



MELO COMMISSION REPORT OUT

Melo Report Highlights:

Undisputed Facts:

- There are incidents of extra-legal killings in the Philippines
- Significant number of activist groups & media victims
- Numbers, theories vary depending on the source of information
- Incidents and trends sufficient enough to generate concern
- Not much headway in solving cases

Findings on Media Killings

- Attributable to reprisals for exposés or other media practices
- Local politicians, warlords and big business interests viewed as parties responsible; motives are personal vengeance, local politics, commercial concerns
- More success in investigating media killings as formal complaints are filed in majority of cases
- Government must ensure perpetrators swiftly brought to justice as concrete gesture that it does not condone killings

Findings on Activist Killings

- Some circumstantial evidence support preposition some elements within or connected to the military are responsible
- No official or sanctioned policy on the part of military or civilian authorities to resort to "alternative procedures" or illegal liquidations
- Circumstantial evidence submitted grossly inadequate to support criminal conviction
- Further in-depth investigation, evidence gathering necessary for successful prosecution

The Arroyo administration released to the public today the initial report of the Independent Commission to Address Media and Activist Killings, chaired by Justice Jose Melo.

Executive Secretary Eduardo Ermita said that even though this is just a preliminary report that needs to be supplemented by additional reports by the Melo Commission based on further inquiry, the government decided to release the report in answer to persistent public clamor.

President Gloria Macapagal-Arroyo extended the commission's mandate on Jan. 30, requesting it to look into the latest killings as well as to look further into some of the initial cases. It has been noted that the preliminary report does not include testimony from victims and their families, testimony that the Commission has called "indispensable." The Commission itself said in its report that further investigation is necessary to prosecute the killers.

Ermita pointed out that the initial report focuses primarily on the executions of leftist activists.

"The fact that none of the victims and families of the killed media men have been interviewed underlines the work that is still left to be done by the Melo Commission. We are confident that supplemental reports will shed even more light on this



Presidential spokesman Ignacio Bunye right, turns over a copy of the Melo Report, to members of the Malacanang Press Corps, Thursday, Feb. 22, 2007, at the Malacanang Palace in Manila, Philippines.

important issue. We also hope that more witnesses will come forward and help achieve justice for those attacked," he said.

Commission Chairman Melo noted, however, that while none of the left-leaning groups have participated in the investigation, some other civil society groups have. Two are agrarian activist groups: Task Force Mapalad (TFM) in Negros Occidental,

ARROYO ACTS ON COMMISSION REPORT

The government of President Gloria Macapagal-Arroyo highlighted several actions already taken or currently in progress towards solving the important issue of extrajudicial killings of activists and media members.

"The government is more than sincere in its efforts to resolve these killings; we have taken immediate concrete steps," President Arroyo said.

The President assigned Chief Presidential Legal Counsel Sergio Apostol to monitor the progress of the directives she issued on January 31, 2007 based on the recommendations of the Melo Commission.

"I have made it a top priority to resolve the killings of political and agrarian activists and of members of the media and to prevent further killings," said President Arroyo. "And I am confident that we are on the right course."

On the directive to the Department of Justice to strengthen and enhance the Witness Protection Program, Secretary of Justice Raul Gonzalez has liberalized admission requirements, particularly when the threat level on bona fide witnesses is high.

Regional State Prosecutors are authorized to grant provisional coverage to high risk witnesses under threat pending confirmation of their admission to the program.

Secretary Gonzalez directed all WPP implementers and personnel, particularly the Regional State Prosecutors, City and Provincial Prosecutors, to adopt a proactive stance in seeking out bona fide witnesses in cases involving political killings, media murders and human rights violations. The Department has organized a team of prosecutors to oversee, coordinate and follow all cases involving witnesses at high risk, for expeditious prosecution of cases.

The President has requested the Commission on Human Rights (CHR) to delve deeper into the matter of extrajudicial killings. She has approved the release of P25 million for the Commission to apply to its general mandate under the Constitution which includes monitoring, investigating, education and training.

On the directive for the Department of National Defense (DND) and the Armed Forces of the Philippines (AFP) to come up as soon as possible with an updated document on Command Responsibility, AFP Chief of Staff Gen. Hermogenes

ARROYO ACTS (FROM P. 1)

Esperon issued on Feb. 4, a memorandum ordering strict adherence to the doctrine of command responsibility.

One of the points stressed by Justice Jose Melo, chairman of the Melo Commission, is the need to ensure that all military officers understand and correctly implement the doctrine of command responsibility. Command responsibility refers to the "accountability or responsibility or answerability of the commander of a Military Force or Unit for the acts of his men, inclusive of the authority to order, to direct, to prevent or control the acts of his men." (People v. Lucero, G.R. No. 63423-24). Under Executive

Order No. 226, dated February 17, 2005, commanders are duty-bound to closely monitor, supervise, direct, coordinate and control the overall activities of his subordinates and to submit an offender to the proper authorities.

On the directive for the Chief Presidential Legal Counsel to draft a letter to the Supreme Court requesting the establishment of special courts to prosecute the perpetrators of extrajudicial killings, the letter to Chief Justice Reynato Puno was signed by the President on January 31, 2007. The Chief Justice announced in mid-February that the Supreme Court will set up the courts as

requested as soon as possible.

On the directive for the Department of Foreign Affairs (DFA) to request technical assistance from the European Union for the investigation, the DFA has already made the request. In relation to this, the Melo Commission briefed members of the diplomatic corps on February 13, so they can understand the investigative need.

Diplomats from Europe, Japan and other countries as well as the UN Special Rapporteur Philip Alston welcomed the news of these actions by the Arroyo administration in separate briefings earlier this month.

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and Pambansang Ugnayang mga Nagsasariling Organisasyon sa Kanayunan (UNORKA-National). Two church groups made presentations to President Arroyo and Chairman Melo, the United Church of Christ of the Philippines (UCCP) and the National Council of Churches of the Philippines (NCCP). The Commission also met officers of the National Press Club which

named suspects in four incidents of attack on media persons.

Ermita emphasized that the President acted immediately on the recommendations of the Commission, issuing directives on Jan. 31 to the relevant departments, including for the Department of Justice to strengthen the Witness Protec-

tion Program, for the Armed Forces of the Philippines (AFP) to issue a new document on Command Responsibility, and for the Departments of Justice and National Defense to coordinate with the independent Commission on Human Rights. All departments have acted to implement them.



**From the corner of
Massachusetts and Bataan**

As in the United States, democracy and the rule of law are cornerstones of our society.

As a country and as a nation, we value human life and treasure the freedoms that we all enjoy.

Sharing these values with the United States facilitates as well as raises challenges in addressing certain allegations that have

been raised against my government.

The Philippine Government is committed to addressing the issue of unexplained killings and in bringing the perpetrators to justice.

An eloquent expression of this commitment is the decision of President Arroyo to share the findings of the Melo Commission for all to see.

On top of this, she has opened her country and her government to examination by the international community – an openness that many have called unprecedented.

But even before the release of the Melo Commission Report, President Arroyo had immediately acted upon the recommendations made in the report (see updates 01 – 2007).

Such swift and decisive action is a powerful symbol of the Government's resolve to effectively

address the issue of these killings. This was widely welcomed by representatives of some European governments, Japan, UN Rapporteur Philip Alston and the United States.

The Melo Report categorically states that there is no official or sanctioned policy on the part of the military or its civilian superiors to resort to extra-judicial killings.

The Melo Report does suggest that there is circumstantial evidence that elements within or connected to the Armed Forces may be responsible for some of the killings of activists. Though circumstantial in nature, this is a point that will certainly be addressed by my government.

Our commitment to democracy and the rule of law demands that we continue to pursue all findings and recommendations – and we will do so resolutely, working with all those who sincerely share in our common

Melo Report Highlights (cont)

Recommendations

- *Political Will* – Government should make clear killings not condoned
- *Investigations* – Independent, civilian investigative body to look into alleged military involvement
- *Prosecution* – Special teams of prosecutors, special courts to try cases
- *Witness Protection* – Enhance witness protection program
- *Strict Chain of Command* – Enhance by special law
- *Investigative capacity* – upgrade PNP, NBI capabilities
- *Human Rights Awareness* – proper training, orientation of security forces

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- Pres. Arroyo

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