
Police cannot exonerate themselves of wrongdoing b

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A Statement by the Asian Human Rights Commission

PHILIPPINES: Police cannot exonerate themselves of wrongdoing by accusing others

A press release issued by the Philippine Information Agency (PIA) on January 12 quoted Chief Superintendent Geary Barias, director of the Police Regional Office 6 as justifying the death of Hernan Baria and wounding of his companion, Romeo Catalan, on 23 July 2005 in Balasan, Iloilo on the ground of "legitimate police operations". Barias also denied that his personnel committed human rights violations, in response to an appeal issued by the Asian Human Rights Commission (AHRC) in October 2006 requesting a fresh investigation of the case.

The AHRC categorically rejects the police version of events in the PIA press release. The PIA, the official government newsagency of the Philippines which has as its mission to provide for the "free flow of accurate, timely and relevant information" published only the police version of the event, in which the officer concerned claimed that the AHRC had made "false allegations" and had misrepresented information. It is astounded and outraged that the PIA would disseminate such unsubstantiated claims that the documentation of the alleged incident was false. In fact, it is the contents of this press release that consist of misrepresented information, as follows.

First, the police claim that Baria and Catalan were killed and wounded respectively in a "legitimate" police operation; however, to the knowledge of the AHRC there has at no time been any independent investigation of the police version of events by an authorised and impartial body. The denial of wrongdoing by the commander of the accused officers should not have been published by the official mouthpiece of the government under any circumstances. In so doing it has made itself complicit with alleged extrajudicial killers.

Who decides what is legitimate or not when someone is killed in police fire? Can the police themselves decide? Is the information officer who received the story in a position to know? No: this is a matter for the courts and outside investigators. The contents of the appeal on this case by the AHRC, which it stated were alleged and clearly cited the source of the allegations and details as given, were all directed towards obtaining a fresh investigation for this purpose. No such investigation has been conducted. Thus, the allegations stand until such a time as is otherwise. That the police claim that the allegations are unjustified is unsurprising and irrelevant for the purposes of obtaining a credible picture of what happened to the two men; however, the PIA should not in any case have distributed their story.

Secondly, the AHRC did not at any point allege that the police had engaged in "indiscriminate firing" as claimed in the PIA press release. Not only was no such "false allegation" never made in the appeal, but the agency has itself made a false allegation, thereby confusing its stated role as provider of accurate information with that of a police mouthpiece. Again, the PIA has no capacity to weigh evidence or information and to decide which of the allegations contained in the appeal were true or false: this remains a matter for a judicial authority to decide.

Thirdly, the PIA charter, stipulated under Executive Order 576 signed by President Gloria Macapagal-Arroyo on 7 November 2006 enables it "access to government media agencies for the purpose of disseminating development-oriented information". Nowhere in this is the authority to issue one-sided press releases with the express purpose of exonerating state officers from legitimate allegations of human rights abuse. The PIA is not a public relations unit for the police. In as much as its purpose is ostensibly to provide truthful and impartial information that is beneficial for the community, it has in making this press statement completely violated its mandate and undermined its professional integrity.

That the Philippine government's information agency is now being used to counter allegations of extrajudicial killings and other gross rights abuses by police, when seen together with the persistent official tolerance of the concerted and unabated killings in that country, sends a strong message that the administration is interested in protecting the perpetrators, not the victims, of such incidents. This is a message directed not only to the AHRC but to all human rights groups and rights defenders locally and internationally, and above all, to the victims and their families.

The Asian Human Rights Commission is today sending an early warning to the human rights community that the Philippine Information Agency may become a de facto propaganda agency for agencies that should be responsible for addressing the killings to instead defer and deny responsibility, attack critics, discredit legitimate information and downplay serious and genuine grievances. This warning stems not only from the January 12 press release but also from President Arroyo's signing of Administrative Order 163 on January 3, which instructed the Presidential Human Rights Committee and its members, including the Office of the Press Secretary, to formulate a media program that will "portray an accurate assessment of the human rights in the country". The PIA is attached to the office, which is also under the

Office of the President.

The government of the Philippines is today playing an increasingly dangerous game, on the one hand attempting to create the impression of a commitment to human rights and the manifest need to address the gross abuses occurring in the country, while on the other doing all it can to reject accusations without the conducting of impartial investigations and other essential actions. The killings continue and the killers remain at large; the credibility of the administration continues to slide. Order 163 in itself gives the signal that the government is more concerned to spend time and money on polishing its image than it is on actually putting a stop to the killings.

The Asian Human Rights Commission stands by the contents of its urgent appeal and reiterates its demands for independent inquiries, not police whitewashing, of the death of Hernan Baria and wounding of Romeo Catalan. It calls for the human rights community to oppose strongly all such attempts at intimidation and disinformation through government agencies. And it calls upon the Philippine Information Agency to retract its January 12 press release and issue a public apology for the publishing of the biased and insensitive contents.

Finally, the AHRC calls upon all concerned persons in the Philippines not to tolerate misuse of the PIA as an agency for the distribution of police or military propaganda. Such misuse will only justifiably increase the already serious doubts that the public has about the government's will to protect its citizens and punish the perpetrators of extrajudicial killings, and will do nothing for the credibility of either the PIA or the government as a whole.

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About AHRC: The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.

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