



Strengthening Human Rights in the Philippines Program

**QUARTERLY REPORT FROM THE ASIA FOUNDATION
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The Asia Foundation

Strengthening Human Rights in the Philippines Program (Cooperative Agreement No. 492-A-00-07-00016-00) October 1, 2008 – December 31, 2008

SUMMARY

This quarterly report covers activities from October 1, 2008 to December 31, 2008 under The Asia Foundation's Strengthening Human Rights in the Philippines Program. The program is funded through a Cooperative Agreement with the United States Agency for International Development (USAID) and runs from October 1, 2007 to September 30, 2010. The program aims to introduce substantial and durable measures that will strengthen enforcement of human rights and rule of law in the Philippines through a three-pronged strategy to:

- (1) Promote respect for human rights and freedoms and progressively secure their effective recognition and observance;
- (2) Protect human rights of citizens in law and in reality through improved monitoring of violations; and
- (3) Prosecute human rights violations through capacity-building for better investigation, prosecution, and adjudication of cases.

As the Foundation entered into the program's second year of implementation, it focused on efforts to build on the gains of initial endeavors and consolidate project impact. The International Human Rights Day celebration on December 10, 2008 provided a timely opportunity for the Foundation to engage stakeholders in discussions about developments in the Philippine human rights scene, and situate its human rights programming within this changing context. The Foundation likewise continued to fortify partnerships with project implementers through close coordination and monitoring of activities.

To **promote respect for human rights**, the Foundation finalized plans with the University of the Philippines Institute of Human Rights to pilot the development of local human rights action plans that can feed into the National Human Rights Action Plan when it is drafted. For its part, the Public Trust Media Group, Inc. collaborated with the Philippine Center for Investigative Journalism to design a module for a human rights orientation seminar for media practitioners in Southern Luzon.

For the **protection of human rights** component, the Center for Media Freedom and Responsibility uploaded an online interactive map that features relevant information about journalists' killings. As for the database of other human rights violations, coordination meetings with the Commission on Human Rights were held to discuss the next steps in the implementation of the Martus-based Executive Information System.

The Foundation intensified its efforts to combat impunity through activities toward the effective **prosecution of human rights violations**. As summary killings and disappearances persist, more human rights trainings for prosecutors and judges were conducted in partnership with the Department of Justice and the Philippine Judicial Academy, respectively. As a contribution to the evolving human rights legal framework, the study and proposed rule on witness protection were submitted to the Supreme Court to aid it in its review of the Rule on the Writ of Amparo.¹ The study and training manual on civil and administrative remedies for human rights abuses were also finalized during this reporting period. While the Prosecutors' Manual with Special Sections on Human Rights and Tax Cases went to press (with funding support from the Asian Development Bank), the consultant worked on revisions to the human rights portion to come up with a version that will be useful to private lawyers and public attorneys.

To galvanize support for the establishment of Multi-Sectoral Quick Reaction Teams, the Ateneo Human Rights Center completed three focus group discussions among government and civil society stakeholders in Pampanga, Bulacan, and Leyte. The discussion revealed valuable insights about the dynamics among prospective members and recommendations on how the teams can effectively operate.

HIGHLIGHTS AND OUTCOMES OF SIGNIFICANT ACTIVITIES

I. Promoting respect for human rights

Development of a Local Human Rights Action Plan. In the *First Consultation and Launch of the National Human Rights Action Plan and Programme Consultative Process* organized by the Presidential Human Rights Committee (with partial funding from this program) on May 19, 2008, as well as in various trainings, discussions, and consultations supported under this program, stakeholders expressed the need for coordination and planning at the local government level as regards human rights issues.

To complement the government's plan to draft the National Human Rights Action Plan, a corresponding effort on the ground to develop local human rights action plans will be initiated. Community initiatives to identify specific human rights issues and craft strategies to address them can be strategically incorporated in local action plans that will contain specific policies and programs to be implemented by local governments (i.e. province or city). The local action plans will not only feed into the National Human Rights Action Plan when it is drafted but will also be a workable framework for community action to address human rights concerns.

¹ A.M. No. 07-9-12-AC issued by the Supreme Court on September 25, 2007. A writ of amparo is a legal remedy available to any person whose right to life, liberty, and security is violated or threatened to be violated.

During this reporting period, The Asia Foundation forged a partnership with the University of the Philippines Law Center's Institute of Human Rights (UP IHR), to develop local human rights action plans. The project will be piloted in the province of Mindoro Oriental and in Naga City (province of Camarines Sur), which were identified as hotspots of extrajudicial killings. These two were also selected on the basis of the differences in their context. Whereas Naga is highly developed, with institutionalized participatory mechanisms, Mindoro is a stark contrast with its low economic development and marginalization of people in the area of governance. What Naga and Mindoro share is public-private partnership in good governance initiatives, providing fertile ground for formulating a multi-stakeholder human rights agenda. To craft a holistic and comprehensive agenda representative of the concerns and the positions held by the different sectors of the community, UP IHR will engage both local government (local officials, including representatives from the police, military, and other agencies) and civil society members (human rights organizations, academe, church, media, among others) in extensive consultations to gather their inputs to the plan. To maximize resources and impact, drafting and implementation of the action plans will be in conjunction with Multi-Sectoral Quick Reaction Teams that will be established in the two pilot areas. The action plans and the experiences of the pilot communities in drafting the plans shall later serve as models that can be used by other local governments in addressing their own human rights concerns.

The preparatory phase of this effort will commence next quarter with consultations and coordination meetings with local stakeholders.

Violence Against Media Project – Human Rights Orientation Seminars.

The Public Trust Media Group, Inc. (Public Trust) started preparations for the human rights orientation seminar to be held in the next reporting period. Target participants are journalists from radio, television, and print in Southern Luzon, where media killings have been prevalent. Public Trust coordinated with the Philippine Center for Investigative Journalism to redesign the module used in the seminar entitled *Reporting on Conflict and Peace: The Story of Mindanao*, which was held last quarter for journalists in Zamboanga City under The Asia Foundation's USAID-supported Conflict Resolution Program. The revised module will focus on human rights issues and take into account the socio-political context within which journalists in Southern Luzon operate. Topics on the dual roles of media as a rights holder and as a responsible citizen, and human rights norms in relation to press freedom will be included.

Based on discussions with the USAID Cognizant Technical Officer for this program, the Foundation and Public Trust are rethinking the original plan to establish local media ombudsmen and are exploring more appropriate responses to media killings.

II. Protecting human rights of citizens

Expansion and Interactivity of the CMFR Database on the Killings of Journalists.

During this reporting period, the Center for Media Freedom and Responsibility (CMFR) uploaded to its website the interactive map of media killings.² The online map translated CMFR's old database into a visually-appealing and more user-friendly presentation of trends and information about slain journalists. The map provides an up-to-date list of journalists killed since 1986, which can be viewed by administration (from President Corazon Aquino to President Gloria Macapagal-Arroyo), gender, region, medium (media, print, or television), and based on whether journalists were killed in the line of duty or not -- all in just one mouse click. Names and case profiles of victims are likewise available, although encoding of such information is still to be completed. Multi-media tools such as a video documentary about the pending court case of a slain broadcaster have also been posted.³ To ensure uninterrupted access to these enhancements, CMFR arranged for the migration of its website to a new content management system.⁴

CMFR continued to monitor media killings, posting reports thereof in the alerts section of its website. From October 1 to December 31, 2008, CMFR recorded two deaths, bringing the total number of journalists killed in the line of duty in 2008 to six.⁵

While CMFR completes the encoding of case profiles into the interactive map, it will design the online system for reporting attacks against media practitioners and the module on human rights reporting for the seminar next quarter.

Martus-based Executive Information System (MAREIS). As the Commission on Human Rights (CHR) enhanced and integrated the Martus Human Rights Bulletin System⁶ and the CHR's internal information system into the MAREIS, the Foundation

² <http://www.cmfr-phil.org/flagship-programs/freedom-watch/interactive-map/>

³ <http://www.cmfr-phil.org/blog/?p=242>. The video shows pictures from the court hearing of the Rolando Ureta murder case. Ureta was gunned down on January 3, 2001 in Aklan allegedly because of his hard-hitting radio commentaries about illegal drugs and illegal gambling.

⁴ As of this writing, some features of CMFR's website are not working due to ongoing system migration.

⁵ On November 17, 2008, radio broadcaster Aresio Padrigao was gunned down by a motorcycle-riding assassin in Misamis Oriental. His death is reportedly linked to his criticisms against the local government and personalities involved in illegal logging. On December 2, 2008, another radio broadcaster, Leo Mila, died of six gunshot wounds in Northern Samar. His death is also believed to be related to his critical views against a local official.

⁶ Martus is Greek for "witness". Martus is an open-source software that provides the benefits of encryption technology, and is customized for use by human rights organizations to capture, store, and disseminate information on human rights abuses. The Martus Project was initially funded by the Department of State through the *Human Rights Monitoring in the Philippines - Strengthening Human Rights Documentation Program* implemented by The Asia Foundation from August 2002 to December 2004. From September 2005 to January 2007, The Asia Foundation extended subsequent support from its core funding for the *Initial Integration of Martus with the CHR Database System Project*. To include more Martus users from Mindanao, the Department of State again provided resources through The Asia Foundation under the

held meetings with the CHR's Information System Management Office (ISMO) to identify specific activities that will ensure effective use of MAREIS in reporting and monitoring human rights violations. It was agreed that regular consultations and dialogues between the CHR, Martus partners,⁷ and other human rights stakeholders will be maintained to strengthen the working relationship and open opportunities for collaborative activities. CHR will prioritize capacity-building for its officials and personnel who will be managing the system. CHR-ISMO personnel will undergo a trainers' training on the installation, configuration, maintenance, and core and advance functionalities of the Pentaho Business Intelligence Platform,⁸ the application system installed in MAREIS. This will equip them to troubleshoot, properly maintain, manage, and further enhance MAREIS through developing trend and analysis reports, and other data management capabilities using the Pentaho platform. Since there are no locally-based expert resources, the training will be provided by a foreign consultant from the Pentaho project development team.

For partner civil society organizations, training on the new platform will be conducted as soon as MAREIS becomes fully operational and when the issue of access by human rights organizations has been resolved (i.e. who can access, requirements for access, levels of access, etc.).

During this reporting period, the CHR worked on preparations for the launching of MAREIS in January 2009. MAREIS capabilities for reporting, documenting, and monitoring human rights violations will be demonstrated to human rights organizations, the diplomatic community, and other stakeholders during the launch.

III. Prosecuting human rights violations

Multi-Sectoral and Skills-Building Seminar Workshops on Human Rights Issues: Extralegal Killings and Enforced Disappearances. Two seminars were conducted during this period in partnership with the Philippine Judicial Academy (PhilJA). One was held on November 13-14, 2008 in Cebu City while the other was held on October 27-28, 2008 in Tacloban City. A total of 97 regional trial court judges, public prosecutors, public attorneys, members of the Integrated Bar of the Philippines,

program entitled *Advancing Human Rights in the Philippines: Increased Protection in Muslim Mindanao* which ran from March 2006 to May 2008.

⁷ Philippine Alliance of Human Rights Advocates (PAHRA), Task Force Detainees of the Philippines (TFDP), Center for Trade Union and Human Rights (CTUHR), Mindanao Tulong Bakwet (Help for Mindanao Evacuees), Institute of Bangsamoro Studies (IBS), Bangsamoro Lawyers' Network (BLN), and Foundation for Media Alternatives (FMA).

⁸ The Pentaho BI Platform is an enterprise-class business intelligence platform that supports Pentaho's end-user reporting, analysis, and dashboard capabilities with back-end security, integration, scheduling, auditing, and more. See http://www.pentaho.com/products/bi_platform/

Commission on Human Rights, Philippine National Police, Armed Forces of the Philippines, and human rights organizations attended the two sessions.⁹

Like the previous seminars, the trainings included lectures on what constitutes an extrajudicial killing and an enforced disappearance; state and command responsibility; protective writs that may be issued by courts; and human rights and international humanitarian law. A Filipino forensic pathologist oriented participants on the use and appreciation of forensic evidence in human rights cases. To facilitate interaction among participants, thematic problem solving workshops and multi-sectoral dialogues were incorporated in the program. The dialogues served as a venue for a candid exchange of experiences and views in handling cases of human rights violations. Specific questions on the application of the Rule on the Writ of Amparo (enforcement, reliefs, dismissal and archival of cases) were addressed.¹⁰ Participants found the discussions useful and relevant in light of the first amparo case – *Secretary of National Defense, et al. vs. Manalo*¹¹ – decided by the Supreme Court on October 7, 2008.¹² In this case, the Supreme Court recognized military complicity in the abduction and torture of the brothers Raymond and Reynaldo Manalo. It further held that because of existing threats against their lives, the brothers are entitled to the reliefs afforded by the writ of amparo even if they are no longer under military custody.

During this quarter, PhilJA also initiated plans for the conduct of similar seminars in Davao City to cover the 11th and 12th judicial regions.¹³

Basic Orientation Seminar-Workshops for New Prosecutors (with emphasis on Human Rights). In partnership with the Department of Justice (DOJ), the Foundation supported the conduct of the fifth prosecutors' training on October 27-30, 2008 in Davao City. Around 30 new prosecutors from Regions XI, XII, and XIII attended.¹⁴ As in the previous trainings, a consultant forensic pathologist delivered a lecture on the use of forensics in prosecuting human rights violations. Apart from general topics on drafting resolutions, information, and other pleadings; inquest, preliminary investigation, and trial, the seminar incorporated a moot court of an extrajudicial killing case.

⁹ In accordance with USAID rules, the Foundation did not extend funding support to participants from the police and the military.

¹⁰ The rule extends protection to a person whose right to life, liberty, and security is violated or threatened to be violated. Reliefs provided under the rule include (1) temporary protection of victims, their families, and witnesses; (2) inspection of premises; and (3) production of documents and other physical evidence.

¹¹ G.R. No. 180906, October 7, 2008.

¹² As of December 31, 2008, 46 petitions for the issuance of a writ of amparo have been filed in various courts nationwide. Fifteen of these cases are still pending while 31 have been decided, including the two cases decided by the Supreme Court (the Manalo case and the petition of Reynaldo Yanoc which the Supreme Court denied).

¹³ The 11th judicial region covers Compostela Valley, Davao del Sur, Davao del Norte, and Davao Oriental. The 12th judicial region includes North Cotabato, Sarangani, South Cotabato, and Sultan Kudarat.

¹⁴ These regions cover the provinces of Compostela Valley, Davao del Sur, Davao del Norte, and Davao Oriental in Region XI; North Cotabato, Sarangani, South Cotabato, and Sultan Kudarat in Region XII; and Agusan del Norte, Agusan del Sur, Dinagat Islands, Surigao del Norte, and Surigao del Sur in Region XIII.

After the seminar, the DOJ began preparations for the last two trainings scheduled for the next quarter in Metro Manila (for Region IV prosecutors) and in Iloilo City (for Regions VI and VIII prosecutors). The Foundation and the DOJ likewise discussed the possibility of holding a trainers' training in line with the DOJ's plan to continue the orientation seminars and equip more public prosecutors with the skills and sensitivities needed in handling human rights cases.

Development of a Prosecutors' Manual on Human Rights. With funding support from the Asian Development Bank, printing of the Revised Manual for Prosecutors with Special Sections on Human Rights and Tax Cases commenced this period. Drafting of the portion on human rights as well as validation workshops and meetings to finalize the manual were funded by USAID through the Foundation under this program. USAID, through the Millennium Challenge Account-Philippine Threshold Program, supported the development of the section on tax cases, while support for writing the rest of the manual was coursed through USAID's Rule of Law Effectiveness Program.

Meanwhile, the section on prosecuting human rights cases underwent revisions for broader usage. The consultant redesigned and expanded the human rights manual to include other pointers that will be useful to private lawyers and public attorneys. Apart from sample pleadings for filing petitions for a writ of amparo and writ of habeas data,¹⁵ digests of landmark Supreme Court and foreign jurisprudence on civil and political rights were included. The revised manual on human rights will be finalized and published separately in the next reporting period.

Increased Protection of Witnesses through Reforms in Court Rules and Procedures. The consultant human rights lawyer incorporated the Foundation's comments to the *Proposed Rule to Strengthen Protection and Security of Aggrieved Parties Availing of the Writ of Amparo or Their Witnesses and Guidelines in the Accreditation of Persons and Private Institutions as Sanctuary Providers under the Writ of Amparo*. The revised draft includes provisions for perpetuation of testimony¹⁶ in cases where a witness' right to life, liberty, or security is under threat; video-conferencing to shield witnesses from the dangers of traveling to court; use of judicial affidavits to expedite proceedings; and procedures for accrediting private witness protection providers. The consultant complemented the draft rules with a study explaining the rationale behind the recommendations. The Foundation submitted the study and the proposed rule to the Supreme Court for consideration in time for its assessment of the implementation of the Rule on the Writ of Amparo (which will take place in the next reporting period).

¹⁵ A writ of habeas data protects the right to privacy by providing for remedies for updating, correcting, suppressing, or destroying erroneous information about a person (Rule on the Writ of Habeas Data, issued by the Supreme Court on January 22, 2008).

¹⁶ Perpetuation of testimony involves getting the deposition of witnesses even before a case is filed and making it admissible in court.

Development of a Manual on the Use of Civil and Administrative Remedies.

During this reporting period, the consultant human rights lawyer completed the study entitled *Civil and Administrative Remedies as Instruments of Accountability for Violations of Human Rights* and an accompanying *Paralegal Training Manual*. The study discussed requisites and procedures for seeking monetary and administrative reliefs before domestic and foreign fora. Domestic remedies include civil suits for damages against erring public officials, administrative complaints before the Civil Service Commission, and grievance mechanisms within the Philippine National Police and the Armed Forces of the Philippines. Foreign remedies delved on claims that can be filed under the United States' Alien Tort Claims Act and Torture Victim Protection Act. The manual is a useful guide for teaching paralegals and lawyers about supplementary and alternative remedies to filing criminal charges. Checklists and worksheets for instituting complaints before courts and administrative bodies are incorporated in the manual. Finalization and publication of the consultant's outputs are slated in the next reporting period, for use in trainings to be conducted this fiscal year.

Establishment of Multi-Sectoral Quick Reaction Teams (MSQRTs). The Ateneo Human Rights Center (AHRC), the Foundation's partner in implementing this activity, conducted focus group discussions (FGDs) in three hotspots to assess the willingness of stakeholders to participate in MSQRTs. The first FGD was held on October 17, 2008 in San Fernando, Pampanga; followed by another FGD on October 22, 2008 in Palo, Leyte; while the third FGD was held on November 7, 2008 in Plaridel, Bulacan. All three gatherings were convened in the social action centers of the Catholic diocese of the respective communities. Apart from church representatives, members of the local Philippine National Police, Armed Forces of the Philippines, Commission on Human Rights, Department of Social Welfare and Development, Department of Health, Department of Interior and Local Government, and Integrated Bar of the Philippines attended.¹⁷ Civil society participation was however limited, especially in Bulacan where no human rights organization was present. Invited human rights organizations expressed willingness to assist MSQRTs in responding to victims of human rights abuses. They however refused to enter into a formal partnership with the police and military. Nonetheless, participating stakeholders recognized the need for multi-sectoral collaboration to address extrajudicial killings and enforced disappearances. Leyte participants added that a MSQRT may also be relevant in Samar where human rights violations are likewise prevalent.

To consolidate support and discuss details about the operations (rules of engagement and sustainability options) of each MSQRT, AHRC will convene subsequent meetings among stakeholders in Pampanga, Bulacan, and Leyte. AHRC will also use these gatherings to open channels of communication and cultivate trust especially between representatives from civil society and state security forces. Further, the Foundation and AHRC are

¹⁷ In accordance with USAID rules, the Foundation did not extend funding support to participants from the police and the military.

studying workable mechanisms by which MSQRT members can coordinate and respond to human rights violations given the existing dynamics among the member organizations and agencies. In the next reporting period, the AHRC will organize probing visits and FGDs in Nueva Ecija, Oriental Mindoro, Albay, Sorsogon, Davao del Sur, and Northern Samar.

Participation in other human rights activities. Networking and coordination is essential to ensure that a broad range of stakeholders can contribute to and benefit from measures to promote and protect human rights. Part of the Foundation's commitment in implementing this program is its participation in related activities to keep itself and USAID abreast with developments in the human rights scene, engage in meaningful discussions with stakeholders, and gain fresh insights about human rights.

This quarter was filled with events in line with the celebration of International Human Rights Day (specifically the 60th anniversary of the Universal Declaration on Human Rights) on December 10, 2008. The Foundation attended the annual *Human Rights Kapihan* organized by the Commission on Human Rights (CHR) and the Philippine Working Group for an ASEAN Human Rights Mechanism. The gathering highlighted the CHR's report on the state of human rights in the Philippines. The Foundation also observed *Karapatan's* presentation on the current human rights situation in the launch of its 2008 annual report. As regards media killings, the Foundation learned recent trends from the Freedom Fund for Filipino Journalists' presentation (*An Update on the Killing of Journalist and Other Attacks Against Press Freedom*) and from the forum entitled *Solving and Reporting Extra-Judicial Killings and Disappearances: Are Government and Media Doing Enough?* co-organized by the Philippine Human Rights Reporting Project, University of the Philippine College of Mass Communication, *Karapatan*, Asian Congress for Media and Communication, and the UP Mass Communicators Organization.

During this reporting period, the Foundation, through its Senior Program Officer, benefited from academic discussions in the Philippine Judicial Academy's *Distinguished Lecture Series on Command Responsibility* by Judge Fausto Pocar of the International Criminal Tribunal for Yugoslavia, and from the launch of the Ateneo School of Government's interdisciplinary course on corruption, governance, and impunity. The Foundation also participated in the Alternative Law Group's public presentation of the preliminary results of its Human Rights Dialogue Project, where it shared initial gains and challenges in engaging civil society, communities, and members of the local police and military in open dialogues.¹⁸

With its own resources, the Foundation organized the First Human Rights Donor's Meeting on October 14, 2008. Representatives from the American Bar Association, Australian Embassy, Australian Agency for International Development, British Embassy, Canadian Embassy, Canadian Agency for International Development, European Commission, Friedrich Naumann Stiftung, Hanns Seidel Foundation, Netherlands

¹⁸ This project was supported by the Hanns Seidel Foundation.

Embassy, Swiss Embassy, and USAID attended. A Commissioner of the Commission on Human Rights opened the discussions with a presentation of the Philippine human rights situation. Participants shared past, ongoing, and future projects, as well as funding opportunities on human rights.

Apart from participating in these *ad hoc* activities, the Foundation attended two regular meetings of the Philippine Working for an ASEAN Human Rights Mechanism this quarter. Developments on the ASEAN Charter and results of nationwide and region-wide consultations on the establishment of an ASEAN human rights body were discussed in the meetings.

PLANS FOR THE NEXT PERIOD

In the next quarter, the Foundation will intensify project monitoring and coordination efforts with partners to ensure smooth and timely progress of activities. The Foundation will likewise keep a close eye on developments in the human rights scene to carefully evaluate its impact on program planning and implementation. A mid-term evaluation by an independent consultant will be undertaken to know the extent to which the project is meeting its stated objectives; build greater transparency and accountability in terms of use of project resources; learn lessons; and use the information generated for future project planning and development.

To **promote respect for human rights**, the University of the Philippines Institute of Human Rights will organize preliminary meetings and consultations in Mindoro Oriental and Naga City, Camarines Sur, and lay the groundwork for the development of local human rights action plans. The Public Trust Media Group will organize a human rights orientation seminar for members of the local press in Southern Luzon.

On **protecting human rights**, the Commission on Human Rights will launch the Martus-based Executive Information System (MAREIS) and prepare for trainings to equip its personnel and civil society on the use of the new platform. The Center for Media Freedom and Responsibility (CMFR), on the other hand, will continue to update its online database of media killings and complete the enhancement of its website's form and contents. CMFR will also conduct a seminar on human rights reporting for community journalists from Luzon, Visayas, and Mindanao.

Breaking the pattern of impunity and **prosecution of human rights violations** will remain a priority. Hence, the Foundation will support more trainings to build the capacity of the justice sector to investigate, prosecute, and adjudicate cases. The Foundation will start preparations (engagement of consultant, planning meetings with the Commission on Human Rights, and selection of participants) for the conduct of a series of intensive trainings on forensics for CHR investigators. The Equipo Peruano de Antropologia Forense (the Peruvian Forensic Anthropologist Team), which previously provided forensics training to members of Multi-Sectoral Quick Reaction Teams, will be

engaged for this purpose. Some of the trainings will be co-funded by the Australian Agency for International Development.

Two Basic Orientation Seminar-Workshops for New Prosecutors (with emphasis on human rights) will be organized in the next reporting period. Discussions with the Department of Justice for the conduct of a corresponding trainers' training for prosecutors will be initiated. Judges will undergo parallel training with public prosecutors, public attorneys, and other human rights advocates in two Multi-Sectoral Seminar-Workshops on Extrajudicial Killings that the Philippine Judicial Academy will conduct in Davao City. In coordination with the Supreme Court and the Philippine Judicial Academy, the Foundation will support the development of a self-help book for judges on the adjudication of human rights cases. The Foundation will likewise undertake an in-depth analysis of the data gathered in the legal audit of cases of extrajudicial killings conducted by the Integrated Bar of the Philippines under an Australian Agency for International Development-funded project implemented by the Foundation.¹⁹ This will provide empirical basis for specific reforms in the investigation, prosecution, and adjudication of cases involving human rights violations. To complement these initiatives, the Foundation will gather human rights lawyers in a roundtable discussion to brainstorm about specific legal and meta-legal strategies for the prompt and successful prosecution of cases.

Publication of the Prosecutor's Manual with Special Sections on Human Rights and Tax Cases is expected to be completed for distribution in the upcoming prosecutors' trainings. Two other human rights manuals will be finalized for publication: one on handling human rights cases for private prosecutors and attorneys, and another on training paralegals and lawyers to avail of civil and administrative remedies against human rights abuses.

As the Supreme Court undertakes a review of the Rule on the Writ of Amparo, the Foundation anticipates comments and revisions to the proposed rule to on witness protection.

At the local level, the Ateneo Human Rights Center will conduct more probing visits and focus group discussions with community stakeholders to organize Multi-Sectoral Quick Reaction Teams.

¹⁹ The project, which ran from December 2007 to December 2008, is entitled *Government Civil Society Partnership in Strengthening Human Rights in the Philippines: Bridging the Divide*. The legal audit involved an inventory of cases of extrajudicial killings filed before courts and other government agencies such as the Commission on Human Rights, the Philippine National Police, and the National Prosecution Service. Audit results included a listing of cases and basic information about them such as their status; the names of victims, alleged perpetrators, witnesses; dates of relevant incidents from the filing of the complaint to trial and resolution of the case, including outcomes, admissions, and issues raised, whenever these are readily available. The audit yielded initial data that can be used to thoroughly examine how the justice system responds to human rights violations

On program administration, the Foundation will convene its implementing partners in a Grants Management Seminar to refresh them about project monitoring requirements, and update them on the latest forms and guidelines on financial reporting.

Using Foundation funds, a second Donor's Meeting will be convened in February 2009 to strengthen coordination among organizations and institutions interested in human rights work.

CHALLENGES IN IMPLEMENTING THE PROGRAM

As observed during the preparatory meetings for the establishment of Multi-Sectoral Quick Reaction Teams (MSQRTs), a number of civil society organizations are disinclined to participate in initiatives which involve direct contact with the police or military. Some human rights organizations suspect that coordination meetings may be part of a ploy to pin them down. Other civil society groups have lost faith in the government, and consider it a waste of time and extremely dangerous for them to work with state officials. Clearly, lack of trust remains a challenge in helping key stakeholders cooperate. Given this reality, the Foundation and the Ateneo Human Rights Center (AHRC) will undertake follow-on meetings and more probing discussions with government and civil society stakeholders to thresh out issues and establish buy-in support for setting up MSQRTs, even if such steps takes time.

Another initiative that the Foundation embarked on to address this challenge is the conduct of trust-building dialogues between government and civil society, implemented with support from the Australian Agency for International Development and the British Embassy. Through a series of open exchanges between high-level government officials and representatives of human rights organizations, the Foundation hopes to open the lines of communication, assuage the animosity, and contribute to building a better relationship between the two sectors. The Foundation is also learning from other related endeavors – such as the dialogues of civil society organizations and local communities with Philippine National Police and the Armed Forces of the Philippines organized by the Alternative Law Groups with funding support from the Hanns Seidel Foundation – to better understand the interactions among these groups and devise appropriate interventions.

Leadership in key government institutions experienced changes this quarter, requiring renewed coordination and partnership-building to effectively implement activities. New personalities were appointed to head the Philippine National Police Human Rights Affairs Office and the Armed Forces of the Philippine Human Rights Office.²⁰ Although these agencies do not receive funds from this program, coordination with them is crucial to the success of human rights endeavors such as the establishment of MSQRTs and

²⁰ Col. Lina Sarmiento of the PNP Human Rights Affairs Office was promoted to become Director of the Police Community Relations Group and was replaced by Col. Franklin Bucayo. Lt. Col. Benedicto Jose of the AFP Human Rights Office was succeeded by Lt. Col. Jose Feliciano Loy as Officer-in-Charge, and later by Col. Onesimo Bañaga as the new Chief.

building prosecution-ready cases, among others.²¹ The Foundation copes with these changes by re-establishing institutional ties through courtesy meetings with the new leaders to discuss on-going programs and mechanisms for cooperation.

Though extrajudicial killings and enforced disappearances in 2008 number less than the reported incidents in the previous years,²² these violations continue to happen with impunity. Only a handful of cases have progressed and resulted in convictions. This reporting period opened with the abduction of a leader of the Cordillera People's Alliance in October 2008. In separate incidents during November 2008, two members of the left-leaning political party, Bayan Muna, were summarily executed in Davao del Norte and Compostela Valley in Mindanao. Other forms of human rights violations such as illegal arrests, arbitrary detentions, and torture are on the rise.²³ The Commission on Human Rights' report during the *Human Rights Kapihan* in December 2008 confirmed an alarming increase in attacks against human rights defenders. Topping this is the arrest and detention of veteran labor lawyer Atty. Remigio Saladero and other Southern Tagalog activists in October 2008 based on charges of conspiracy to commit rebellion and murder. Given this human rights landscape, the Foundation will heighten efforts to support activities that will contribute to the prompt and successful prosecution of cases of human rights violations. The roundtable discussion with human rights lawyers will be a venue for crafting legal strategies to bring perpetrators before the law and to ward off harassment suits against fellow lawyers and other human rights defenders.

As May 2010 draws near, the focus of government and other stakeholders is expected to shift to the upcoming national elections. Human rights issues will have to compete for local and international attention and support. Anticipating this development, the Foundation will continue to work towards proper and ample coverage of human rights issues through engaging the media in human rights reporting. The development of local human rights action plans will also ensure that human rights is mainstreamed and institutionalized in local governments and communities despite changes in the socio-political climate. To sustain interest in human rights concerns, and at the same time coordinate efforts and maximize resources within the donor community, the Foundation gathered international development agencies, embassies, and other funding institutions to the First Human Rights Donor's Meeting in October 2008. The Foundation intends to organize a follow-on meeting to this in the next reporting period.

²¹ Participation of the police and military in human rights activities is supported by the counterpart funds of implementing partners.

²² Commission on Human Rights Chairperson Leila de Lima noted this in her speech during the *Human Rights Kapihan* on December 10, 2008 at the Heritage Hotel, Manila. The 2008 Human Rights Report of *Karapatan* echoes the same observation.

²³ Reports of Task Force Detainees of the Philippines reflect this.

http://tfdp.net/index.php?option=com_content&task=view&id=372&Itemid=62