

Initial Findings of the International Verification & Fact Finding Mission 2008

1. Contrary to 2006, the profession related killings of lawyers and judges (hereinafter 'these killings') are acknowledged as a serious problem.
2. Although the number of these killings has declined, they still occur; it must be emphasized that every killing is one to much.
3. The number of and the reasons for this decline are not undisputed.
4. Intimidation continues as of today. We observed that among lawyers and judges feelings of fear and insecurity still exist: (death) threats and other forms of harassments, including fabricated charges, were mentioned.
5. The Philippine government claims to have taken firm measures to address the problem of extrajudicial killings. Indeed it has established various Task Forces. Human rights awareness programs were also issued, which must be welcomed. Nevertheless, they have not led to visible results.
6. Apparently only one (1) person has been convicted for these killings and that was in 2006. So impunity still seems to exist.
7. We observed a lack of trust among lawyers, judges, their relatives and civil society organizations as to whether the government is sincere in addressing the problem of these killings. Solving this problem clearly needs broad support of all layers in society.
8. In the cases we investigated in 2006, little or no progress has been made so far.
9. As regard to the way of investigating or prosecuting these killings, there seems to be little or no coordination between the various Task Forces and agencies concerned; for instance, different data were seen in their presentations.
10. The Melo Commission stated that *'the circumstances clearly show that such killings (...) is pursuant to an orchestrated plan by group or sector with an interest in eliminating the victims (..)'*. The governmental measures merely focus on protection and security of lawyers and judges, where they should also address the underlying causes.
11. The willingness to investigate upon serious allegations of involvement of state agents in these killings is still lacking by the governmental authorities concerned. In addition, this would increase their credibility.
12. We observed that according to the ruling opinion the principle of command responsibility cannot be used in criminal cases.
13. We welcome the initiative of the Supreme Court to introduce the Writ of Amparo. It is broadly supported.