

ECUMENICAL ADVOCACY NETWORK ON THE PHILIPPINES

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May 23, 2013

The Honorable Patrick Leahy
United States Senate
Chair of Appropriations Subcommittee on State, Foreign Operations,
and Related Programs -
437 Russell Senate Office Building
Washington, D.C. 20510-4502

Dear Senator Leahy.

We, the leaders and members of faith-based, Filipino-American, labor, and human rights organizations concerned with the on-going human rights crisis faced by our friends and colleagues in the Philippines' civil society, wish to express our concern regarding the proposed Foreign Military Financing (FMF) for the Philippines in the FY 2014 Appropriations for State, Foreign Operations, and Related Programs. While the Government of the Philippines has stated it is taking steps to reduce extra-judicial executions (EJE) and enforced disappearances by military personnel and paramilitary units trained and armed by the military, new cases have been reported and impunity for these crimes continues. Human Rights NGOs in the Philippines reported many hundreds of cases of extrajudicial executions in the last decade (137 killings under the Aquino administration since 2010), enforced disappearances remain unresolved, and new cases continue to be reported. Human rights defenders, labor leaders, environmentalists, and members of other legal organizations are frequently vilified by the military and paramilitary forces as "enemies of the state" or members of the New Peoples' Army.

A failure to prosecute military personnel accused of human rights violations and those under their command has been a consistent pattern of the Philippine government. The most notorious example is the case of Retired Major General Jovito Palparan, Commander for the Armed Forces of the Philippines (AFP) 7th Division. He has remained a fugitive since 2011 in connection with his alleged involvement in the kidnapping and disappearance of two University of the Philippines students in 2006. While he avoids arrest, junior officers under his command have not been charged or investigated as allegations of human rights abuses by this division have continued.

When President Aquino ran for election in 2010 he promised to rescind Executive Order (EO) 546, which in the guise of arming police auxiliaries to assist in the fight against insurgents, provides automatic rifles to private armies of politicians and private business interests. Instead the government has continued the program under EO546, and empowered the AFP and paramilitary units to assist business interests including mining companies. A recent hearing on the killing of 4 members of B'laan tribe in Mindanao, who were active against the proposed large Tampakan copper-gold mine being developed by Sagittarius Mines Inc. (SMI) –Xstrata, disclosed that SMI-Xstrata has men on their payroll who are paramilitaries armed by, and under the nominal command of, the AFP.

The State Department Human Rights Report for 2012 lists "leading human rights problems", which include "continued arbitrary, unlawful, and extrajudicial killings by national, provincial, and local government agents" and describes the growing problem of the killing of indigenous people active against the activities of mining companies. In September 2012, Human Rights Watch issued a statement to the UN Human Rights Council Universal Periodic Review of the Philippines regarding human rights

violations of indigenous peoples, who are being targeted by paramilitary units under the command of the Philippine military. In part they said:

“Indigenous communities frequently bear the brunt of human rights abuses in the Philippines because they often live in conflict areas between the NPA and the government and where extractive industries such as mining are fought over. Although abuses targeting tribal Filipinos have been reported for decades, there has been a noticeable increase in the past year of attacks directed at them or their supporters. Almost no perpetrators have been convicted. Impunity persists in part due to inadequate criminal investigations and witness protection schemes, a lack of political will to ensure effective prosecutions, and lengthy delays in court proceedings.”

The AFP and paramilitary forces carry US made arms. We wonder how many of the arms used in committing human rights abuses were supplied under US aid programs, like FMF.

In the six years since the military sanctions were put in place by the Congress, we've seen continued widespread abuses by the military and the utter failure of civilian authorities to successfully prosecute military officials like Palparan and those who worked under him. Therefore, the time has come for the US Government to take stronger, more serious action than the tiny amount of sanctions currently already contained in our laws and we call on Congress to ensure that all of our FMF funding is subject to robust implementation of the conditions provided for in the statute as a necessary precaution to prevent the US from being complicit, either directly or indirectly, in the on-going human rights crisis that impacts Filipino families, both in the US and the Philippines. Therefore, FMF funds may not be obligated unless the Secretary of State reports in writing to the Appropriations Committee that:

- The Government of the Philippines is taking effective steps to prosecute those responsible for EJE and enforced disappearances and strengthen government institutions working to eliminate EJE and enforced disappearances;
- The Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for human rights, and is investigating, prosecuting, and punishing military personnel and others who have been credibly alleged to have violated such rights; and
- The Philippine military, and paramilitary groups under its control, are not engaging in acts of violence or intimidation against journalists or members of legal organizations and indigenous communities who advocate for human rights.

Furthermore, we call for beefed up enforcement of the Leahy Law to ensure that any Philippine military official who benefits from our International Military Education and Training (IMET) program did not serve directly under General Palparan or any other military officer credibly alleged to have committed human right violations.

Finally, we ask that Congress ensure that any military assistance provided through the IMET program prioritize first and foremost education on how to implement effective human rights accountability at all levels of the military".

Sincerely yours,

The undersigned (see attached 7 pages). Organizational affiliations included for identification.

cc Senator Dick Durbin
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