

STATEMENT

Human Rights (Philippines): Aquino's administration, the culture of impunity and "command conspiracy"

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5 YEARS OF PRES. AQUINO'S ADMINISTRATION: Deepening and Broadening the Culture of Impunity; Unchecked Networks of Command Conspi

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The Philippine Alliance of Human Rights Advocates (PAHRA) acknowledge and appreciate the passage of human rights laws in the civil and political arenas, among others, the Implementing Rules and Regulations (IRR) of the Anti-Torture Law, the law on Compensation of Human Rights Victims during Martial Law, the law on Anti-Enforced Disappearance, law on the International Humanitarian Law, since Benigno Simeon Aquino III's became Chief Executive and Commander-in-Chief as steps in the right direction to break through impunity and well within his pronouncement that human rights would be central to his governance.

But such initial steps did not make any significant dent into the prevailing culture of impunity, much less to sufficiently limit its influence in the different branches of government. In fact, the consequent and concomitant actions not only stymied the gain obtained in making some of its human rights obligations into laws but even deepened as well as broadened the environment and ground for impunity in civil, political, economic, social and cultural rights. One of the main factors for this impunity is the unchecked networks of command conspiracy.

Command conspiracy is the dark side of command responsibility. Command responsibility focuses more on the individual military Commander who must ensure that everyone under her/his subordinates are aware and act according to the rules of war and of law as well as their obligations to implement human rights. Command conspiracy is the collective act or collusion of a superior or officer with personnel under its command, authority, control or responsibility to commit by commission or by omission one or several human rights violations or the rule of law. Command conspiracy is an act that encourages, incites, tolerates or ignores human rights violations and/or acts with criminal liabilities. Such networks of command conspiracy breed impunity. They can exist not only the institutions of our security forces, but also within our civilian bureaucracy.

Examine some of the torture cases, mostly from the records of the Task Force Detainees of the Philippines (TFDP) involving PNP officers and subordinates in Tondo, Pampanga, Cavite, Laguna, Cebu and Sarangani that exposes the painful truth of command conspiracy which undermines the institution's efforts for a human rights-based policing. Despite media focus, none of the alleged torturers has been convicted to date. Command conspiracy can stymie the resolution of many a case of extra-judicial killings and enforced disappearances allegedly perpetrated by officers and personnel of the AFP, as in the PICOP 6 of Agusan del Sur, as well as the delay in obtaining justice for the alleged victims of ex-General Jovito Palparan, Jr.

As now witnessed by the people, command conspiracy is entrenched and widespread in our government bodies as exposed, like an iceberg tip, in the corruption and plunder of Napoles-ian scale involving, at this point, opposition legislators. Government anti-corruption bodies have yet to diligently unearth other networks of command conspiracy plundering the people's coffers, such as the alleged anomalies in the Bureau of Jail Management and Penology (BJMP). And this administration for all its rhetoric of fighting corruption has not passed the Freedom of Information Bill.

Cases of violations and threats of violations against economic, social and cultural rights could well reveal the workings of command conspiracy, like the collusions of government officials and landlords in the long delays to grant land rights to land reform beneficiaries. Most of the time, such delays led to violations to a quality of life worthy of human dignity, including the rights to adequate food, water, housing and health, against thousands of farmers. It is the same collusion between some national and local government officials, personnel of security forces and transnational corporations, particularly in the extractive industries, that deprive indigenous peoples of their ancestral lands and/or domains. Inevitably, resistance to such aggressive intrusions led to armed conflict and loss of lives, as in the Capion massacre as consequent of the Tampakan, Cotabato mining case.

While boosting of accomplishments in health, this administration and corporations are laying the foundations which could well increase upper respiratory diseases by putting up more than 40 coal plants with corresponding extracting activities for coal supply.

This administration disregarded the need of a National Human Rights Plan from the very beginning. It was later abetted by the 4th Commission on Human Rights. It complied with human rights obligations when politically expedient or when persistently pressured.

For this reason, PAHRA calls on all Human Rights Defenders (HRDs) to fast-track formations of HRDs at all levels to assert and to struggle determinedly with the people to obtain their human rights.

UNITE, ASSERT & STRUGGLE FOR HUMAN RIGHTS.

EXPOSE COMMAND CONSPIRACY, END IMPUNITY.

PAHRA

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P.S.

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