

## THE EU AND EXTRA-JUDICIAL KILLINGS IN THE PHILIPPINES



### Martin Nambula

1981 (Kampala/ Uganda), Bachelor of Political Science and Philosophy at Makerere University (Uganda) and Master of Art of Peace Research and International Politics at University of Tuebingen (Germany). Human rights observer with IPON in 2010.

*The European Union has fallen prey to the Philippine government's manipulative excuses and maneuvers to avoid addressing the lingering problem of human rights violations. The government successfully diverted the attention of the EU by claiming that it lacked the technical capacity to deal with a problem created through its own political and military ambitions.*

The political and military ambition to root-out armed rebellions—especially those with communist and Islamic links—has caused a serious backlash to the human rights record in the Philippines. At the beginning of 2000s, the government sanctioned counter insurgency operations, such as the **Oplan Bantay Laya**, targeting armed militants, left-wing politicians, civil activists, journalists, human rights advocates, opposition politicians and outspoken clergy. In the name of the operation, hundreds of victims have been summarily executed. Many more have disappeared without explanations while others have either been threatened or tortured. The phrases “extrajudicial killings (EJKs) and enforced disappearances (EDs)” emerged to depict actions of state related killings and disappearances.

### Extra-judicial killings in the Philippine context

EJKs and EDs are nationwide phenomena. Victims are targeted in both private and public places and are killed or abducted. There appears to be a very thin line between state related killings and pure thuggery. Despite extensive local and

international condemnation, the problem persists. The government portrays the problem as a failure on the part of the judiciary and the police due to poor facilitation (Melo Report 2006: 2). However, fact remains: Whoever the perpetrators are, they are carrying on their vice with a great deal of impunity, while Philippine government has the obligation to protect its citizens.

### Seeking solutions

Following strong public outcry, the government made some efforts to investigate the problem. One of the most significant endeavors was for example the Melo-Commission of 2006 set up to investigate allegations of state involvement. The international community also joined hands to condemn the problem. Various international delegations and representatives from the UN, EU and ASEAN made serious observations and recommendations on the issue. The EU in particular sought to help by technical means. However, critics have dismissed the steps as inadequate, flawed and lacking perspectives. Many point to the fact that, despite overwhelming suspicion surrounding the military, all government related investigations hitherto

© IPON | The EU in a gilded cage – often isolated from the problems and the reality.



exonerated the armed institution. Critics and observers accuse the police of being reluctant to investigate implicated military leaders. Government is also accused of not paying reparations to the victims and their dependants. Calls to have security institutions independently investigated have ever since fallen on the deaf ear. The public and the activists are convinced that the government lacks political interest to solve the problem.

## EU contribution

Following discussions and recommendations supported by the international community, the government within its EU-cooperation forum sought technical assistance to address the problem. In 2009, the EU responded by funding the European Union Philippine Justice Support Program (EP\_JUST) to “[...] assist the Philippine society government agencies as well as relevant constitutional bodies and civil society in bringing an end to extrajudicial killings [...] and enforced disappearances of activists trade unionists and farmers’ representatives and in identifying the perpetrators and bringing them to justice” (EP\_JUST 2011: 1). This was to be attained through enhancing the capacity of the judiciary and police, training armed officers in human rights and establishing a monitoring system besides donating modern technical equipment

used in crime investigation. A team of experts, comprising both EU nationals and Philippine citizens specialized in judiciary and policing, was assigned to fulfill these objectives. The team carried out educational and skill training sessions for the target groups. At the completion of the program in 2011, the experts made technical recommendations for future action.

## Critical view of EU program and its visibility policy

Instead of responding to the public calls to address political and military shortcomings that are assumed to be responsible for the problem, the EU rather reacted to the government’s disguised excuse. It ignored the plight of the real victims and activists. Supporting the judiciary and the police as well as donating equipment, among others, were certainly not the most urgent and effective steps when taking into consideration the EU’s resource capacity and political weight. Besides, the program faced a string of formal restrictions. EP\_JUST functioned more or less at the level of the EU delegation and dealt mainly with high-profile offices. The mandate was designed to avoid interfering with the internal affairs of the Philippines. Its offices were located in the up-scale fortified district of Makati in Metro-Manila. The experts were treated with first class comfort, security, chauffeur

and luxury – conditions which isolated them from the problem and reality they came to deal with. The highly qualified and experienced professionals were bound to rely on official information and documents. Such documents were often prepared and sanctioned by those thought to be behind the human rights violations. This only increased the risk of working with distorted information. Additionally, the project was overburdened by the EU visibility policy. This policy led to a diversion of a significant amount of financial resources away from the core of the project. This kind of diplomatic and bureaucratic professionalism most likely led to by-passing the reality and gave the culprits extra time to hide.

The problem of EJKs and other human rights abuses is far from being solved. International cooperation and assistance is still very vital, for it is one of the most efficient ways to remind the leaders and the state of their international obligations regarding human rights. The EU should carry on with its efforts. The EU also ought to seek closer cooperation with more independent civil society groups and organizations with more grass-root interaction that are less bound by diplomatic and bureaucratic limitations. Requesting for technical assistance by the government was a scapegoat approach, used to shield its political inability or unwillingness to deal with the problem to which the EU succumbed. ■

© IPON | Counter-insurgency measures: Creating an atmosphere of suspicion and fear within the communities.



## SOURCE

- EP\_JUST (2011): Pre-Completion Report Technical Assistance Implementation.
- Human Rights Watch Report (2011): “No Justice Adds to the Pain” Killings Disappearances, and Impunity in the Philippines, New York.
- Melo et al. (2006): Report of Independent Commission to Address Media and Activist Killings (‘Melo report’).
- Alston, Philip (2008): Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development, Mission to the Philippines – A/HRC/8/3/Add. 2, United Nations Human Rights Council.