

## STATEMENT OF THE DELEGATION OF THE PHILIPPINES

*Delivered by*  
Ambassador Enrique A. Manalo  
Permanent Representative of the Philippines to the  
United Nations in Geneva on the Preliminary Note on the  
Visit to the Philippines of Prof. Philip Alston, Special Rapporteur on  
Extrajudicial, Summary or Arbitrary Executions

*4<sup>th</sup> Session of the Human Rights Council  
27 March 2007*

Mr. President,

My comments pertain to the preliminary note of Professor Alston on his visit to the Philippines last month.

At the outset, I wish to thank Dr. Alston for his presentation and preliminary note. I also appreciate his recognition of the seriousness my Government attaches to this issue and his acknowledgement of the cooperation my Government extended to his mission, as well as its willingness to permit outside scrutiny and its preparedness to engage on this issue.

I also wish to suggest as a general comment, that a number of improvements of a factual nature could be made in the preliminary note so that a more accurate and clearer picture of the Government's efforts and the prevailing situation is presented. In this regard and as had been requested, we had submitted factual changes and points of law in connection with the initial draft of the preliminary note. While some of them have been included in the text under consideration, the rest were not. We therefore hope our submissions will be given due consideration and fully reflected in Prof. Alston's final report.

In the meantime, I wish to make the following observations and comments on the preliminary note, which has been circulated:

The Philippines condemns extrajudicial killings in the strongest terms and we are taking urgent action to stop such killings and to identify and prosecute those who perpetrate them. We thank Dr. Alston for enumerating some of the measures the Government has enacted such as creating special Courts to handle these cases, and establishing a Commission to examine this problem and make recommendations.

In fact, many of these measures predate Mr. Alston's visit. For lack of time, I shall not enumerate all of them as they are presented in detail in the attachment to my statement. I hope they can be fully manifested in the final report in order that a more comprehensive factual account of my Government's actions is reflected. Nevertheless, we welcome the Special Rapporteur's observation in paragraph five of the note that there has been a strong institutional response by the Philippines at the national level. I wish to add that this is not an initial response but part of a continuing effort to address the problem.

Another measure was the strengthening of the Presidential Human Rights Committee, now conducting an inventory of cases under investigation which reveals that 60 cases of such killings have been brought to court since 2001 which, in turn, have resulted in some convictions while the others are under active investigation. The list of cases shows the crucial role of the Government's witness protection program.

Moreover, contrary to what Mr. Alston said this afternoon, the military is not in denial. The Armed Forces of the Philippines established in February a Human Rights Office investigating some 80 cases that may involve military men and officers.

My Government has also consistently engaged in partnerships with the international and national human rights community, and acknowledges the role of civil society in monitoring these cases. Two other visits are scheduled next month to look into the issue under consideration.

Mr. President, we have closely studied the preliminary note. In this regard, a number of paragraphs address the role to be played in human rights protection and promotion by the branches of government and prescribes ways to maintain accountability among them. Some paragraphs touch upon broad national security issues while others reflect the author's view or opinion on certain government policies or actions, and on its political will. These views remain open to debate and discussion.

On references to conversations and remarks by certain high-level officials mentioned in his note and today's presentation, due to time constraints, it was not possible to secure their reactions to what was stated. We hope to do so in the near future.

The paper attached to my statement also contains information on the human rights functions of state actors and are aimed at clarifying specific issues raised by Dr. Alston. The short time available does not allow us to go into detail. However, one example might suffice. In paragraph 12 of the note, the prosecutor's role in the Philippines is cited as passive. I wish to point out that our criminal justice system emphasizes, unlike in other jurisdiction, the independent role of the prosecutor. This could be misconstrued as passivity but it is necessary lest the prosecutor be charged with partiality by either party to a criminal complaint. Nevertheless, the Government is exploring how cases might be evaluated and improved without damaging the prosecutor's credibility.

Mr. President, a killing is one too many. For investigations to succeed, however, a precise reckoning is required of these figures which represent lives lost grieving families and respondents to be prosecuted. Arriving at the exact number is pivotal in obtaining the correct diagnosis and right treatment. For example, aside from ascertaining the inventory of cases filed and the total number of convictions achieved so far, our investigations have also initially determined that five persons reported to be killed have in fact turned up alive.

Mr. President:

We note the interim recommendations of Professor Alston. Regarding his first recommendation on public statements made by military officers, concrete steps have already been taken. His recommendation, however, i.e. concerning the Supreme Court of the Philippines, does not appear to take into account the separation of powers.

Before considering the SR's recommendation on the so-called "order of battle", it might be useful if the Special Rapporteur could first provide my Government with a copy of the document he referred to in the report so that its authenticity may be verified and commented upon.

Finally, allow me once again to thank Dr. Alston for his efforts to highlight the initiatives of my Government and challenges we face in addressing this serious issue. We look forward to further dialogue with him and his office.

Thank you, Mr. President.