and bureaucrat capitalism in order to attain national and social liberation”.¹² “In pursuit of this goal”, BAYAN commits to

- Civil, political, economic, social and cultural rights
- National industrialisation and land reform
- Raising the standard of living and improving employment, health, education and housing outcomes
- Self-determination for minority groups, and
- Combating gender inequality.¹³

A list of prominent BAYAN members based in Manila could not be located but the BAYAN website identifies the following people as current national officers:

- Chairperson – Dr. Carol Pagaduan-Araullo
- Vice-chairperson – Elmer “Bong” Labog
- Secretary General – Renato M. Reyes, Jr.
- Deputy Secretary General – Eleanor de Guzman
- Treasurer – Rita Baua
- Director, Popular Struggles Commission – Boyette Jurcales¹⁴

PMP

Sources report that the PMP was established in the 1990s by Joseph Estrada as a vehicle to contest the Presidential elections.¹⁵ In 1998, Estrada won the Presidential election.¹⁶ The group’s initial success came from creating strategic coalitions with other major groups, including Laban ng Demokratikong Pilipino (LDP).¹⁷ The PMP suffered considerable losses when Estrada was impeached in late 2000 and has not regained the same level of prominence.¹⁸ No clear commentary of the group’s position could be located – an uncited reference on Wikipedia page refers to it as a “left-wing populism” movement and the group’s self-declared aims are consistent with this.¹⁹ Information on the Malayang Halalan

¹² “Constitution of the Bagong Alyansang Makabayan” (undated), Bagong Alyansang Makabayan website http://www.bayan.ph/about_bayan_constitution.htm – Accessed 12 September 2011 <Attachment>

¹³ “Constitution of the Bagong Alyansang Makabayan” (undated), Bagong Alyansang Makabayan website http://www.bayan.ph/about_bayan_constitution.htm – Accessed 12 September 2011 <Attachment>

¹⁴ “Member Organizations” (undated) on the Bagong Alyansang Makabayan website, <http://www.bayan.ph/site/member-organization/> – Accessed 12 September <Attachment>

¹⁵ Szajkowski, B. (ed) 2005, “Philippines” in *Political Parties of the World*, John Harper Publishing, London. <Attachment>

¹⁶ “Partido ng Masang Pilipino Platform of Government” (undated) on the Bagong Alyansang Makabayan website <http://www.malayanghalalan.com/2010-platforms/partido-ng-masang-pilipino-platform-of-government/> – Accessed 12 September < Attachment>

¹⁷ Banks, Arthur S. et al. (eds.) 2010, “Philippines”, *Political Handbook of the World 2010*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/document.php?id=phw2010_Philippines&type=toc&num=145#H2_3 – Accessed 12 September <Attachment>

¹⁸ Banks, Arthur S. et al. (eds.) 2010, “Philippines”, *Political Handbook of the World 2010*, CQ Press, Washington, D.C. http://library.cqpress.com/phw/document.php?id=phw2010_Philippines&type=toc&num=145#H2_3 – Accessed 12 September <Attachment>

¹⁹ “Pwersa ng Masang Pilipino” 2011, *Wikipedia*, 27 August http://en.wikipedia.org/wiki/Pwersa_ng_Masang_Pilipino – Accessed 12 September <Attachment>

election website provides the groups “Declaration of Principles”.²⁰ According to the Declaration of Principles, the “party shall be guided by the following principles and policies”:

Political

The government must aim to attain full sovereignty, adopt an independent foreign policy and promote an equitable distribution of political power. It must reconcile with our brother Filipinos who rise in arms against our government. It must make the criminal justice system including the judiciary free from corruption and partisan politics, truly fair and impartial, more efficient and restore the adherence and respect for just laws and give priority to the prosecution of the rich and powerful offenders and criminal syndicates. It must implement an authentic and real autonomy of local government.

Economic

To promote a genuine and democratized free enterprise system and develop a self-reliant national economy through the development of countryside and agriculture to serve as foundation for industrialization and technological development. Privatization, deregulation and debt reduction scheme must primarily benefit the masses. Payment of our foreign debt should be limited to a certain percentage of our export earnings. Government must implement an authentic and truly comprehensive agrarian reform program geared towards production and food security. Agrarian reform should be supplemented by a genuine countryside development program which should include needed support services and productivity orientations and urban land reform to enable the urban dwellers to acquire lands of their own, giving due respect to the concept of private property. The government must formulate and implement a program intended for Filipinos and allow the opportunity to own and/or control big business enterprises that are strategic and critical to our economy. Government must encourage and support the establishment of basic industries and promote rural development. Government must improve tax collection. Government corporations must be required to remit part of their net income to the national government.

Social

In the social field, government must equitably diffuse wealth and regulate acquisition, ownership, use and disposition of private property. The guiding principle should be social justice. Pro-poor policies and programs must be adopted and implemented by the government. The poor and the indigeneous (sic) and ethnic communities should directly benefit from government development programs. The ancestral lands of these communities must be recognized, delineated and transferred to the appropriate parties.

Social programs for the urban poor, the landless farmers, fishermen, teachers, overseas workers, the youth, the artists, the unemployed and the indigenous communities should be given a top priority in the budgetary allocation. The poor must share in all economic activity. The poor must have more not only in law but also in life.

Government must promote environmental protection and conservation of our natural resources. It must promote a nationalist oriented education and strengthen science and technology.²¹

²⁰ Malayang Halalan is a democracy blog. “Partido ng Masang Pilipino Platform of Government” (undated) on the Bagong Alyansang Makabayan website <http://www.malayanghalalan.com/2010-platforms/partido-ng-masang-pilipino-platform-of-government/> – Accessed 12 September < Attachment >

Prominent Manila-based PMP members could not be identified but figures prominent at the national level were located.²² The national candidates fielded by the PMP in the May 2010 elections were:

<i>Candidate for President</i>	Former President Joseph “Erap” Estrada
<i>Candidate for Vice President</i>	Jejomar Binay
<i>Candidates for Senators</i>	Juan Ponce Enrile Jinggoy Estrada Joey De Venecia JV Larion Bautista Apolinario “Jun” Lozada Miriam Defensor Santiago (Guest Candidate) Francisco Tatad [Grand Alliance for Democracy] (Guest Candidate) ²³

4. Is there any evidence that Alyansa Makabayan/ Masang Pilipino members have recently been subjected to threats and if so, by whom?

Reports were located of recent attacks on members of leftist political groups. In the past year there were reported attacks on groups affiliated with BAYAN.²⁴ Earlier reports from 2006 specifically refer to attacks on BAYAN members. No reports were located that identified PMP members as victims of attacks. Reports often refer to attacks on leftists but do not specify their group membership.²⁵ Human rights sources identify government security forces, local civilians and political militias as the perpetrators of these attacks.²⁶

Recent attacks on leftist political figures, including BAYAN affiliates

²¹ “Partido ng Masang Pilipino Platform of Government” (undated) on the Bagong Alyansang Makabayan website <http://www.malayanghalalan.com/2010-platforms/partido-ng-masang-pilipino-platform-of-government/> – Accessed 12 September <Attachment>

²² “2010 Election Full Candidate List (President, Vice President, Senators)” 2009, *Filipino Voices*, 17 December <http://filipinovoices.com/2010-election-full-candidate-list-president-vice-president-senators> – Accessed 12 September <Attachment>;

²³ “2010 Election Full Candidate List (President, Vice President, Senators)” 2009, *Filipino Voices*, 17 December <http://filipinovoices.com/2010-election-full-candidate-list-president-vice-president-senators> – Accessed 12 September <Attachment>;

²⁴ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011<Attachment>;

Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006 <Attachment>; Amnesty International 2006 “Philippines: towards ensuring justice and ending political killings”, AI website, www.amnesty.org/en/library/asset/ASA35/010/.../asa350102006en.html – Accessed 12 September 2011 <Attachment>

²⁵ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011<Attachment>

²⁶ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011<Attachment>

Recent reports from human rights groups have recorded attacks on leftist political figure over the last year since President Aquino took office.²⁷ The 2011 US Department of State report recorded that the Philippine Commission on Human Rights (CHR), “investigated 53 new complaints of politically motivated killings involving 67 victims during [2010]”.²⁸ The CHR “suspected personnel from the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) in some killings of leftist activists operating in rural areas” while “[s]uspects in other cases were ordinary citizens or remained unknown”.²⁹ A comprehensive July 2011 Human Rights Watch report noted that it had “documented seven extrajudicial killings implicating the military and three enforced disappearances of leftist activists since Aquino took office”.³⁰ Of particular significance, in July 2010, a member of BAYAN offshoot group, Bayan Muna, was murdered by a masked gunman. According to Human Rights Watch:

On the morning of July 5, 2010, Fernando Baldomero became the first reported victim of an extrajudicial killing under President Benigno Aquino III’s newly minted administration. Baldomero—the provincial coordinator of the leftist Bayan Muna political party, and a town councilor in Lezo, Aklan province—was leaving home to take his 12-year-old son to school when a gunman approached, aimed a .45 caliber pistol at the 61-year-old, and shot him in the head and neck before fleeing on a motorcycle...Charges have been filed against the alleged gunman, a civilian, but police have not pursued evidence of military involvement. Nor have they executed the court’s January 10, 2011 arrest warrant, leaving the alleged gunman at large.

The report goes on to note the characteristics of similar attacks on leftist political figures over the first year of Aquino’s government. Human Rights Watch reports:

Baldomero’s killing has a familiar ring to it. Like many of the victims of killings and “disappearances” detailed in this report, Baldomero was a leftist activist. Some, like Baldomero, were previously members of the [Communist Party of the Philippines – New People’s Army] CPP-NPA. However, in none of these cases is there evidence they were still NPA members or actively participating in combat at the time of the killing. Like Baldomero, several victims were killed or abducted in front of witnesses, either when gunmen entered the victims’ property and shot them in cold blood, or shot them from atop motorbikes. The perpetrators either wore civilian clothes with bonnets (balaclavas), or wore military uniforms and made no attempt to hide their faces. In several cases there is evidence that soldiers worked with members of paramilitary forces—primarily the Citizen Armed Force Geographical Unit (CAFGU)—or paid military “assets,” including “rebel returnees” (former NPA members).³¹

Attacks on BAYAN

²⁷ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011<Attachment>

²⁸ US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April www.state.gov/g/drl/rls/hrrpt/2010/eap/154399.htm – Accessed 12 September 2011 <Attachment>

²⁹ US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April www.state.gov/g/drl/rls/hrrpt/2010/eap/154399.htm – Accessed 12 September 2011 <Attachment>

³⁰ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011<Attachment>

³¹ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011<Attachment>

2006 reports from Amnesty International specifically note attacks on BAYAN members.³² Amnesty International commented since 2003, there has been a significant increase in “fatal attacks by unidentified armed men on members of legal leftist political organisations ... including *Bayan Muna*, *Anakpawis*, *Bagong Alyansang Makabayan* (BAYAN - New Patriotic Alliance”.³³ Amnesty International provides an example of an attack on a BAYAN member from 2006:

Victor Olayvar, a local leader of the leftist organization Bagong Alyansang Makabayan (BAYAN-New Patriotic Alliance) in Bohol was attacked while travelling by hired motorbike to Tagbilaran City, Bohol early on 7 September. Two men riding a motorcycle blocked the road and one reportedly shot Victor Olayvar several times at close range. He died shortly afterwards.

Prior to the attack, Victor Olayvar had reportedly been receiving death threats, and claimed he was under surveillance. At a local Peace Forum convened on 2 September, BAYAN members and other allied organizations expressed concerns to the local military unit over reports of an alleged military “hit list” which allegedly featured, among six others, Victor Olayvar’s name.³⁴

In a separate report, Amnesty International recorded the 2006 murder of Rafael Markus, chapter leader of BAYAN and Vice-Chair of the Kalinga provincial chapter of *Bayan Muna*. Amnesty reported that:

Two unidentified gunman wearing black “bonnet” face-masks approached and shot Markus Bangit as he was about to re-board the bus after it stopped at a roadside restaurant to allow passengers to take dinner. An initial police incident report stated that the gunman opened fired at Markus with a .45 calibre pistol and then continued to fire successive shots as he lay on the ground. He died from four gunshot wounds to his chest and stomach.³⁵

Politically motivated attack around the May 2010 election

It is worth noting that there are reports of politically motivated attacks around the May 2010 election.³⁶ In 2010 Human Rights Watch reported that “[t]here have been numerous apparently

³² Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006 <Attachment>; Amnesty International 2006 “Philippines: towards ensuring justice and ending political killings”, AI website, www.amnesty.org/en/library/asset/ASA35/010/.../asa350102006en.html – Accessed 12 September 2011 <Attachment>

³³ Amnesty International 2006 “Philippines: towards ensuring justice and ending political killings”, AI website, www.amnesty.org/en/library/asset/ASA35/010/.../asa350102006en.html – Accessed 12 September 2011 <Attachment>

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³⁶ Human Rights Watch 2011, *World Report 2011*, 24 January www.hrw.org/en/world-report-2011/philippines – Accessed 12 September 2011 <Attachment>; Human Rights Watch 2010, “Philippines: Candidates Should Propose Plans to End Killings”, 15 April <http://www.hrw.org/news/2010/04/15/philippines-candidates-should-propose-plans-end-killings> – Accessed 12 September 2011 <Attachment>

politically motivated killings in the lead up to the elections, scheduled for May 10, in which the authorities have been slow to respond”.³⁷ According to Human Rights Watch:

According to the Criminal Investigation and Detection Group (CIDG), between January 10, when the official election period began, and April 14, it has received 71 reports of violent incidents targeting elected officials and candidates, involving 86 victims. Thirty-eight people have been killed. The CIDG public information officer, Felix Vargas, told Human Rights Watch that suspects include “guns for hire,” political opponents, and members of paramilitary forces. To date, one suspect has been charged, eight suspects have been cleared, and investigations are continuing in the remainder of the cases. Vargas said that to date, no candidates for office have been interviewed during investigations as it is difficult to link them to the crime.³⁸

5. Is the government willing and able to protect Alyansa Makabayan/ Masang Pilipino members from harm? Has the situation improved since the 2010 elections?

No reports were located that specifically discuss the Government’s willingness or ability to protect members from BAYAN or the PMP. However, sources indicate that the government’s capacity to offer protection is limited by the culture of impunity and endemic corruption within law enforcement agencies.³⁹ As noted in question four, recent cases were located where the government has failed to provide leftist political figures protection against attacks by security forces.

Human rights groups and US Government reports highlight the culture of impunity and endemic corruption within law enforcement. As noted by Human Rights Watch in its 2011 *World Report*, “several key institutions, including law enforcement agencies and the justice system, remain weak and the military and police commit human rights violations with impunity”.⁴⁰ In a May 2010 paper, the group previously reported that “[o]f the hundreds of killings and enforced disappearances of leftist activists since 2001, Human Rights Watch knows of only six cases that have been successfully prosecuted, resulting in the conviction of 11 suspects”. None of those convicted “were active military personnel at the time of the killing”.⁴¹ The 2011 US Department of State report provides a similar assessment:

Arbitrary, unlawful, and extrajudicial killings by elements of the security services and political killings, including killings of journalists, by a variety of state and non-state actors continued to be serious problems. Concerns about impunity persisted. Members of the security services physically and psychologically abused suspects and detainees, and there were instances of torture. Pretrial detainees and convicts were often held in overcrowded, substandard conditions. Disappearances occurred,

³⁷ Human Rights Watch 2010, “Philippines: Candidates Should Propose Plans to End Killings”, 15 April <http://www.hrw.org/news/2010/04/15/philippines-candidates-should-propose-plans-end-killings> – Accessed 12 September 2011 <Attachment>

³⁸ Human Rights Watch 2010, “Philippines: Candidates Should Propose Plans to End Killings”, 15 April <http://www.hrw.org/news/2010/04/15/philippines-candidates-should-propose-plans-end-killings> – Accessed 12 September 2011 <Attachment>

³⁹ Amnesty International, *Progress, Stagnation, Regression? The State of Human Rights in the Philippines under Aquino*, 30 June 2011, ASA 35/002/2011, available at: <http://www.unhcr.org/refworld/docid/4e1716ac2.html> –12 September 2011< Attachment>

⁴⁰ Human Rights Watch 2011, *World Report 2011*, 24 January www.hrw.org/en/world-report-2011/philippines – Accessed 12 September 2011 <Attachment>

⁴¹ Human Rights Watch 2010, “Philippines: Candidates Should Propose Plans to End Killings”, 15 April <http://www.hrw.org/news/2010/04/15/philippines-candidates-should-propose-plans-end-killings> – Accessed 12 September 2011 <Attachment>

and arbitrary or warrantless arrests and detentions were common. Trials were delayed, and procedures were prolonged. Corruption was endemic. Leftist and human rights activists reported harassment by local security forces.⁴²

In its July 2011 report “*No Justice Just Adds to the Pain*”: *Killings, Disappearances, and Impunity in the Philippines*, Human Rights Watch examines the deficiencies in state protection. In particular, Human Rights Watch is strongly critical of the state’s policing and judicial capacity:

During his campaign for president, Benigno Aquino III pledged to end serious violations of human rights in the Philippines. Yet since taking office on June 30, 2010, the Philippine military continues to be implicated in apparently politically-motivated extrajudicial killings—deliberate unlawful killings by state security forces—and enforced disappearances. These abuses persist in part because of the Philippine police’s failure to conduct thorough and impartial investigations, particularly when evidence points to military involvement. The ability to bring the perpetrators to justice has also been hindered by the Justice Department’s inadequate protection program for witnesses, who have been subject to harassment and intimidation.

...

Police investigations into alleged extrajudicial killings and enforced disappearances are woefully inadequate. Several core aspects of investigations are often disregarded by investigators, including effectively examining crime scenes and canvassing for witnesses. Investigators routinely fail to pursue evidence of military involvement and the absence of military cooperation exacerbates this problem. Witness protection is rarely provided, and where it is the protection program is inflexible.

Longstanding problems of the criminal justice system are exacerbated in human rights cases, where victims and witnesses may justifiably fear retribution from soldiers. Despite official orders requiring prosecutors and police to work together in order to ensure that a strong case is presented to court, such cooperation remains extremely unusual. Once a case is filed in court, hearings occur only at monthly intervals. Often they are less frequent, with some breaks lasting several months, so that trials typically last for years. Court delays and a judicial hesitancy to act when the authorities are implicated in crimes have also hampered the Supreme Court writs of amparo and habeas data, which were designed to compel military and other government officials to release information on people in their custody, thereby preventing “disappearances.”

The widespread impunity enjoyed by perpetrators of extrajudicial killings and enforced disappearances in the Philippines is exacerbated by the inadequacies of institutions charged with promoting human rights and accountability, including the Department of Justice, the Commission on Human Rights, the Ombudsman, and the Joint Monitoring Committee.⁴³

⁴²US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April www.state.gov/g/drl/rls/hrrpt/2010/eap/154399.htm – Accessed 12 September 2011 <Attachment>

⁴³ Human Rights Watch 2011, “*No Justice Just Adds to the Pain*”: *Killings, Disappearances, and Impunity in the Philippines* <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011<Attachment>

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