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PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

PHILIPPINES: A series of unsolved murders reveals the lack of investigations into even the worst crimes in the country

The Asian Legal Resource Center (ALRC) has in recent months documented a pattern of murders of persons supposedly either involved in criminal activities or who are victims of motorcycle robberies. These have been taking place in General Santos City (GSC), in the South of the Philippines. The utter failure by the authorities to investigate these grave crimes points to the inadequacies of the State in protecting its citizens, notably their right to life. This inadequacy has also previously been seen with regard to the spate of hundreds of targeted extra-judicial killings of leftist activists that have placed the Philippines under the spotlight in recent years. Despite international condemnation with regard to these killings, the Philippines have promised much but delivered little, and one of the main causes of this can be put down to the unwillingness and inability to thoroughly investigate crimes and human rights violations. How can the Philippines live up to its pledges to promote and protect human right to the highest standards when it does not even move to investigate multiple murders?

Between February 4 and May 14, 2008, the ALRC has been alerted to 17 murders in GSC and it is believed that this is not an exhaustive list. Seven of those murdered, including a 16-year-old boy, have been accused by the police investigators of having criminal records, being former detainees or persons involved in committing motorcycle robberies. In several other cases, the victims are persons illegally working as motorcycle taxis, who were killed when criminals stole their motorcycles. This paints a picture of deep lawlessness, which is compounded by a lack of investigations by the authorities into both the robberies and the killings. Nobody has been held to account despite the police's initial findings that the murders could have been perpetrated by a group, based on ballistic evidence recovered from the scene of the crimes.

The city's mayor, Pedro Acharon Jr., has implied that six of the murders were carried out by rival gangs of criminals, repeating such claims made previously by the police. However, these statements have been made without any reasonable and convincing proof. The ALRC is seriously concerned by the evident lack of investigations being carried out in such grave cases. A similar lack of investigation into other crimes, including where those responsible are thought to be State agents, is at the source of the ongoing wide-ranging serious human rights violations that are present throughout the Philippines, both in terms of torture, extra-judicial killings, forced disappearances as well as violations of a range of economic, social and cultural rights, including the right to food. Where the right to life is not respected or protected, what hope is there for other rights?

This right is enshrined under Article 6 (1) of the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee's General Comment No. 6 1982, par. 3, states that: "the protection against arbitrary deprivation of life which is explicitly required by the third sentence of article 6 (1) is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces (sic)".

The responsibility of the Philippine National Police (PNP) is clearly stipulated in the Republic Act (RA 6975), section 24: "Powers and Functions: (a) enforce all laws and

ordinances relative to the protection of lives and properties; (b) maintain peace and order and take all necessary steps to ensure public safety and (c) investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution (sic)".

Instead of ensuring that each of these murders is investigated and that the perpetrators are held accountable in court, the police and Mayor's baseless excuses do not exonerate the authorities from their duties to investigate and protect.

Case details:**Motorcycle drivers:**

1. 45 years old Danny Ramirez was murdered on April 27 in Barangay (village) Labangal in GSC. He was the father of five children and the family's bread-winner. He was murdered when on his way to ferry passengers.

2. 22 year old Steward Devenagracia was shot dead by one of his passengers on April 21 at around 10 pm in Barangay Labangal, GSC. He was last seen ferrying a female passenger from a wharf in Makar, in the same village. The attackers stole his motorcycle.

3. 33 year old Romy Aristoteles was killed on April 9 at 8:30 pm at the corner of Magsaysay Avenue and Salazar street, in downtown GSC. A lone gunman, armed with a .45 caliber pistol, shot him from behind and calmly walked away after shooting him. He was waiting for passengers when he was shot in the head.

4. Jun Villamor was shot dead on April 1 by two of his passengers he had picked up as he was driving along San Pedro Street, Mateo Road, Barangay (village) Bula. Witnesses heard gunshots before the motorcycle crashed into the back of a utility vehicle parked along the roadside. The two alleged perpetrators then reportedly tried to steal the motorcycle, but then ran away.

5. 45 year old Danilo Bactol was found dead on March 10 at around 9:15 pm in Purok Bulaong Extension, Barangay Labangal. His motorcycle was also stolen shortly after he was last seen ferrying two other passengers. He suffered gunshot wounds to his belly and back which eventually resulted in his death. The police were able to recover two empty shells from a .45 caliber pistol at the scene.

Alleged criminals:

1. 24 year old Rene Taluna was shot and killed by two attackers in the evening of May 14 as he arrived home in B'laan Village, Barangay Labangal. The two suspects, riding on a motorcycle, had followed the victim before shooting him dead. He suffered gunshot wounds to his head and chest. The community police have done little except claim that Rene was on file for cases of theft and robbery.

2. 18 year old Epedito Vallenti was shot by gunmen riding on a motorcycle on May 12 at around 2:20 pm near his home. The victim is said to be the leader a small of gang of teenagers.

3. 23 year old Roger Bagalangit was shot dead on April 20 in front of his sister, Resalie. They were waiting for a ride on their way home, when a gunman armed with a .45 caliber pistol, appeared and shot Roger. He was hit in the back of the head and died. The police have concentrated thus far on finding out whether the victim had a criminal record.

4. 30 year old Jonathan Lanciso was shot on April 18, while watching volleyball game in public, by two gunmen armed with .45 caliber pistols, in Sitio Lanton, Barangay Apopong. Nobody has identified the gunmen to date. Jonathan had previously been detained and then released, having been falsely charged with the theft of a firearm.

5. 23 year old Gabriel Sintosas and 21 year old Emerson Estocado were killed on March 19 in Purok Malok and Purok San Roque, Labangal, respectively. Their attackers rode motorcycles. The police quickly made public statements that the two had been killed due to suspicions that they were involved in series of motorcycle robberies in the city. However, they gave no proof to substantiate these claims.

6. 16 year old Rolan Daganio (a.k.a dugong bunso) was shot dead by unidentified gunmen riding on a red XLR motorcycle on March 18, around 9:55 pm along Barangay City Heights. Rolan is said to be a repeat offender and had been detained by the police on several occasions. The social welfare was supposed to be taking custody of him when he was killed.

7. 28 year old Nasser Kamid was killed on March 7 along Amao Road, Barangay Bula, by three attackers riding on a motorcycle, armed with a .45 caliber pistol. The police have yet to conclude their investigation, but have suggested that the victim had been previously detained at the Davao Penal Colony (Dapecol). Three empty shells from a .45 caliber pistol were recovered by the Scene of the Crime Operatives (SOCO) team.

Prior to these killings, escalating incidents of robberies of motorcycles in which the drivers were killed had been taking place since late-2007. The failure by the police to investigate these has meant that no perpetrators have been brought to justice. The growing disappointment concerning the police's failure may have led to vigilante killings, which have been tacitly approved by many, which has been aggravated by the police and mayor's statements. As a result, the murders of several innocent persons have now been committed, and the authorities are doing nothing to stop them. Regardless of whether a person is innocent, however, vigilante killings cannot be accepted. The Philippines lauds its having got rid of the death penalty recently, but vigilante and other extra-judicial killings continue to undermine this apparently positive development.

The Asian Legal Resource Center (ALRC) urges the concerned government agencies to ensure that each case of murder or extra-judicial killing is promptly and effectively investigated upon. The local government and the police must recant their statements that are justifying these killings. They must, according to the provision of RA 6975, implement and enforce all necessary measures to ensure that any form of arbitrary deprivation of life is prevented and that those responsible are brought to justice.

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***About the ALRC:** The Asian Legal Resource Centre is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at the local and national levels throughout Asia.*
