

“Let the Stones Cry Out”

An Ecumenical Report on Human Rights in the Philippines and a Call to Action

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For more information about this Report, contact:

National Council of Churches in the Philippines
879 Epifanio de los Santos Avenue
West Triangle, Quezon City 1104
PHILIPPINES

Also visit www.nccphilippines.org for more information about the Council and its ministries.

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EXECUTIVE SUMMARY

Inspired by the National Council of Churches in the Philippines (NCCP) and owned by the ecumenical community, this report, *“Let the Stones Cry Out”: An Ecumenical Report on Human Rights in the Philippines and a Call to Action*, is a concerted voice on the human rights crisis in the Philippines today. The report distills the collective cry for justice of thousands of Filipinos – including more than 800 victims of extra-judicial executions from the year 2001 to the present – who have suffered the brunt of violations of human rights under the Philippine government’s counter-insurgency and counter-terrorism strategies.

The Philippine government has launched relentless military campaigns against the “enemies of the state” and in the name of the “rule of law” and “political stability.” But the results of this strategy have been mounting reports of dead bodies sprawled on highways and bushes, of female students abducted by armed men in the dead of night, never to be seen again, of the cries of anguish of mothers as their sons – felled by assassins’ bullets - die in their arms, of a well-loved Bishop bathed in his own blood after being stabbed several times, and of children terrorized and traumatized by soldiers who have taken over their villages.

This report articulates the protests and indignations of human rights organizations, Church and faith institutions, civil libertarians, justice and peace advocates, parliamentarians, numerous fact-finding missions, multilateral organizations as well as a number of foreign governments and their agencies all over the world on the spate of extra-judicial killings, enforced disappearances, torture, threats and harassment, and other violations of human rights. Their collective call – “Stop the killings!” – is addressed to the government of President Gloria M. Arroyo given its inaction over the deteriorating human rights situation and despite persistent calls for investigation, prosecution and adjudication of the alleged perpetrators of these politically-motivated crimes.

The NCCP together with the ecumenical community, through this report, try to confront the human rights crisis objectively and with determination, by assembling together leads, evidence, patterns of military movements, testimonies as well as documents and reports of fact-finding missions. This information reveals the breadth of the

spectrum of victims, ranging from peasants, workers, community leaders, indigenous peoples and Muslims; to activists, students, Church and faith leaders, human rights defenders, lawyers, journalists as well as Congressional party-list organizers and volunteers. The patterns show that the documented incidents of human rights violations happened nationwide with the biggest number of cases taking place in “priority areas” of the government’s counter-insurgency program, and that the manner by which the victims were executed or abducted was done professionally and systematically, establishing a connection between the national security strategy and the incidents of violations. National security documents as well as declarations by military generals and police investigators only buttress this finding.

The report likewise mentions the poor record of the Philippine government in complying not only with the procedures required of a member of the UN but also of its failure to put its declared commitments to the UN Human Rights Council into reality.

Part I of the report, “A Cry for Justice: The State of Human Rights in the Philippines Today”, introduces updated information regarding the various violations of human rights in the country followed by the consolidated expressions of outrage as well as the response taken by local and international organizations. Part II, “The Worst since the Marcos Dictatorship,” digs into the facts and figures of cases of violations of human rights and establishes the complicity of the Philippine government’s security forces in these cases. Part III, “Oplan *Bantay Laya*: A Tool for Political Persecution,” seeks to link the extra-judicial killings and other forms of human rights violations to the government’s national security doctrine and counter-insurgency strategy.

The historical, social, economic and political context of the human rights situation is discussed in Part IV, entitled “The Political Crisis, Poverty and Armed Conflicts: The Social, Economic and Political Context of the Human Rights Situation.” This backdrop provides the context of the human rights crisis under the conditions of a sluggish economy and a political crisis accentuated by nationwide protests calling for the removal of President Arroyo on charges of electoral fraud, graft and corruption and human rights violations. This chapter also underscores the fact that the human rights crisis is a product of iniquitous social relations, poverty and injustice that have colonial beginnings and the resultant, longstanding armed conflicts and rebellions to which the state’s response has been the use of counter-insurgency strategy instead of the needed comprehensive social, economic and political reforms.

Sustaining the vicious cycle of human rights violations is a culture of impunity practiced by the government and its security forces that traces its roots to the Marcos dictatorship of the 1970s. This is dealt with in Part V, “The Culture of Impunity and the Collapse of the Country’s Legal and Judicial System.” Entrenching this culture is the ineffective criminal justice system. Finally, Part VI, “Conclusion: ‘Render Judgments of Truth that Make for Peace’”, lays down the basis for seeking international intervention as a means of addressing the human rights crisis in the Philippines, ending with a “Call to Action.”

To manifest the arduous search for intervention and justice and to make the cry for justice louder, we are reaching out to the larger society of nations, multilateral organizations, and religious bodies worldwide. We are therefore presenting this report to various governments, the United Nations, Church and religious organizations, and justice and peace institutions in the international community. The victims’ kin – as well as human rights groups in the Philippines - are agonizing over their inability to cross the bridge toward justice when there is no bridge at all in the first place. Local remedies cannot be exhausted precisely because there are hardly any effective remedies that the victims and their families can turn to for justice – let alone for deterring the incidence of violations of human rights.

This report, we humbly declare, is a mission of the NCCP and the rest of the ecumenical community to defend our flock and our people, and to fulfill our prophetic witness and religious duties. Our prophetic witness and religious duties summon us not only to seek succor for the victims but to climb the steps and begin the process of installing the building blocks, mechanisms and institutions of justice with the collaboration of Church and faith organizations and ecumenical bodies – of which we are a member – and the United Nations, of which the sovereign Filipino people, through their state, are a founding member. Together with the ecumenical community, the NCCP with its long record in the advocacy of peace and justice, is prepared to collaborate with the UN’s human rights mechanisms – as it will likewise with Church and faith organizations and international ecumenical bodies – to make sure that international human rights instruments and international humanitarian law progress from rhetoric to reality in the Philippines by merging such landmark initiatives with the Filipino people’s collective journey toward justice and peace.

LIST OF ABBREVIATIONS:

- AFP** - Armed Forces of the Philippines
- AHRC** - Asian Human Rights Commission
- AI** - Amnesty International
- ALP** – Australian Labor Party
- ALRC** - Asian Legal Resource Center
- AMRSP** - Association of Major Religious Superiors in
the Philippines
- ASEAN** – Association of Southeast Asian Nations
- ASG** - Abu Sayyaf Group
- ATB** - Anti-Terrorism Bill
- Balikatan** – Literally shoulder-to-shoulder, used to r
efer to U.S.-RP war exercises
- BM** - Bayan Muna (People First), a congressional Party-list
- CA** - Court of Appeals
- CARHRHIL** - Comprehensive Agreement on the Respect of
Human Rights and International Humanitarian Law
- CAT** - Central Azucarera de Tarlac
- CAT** - Convention against Torture and Other Cruel, Inhuman
or Degrading Treatment or Punishment
- CATLU** - Central Azucarera de Tarlac Labor Union
- CBCP** - Catholic Bishops Conference of the Philippines
- CCA** - Christian Conference of Asia
- CCTA** - Citizens’ Congress for Truth and Accountability
- CEDAW** - Convention on the Elimination of All Forms of Discrimination
Against Women
- CESCR** - International Covenant on Economic, Social
and Cultural Rights

CHR - Commission on Human Rights
CHRP - Campaign for Human Rights in the Philippines
CO – Commanding Officer
COCIS - Cabinet Oversight Committee on Internal Security
CODAL - Counsels for the Defense of Liberties
CPP - Communist Party of the Philippines
CPR - Calibrated Preemptive Response
CR - Comfort room or toilet
CTUHR - Center for Trade Union and Human Rights
CYF - Christian Youth Fellowship
DFA - Department of Foreign Affairs
DILG - Department of Interior and Local Government
DND - Department of National Defense
DoJ - Department of Justice
EBF - Ecumenical Bishops Forum
EDL - European Democratic Lawyers
Edsa – Epifanio de los Santos Avenue, the site of two People
Power revolts
EO - Executive Order
EU - European Union
FTO - Foreign Terrorist Organization
GMA – Gloria Macapagal-Arroyo
GRP - Government of the Republic of the Philippines
HLI - Hacienda Luisita, Inc.
IALAG - Inter-Agency Legal Action Group
IB – Infantry Battalion
IBP - Integrated Bar of the Philippines
ICC - International Criminal Court
ICCPR - International Covenant on Civil and Political Rights
ICJ - International Commission of Jurists

ICLT - International Convention on the Law of Treaties.

ICTFY - International Criminal Tribunal for the Former Yugoslavia

IFI - Iglesia Filipina Independiente (IFI) a.k.a. the
Philippine Independent Church

IFJ - International Federation of Journalists

IHRA - Ilocos Human Rights Alliance

IP - Indigenous People

IPHRWP - Indigenous Peoples Human Rights Watch-Philippines

IPRA - Indigenous Peoples Rights Act

JFC - Joint Foreign Chambers of Commerce

JMC - Joint Monitoring Committee

Karapatan - literally “right” or Alliance for the Advancement
of People’s Rights

KMU - Kilusang Mayo Uno or May 1st Movement

MDG - Millennium Development Goals

MICO - Military Intelligence Company

MILF - Moro Islamic Liberation Front

MLSA - Mutual Logistics and Services Agreement

MNLF - Moro National Liberation Front

MRPO - Movement for the Restoration of Peace and Order

NBI - National Bureau of Investigation

NCCJ - National Christian Council of Japan

NCCP - National Council of Churches in the Philippines

NDFP - National Democratic Front of the Philippines

NGO – Non-Government Organization

NPA – New People’s Army

NUJP - National Union of Journalists of the Philippines

OB - Order of Battle

OBL – Oplan (Operation Plan) Bantay Laya or Oplan
Freedom Watch

OBL II - Oplan (Operation Plan) Bantay Laya or Oplan
Freedom Watch Part II

OCG - Office of the Commanding General

OHCHR - Office of the United Nations High Commissioner
for Human Rights

PA - Philippine Army

PCIJ - Philippine Center for Investigative Journalism

PCPR - Promotion of Church People’s Response

PhP – Philippine Peso

PIC - Philippine Independent Church, a.k.a. Iglesia Filipina Independiente

PILC - Public Interest Law Center

PNP - Philippine National Police

PP - Presidential Proclamation

RECCORD - Regional Ecumenical Council in the Cordillera

RMP - Rural Missionaries of the Philippines

RP – Republic of the Philippines

SC - Supreme Court

SONA - State of the Nation Address

STEAM - Southern Tagalog Environmental Action Movement

SWS - Social Weather Stations

UCCP - United Church of Christ in the Philippines -

UEV - University of Eastern Visayas

ULWU - United Luisita Workers’ Union

UMC - United Methodist Church

UN – United Nations

UNDP - United Nations Development Program

UNHRC – United Nations Human Rights Council

UP - University of the Philippines

UPR - Universal Periodic Review

VFA - Visiting Forces Agreement

WCC - World Council of Churches

P R E F A C E

It is a great travesty of justice when those who are able to console the people writhing in anguish and crying for justice do nothing. It is a greater tragedy in life when those whose calling is to protect their flock find themselves unable to protect their own selves and the very institution that is supposed to embody hope, peace and justice.

The church and faith community institutions in the Philippines are under siege. To date, at least 25 church people including 10 clergy, six lay workers of church-based programs, seven members of the United Church of Christ in the Philippines (UCCP) and two members of the United Methodist Church (UMC) who were active in their respective leadership bodies or mandated organizations, have become victims of extra-judicial killings over the last six years. Four other church people survived attempts on their lives and four received death threats.

The issue of extrajudicial killings and other human rights violations as raised in this report are evolving and unraveling daily. The National Council of Churches in the Philippines (NCCP) is releasing this report as its best effort thus far in apprehending the situation. Our immediate concern is not so much to issue another official position as to describe and analyze the situation so that we can indicate possible practical remedies and calls to action that are directed equally to ourselves as churches, ecumenical community and non-government organizations in the Philippines as well as to ecumenical, governmental and intergovernmental bodies and entities abroad.

The attacks on these members of the church and faith communities – including a renowned Bishop - have been executed alongside other thousands of incidents of gross and systematic violations victimizing hundreds of thousands of people during the same period. A Bishop was stabbed dead inside his own rectory, pastors were shot while attending to their flocks on a Sunday service, and lay missionaries were attacked after attending human rights activities. Aside from those representing the church and faith communities, the victims have come from all walks of life and include human rights defenders, lawyers and journalists – people who embody institutions engaged in the protection and promotion of human rights, in ensuring that the weak and powerless are given the due process of law, and in rendering voice to the voiceless.

Generally speaking, the attacks on the church and faith community institutions in the Philippines are nothing new – such assaults date back to

the Marcos dictatorship (1972-1986). When martial law was declared by Ferdinand E. Marcos in September 1972, the General Secretary of the NCCP, Bishop La Verne D. Mercado, was arrested by the military and thrown to jail. During the dark years of the dictatorship and over the next periods following its fall, several other members of the clergy and lay missionaries would suffer the same fate – or even worse. An Italian priest was attacked with machetes and cannibalized by a fanatical anti-communist band, a Roman Catholic Filipino priest was abducted by men known to be under a senior military official and went missing, and seminaries and sanctuaries were raided and their programs vilified as “leftist.” Mosques also became targets of bombings and indiscriminate firing during counter-terrorist operations.

What makes the assaults on the church and faith communities distinct today is not only the brazenness their leaders and members are attacked but that they were carried out under a regime of counter-insurgency and counter-terrorism programs by the government. These campaigns reveal the existence of military hit lists naming several leading church organizations as targets of military surveillance and “neutralization” – a military jargon which means physical elimination.

All these tend to effect a reign of terror hovering over these institutions thus affecting not only their leadership but also their entire missions and programs that involve rendering spiritual guidance, shepherding their flock, making the torch of justice and peace afire – in making sure that human dignity and human rights remain universal, inviolable and inalienable.

Something is wrong when members of the clergy and lay missionaries are being silenced when they are deeply engaged in missions that address the concerns of their constituencies – and the Philippine society as a whole. Something is wrong when members of the church and faith institutions are killed, go missing or are arrested while pursuing their calling to bring about justice closer to the poor, to fight for their rights, and advocate peace in a society that is torn asunder by armed conflicts fueled by structural problems. Of greater alarm is that the gross and systematic attacks on these pilgrims of peace and servants of God are forcing their institutions to an inevitable clash with the State – perhaps the better to make these institutions further weakened and unable to render service to their flocks under a situation where the legal and judicial system no longer draws any hope to the people?

The Church will come under judgment if she does nothing to help ease the suffering and pain of hundreds of thousands of victims of human rights abuse – for that matter the whole Philippine society. The cry of the kith and kin of those whose lives were snuffed out because service to the needy was their paramount reason for being, is the cry of God. The Church cannot hear God’s cry and not respond.

For the ecumenical movement in the Philippines, the defense of human rights is a commitment rooted in our being as churches. Faith communities are called to loving service and ensure that human dignity is preserved at all times and in all places. Pursuing this service and witness is at once a call to discipleship. Thus, even as she promotes the rights of people to express and articulate their needs and aspirations freely, the church is vigilant in defending the people from the oppression of others, from the arbitrary use of power, from unjust structures of society and from any other threat that prevents the attainment of abundant life.

The defense of human rights is an ecumenical agenda as indeed, the quest for peace with justice is a universal engagement by all people of goodwill. It becomes compelling when the very stones cry out for justice. The assault on civil liberties in the Philippines in recent years has cut across the broad spectrum of society, and has been carried out with unsurpassed impunity. This leaves no second thoughts for the church to live out her witness.

The defense of human rights is at the core of the prophetic ministry of the church because the Gospel is directed at the ministry of advocating human freedom – the proclamation of the Good News of Jesus Christ in a situation where falsehood and wrong hold their sway. Wherefore, the churches denounce those that are antithetical to the Gospel. Not that the churches claim to know all the solutions to society’s ills. Rather, in situations of tyranny where human existence and survival are not only under threat but also under assault, the church must stand her ground, uncompromising and courageous in exposing the evil designs wherever they come from.

Seen and understood in the foregoing terms, the defense and promotion of human rights takes center stage in the apostolate of the ecumenical movement in the Philippines. Where the *imago dei* in persons is tarnished or violated, the churches have vehemently raised their voices of condemnation. It is for this reason that the ecumenical community in the Philippines has found common cause in the unequivocal resistance to extra-judicial killings, enforced disappearances, harassments and other forms of political persecution under the watch of President Gloria M. Arroyo.

In particular, we remember the words of Bishop Mercado when in his last report to the General Convention he explained in simple terms the nature of the life and work of the Council: “The NCCP has constantly sought to make its programs and services relevant and responsive to the needs and challenges of our church and society. The Council operates on the belief that the Gospel is directed to the ministry of advocacy, a prophetic role, by announcing the Good News of Jesus Christ and at the same time denouncing that which is not in line with the Christian Gospel. . . It is in the being of Jesus Christ which defines our ministry in the NCCP. It draws its life from the heart of the Gospel of Jesus Christ. The activities and actions of the

Council are motivated by the demands of the Christian faith and centered in Christ, the Head of the Church and the Lord of us all.”

The rationale of the NCCP’s peace program affirmed that declaration when in 1989 it said: “We are committed to peace and human rights. On this matter, there can be no equivocation. It is a commitment that is not born out of the practicalities of political adjustment or of the vagaries of military strategy. It is a commitment rooted in our being Church.”

The succeeding pages of this report *“Let the Stones Cry Out”: An Ecumenical Report on Human Rights in the Philippines and a Call to Action*, tell the story of a people in torment. It is the agony of people who are unable to bear the pain any longer and feel that the remaining peaceful recourse is to shout to the world and cry for justice. Yet, it also tells the story of an undying hope in the divine promise of redemption. It is the story of faith communities being renewed in order to be genuine agents of social transformation.

This Ecumenical Report is the cry of anguish of every oppressed Filipino, vexed unjustly by the exemplars of idolatry and malevolence. It is the ecumenical community’s offering to ennoble the memory of the people’s martyrs, and to enliven the hope that seems only to flicker and embolden the lips that refuse to be muzzled by untruth. It is the churches’ angered scream against repression.

This Report is likewise in recognition of the unwavering support of the overseas partners and friends of the ecumenical movement. Through the years, they too bore witness to the travesty in this country, unceasingly advocated the cause of the “little ones” and challenged the “principalities and powers . . . and the spiritual hosts of wickedness in the heavenly places”.

This is our humble contribution to the relentless search for peace based on justice. Verily, it is our sincere act of journeying with the people in that search.

MS. SHARON ROSE JOY RUIZ-DUREMDES
General Secretary
National Council of Churches in the Philippines

Part I. Introduction

A Cry for Justice: The State of Human Rights in the Philippines Today

“I was watching TV when a shot rang out. Then I saw my son on the floor. I picked him up and saw him bleeding and he looked very pale. I asked, ‘What is the matter?’ As I caressed his face and neck, I touched what appeared to be a bullet wound below his ear. The bullet passed through there and came out of one of his eyes.

“When I looked around I saw two men with guns aimed at the head of my son. I cried, ‘Why did you shoot him? What has he done?’ But the two men didn’t answer.

“My son fell as he slipped from my hands. A gun was aimed at my head. I held my son then suddenly they shot him in the back. The bullet passed through his chest. My son heaved, and more blood came out. They still pointed the gun at us.

“After ascertaining that my son was dead, the gunmen left. Soon after, policemen came and asked what happened. I told them that my son was shot and asked them to follow the men who just left after shooting my son. They didn’t listen to my plea. I begged for them to fetch a vehicle so I can bring my son to the hospital. Your son is dead, they said, and he should be brought to the morgue.

“Then a vehicle arrived with a coffin inside. They brought my son’s body to the morgue. That was what happened... Now, I live alone. I sell goods to earn a living.”

(Translated from the testimony of Maxima Punzal, 71, during the Human Rights and Peace Summit, July 21, 2006, St. Scholastica’s College, Manila, Philippines. She is the mother of Leodegario Punzal, 41, who was killed on Sept. 3, 2005 in Poblacion, Norzagaray, Bulacan, north of Manila allegedly by government soldiers.)

The narration of Maxima Punzal on the killing of her son Leodegario, a signage painter and community leader of Anakpawis (Toiling Masses)

Party-list, is just one of the many testimonies and other reports showing both the brazenness of how extra-judicial killings are being carried out in the Philippines and the impunity that their perpetrators continue to enjoy. Maxima’s loss is shared by families of the more than 800 victims of extra-judicial killings and scores of other victims of involuntary disappearance in the country since January 2001.

Cases such as that of Leodegario show the pervading culture of impunity that has generated a climate of fear in the Philippines. Even worse, there seems to be no respite.

On Jan. 19, 2007, Jose Ma. Cui, a history and communication arts professor at the University of Eastern Visayas (UEV) in Catbalogan, Northern Samar, central Philippines, was shot dead in front of his students by four bonnet-clad/masked men while he was giving mid-term examinations¹. The men fled on board motorcycles. Cui was also a human rights defender, having served as secretary general of the human rights group Katungod-Eastern Visayas, the regional chapter of the human rights alliance Karapatan (Alliance for the Advancement of Peoples’ Rights).² Cui is the latest addition to the continuing repression of human rights defenders, activists, community workers and farmers. His death is another travesty against God’s gift of life.

Churches and the Philippine government’s pledge to the UNHRC

We are the voice of churches and other faith communities in the Philippines appalled by the continuing spate of extra-judicial killings, enforced disappearances and other incidents of violations of

human rights in the country. These incidents which have persisted since the fall of the Marcos dictatorship in 1986 have grown in alarming proportions under President Gloria M. Arroyo (January 2001 – present) especially because they show a pattern that such cases are taking place in the context of the government’s counter-insurgency program and the “war against terrorism.” We are particularly shocked by the fact that the civilian victims have included highly-respected leaders and members of churches and faith communities, human rights defenders, lawyers and journalists. It is highly paradoxical that the Philippine government under President Arroyo has been elected as a member of the United Nations Human Rights Council (UNHRC) when human rights watchdogs, Church institutions, lawyers and legislators’ organizations, and media groups throughout the world, as well as a number of governments, have expressed concern over the inability of the Philippine government to stop these incidents and protect the rights of its own people.

On April 19, 2006, the Government of the Republic of the Philippines (GRP) put forward its candidacy and was elected as a member of the newly-created UNHRC. In its application, the Philippine government pledged³ that “if elected into the Council, the Philippines will focus on the importance of bridging national and international human rights goals, standards and strategies” and that it will continue to “play an active role in upholding the rights and welfare of the disadvantaged and vulnerable groups...”

As members of the churches and faith communities, we consider a pledge as sacred and inviolable and it should therefore be carried out consistent with the principles that such a commitment stands for. What is at stake is not only the honor bestowed upon the membership but, more important, the integrity of the UNHRC in pursuing its human rights mandate. However, as noted by the Asian Human Rights Commission (AHRC) in its April 25, 2006 statement opposing the Philippine government’s candidacy for election, “there is a world of difference

between the Philippines’ human rights pledge and human rights reality”.⁴

The human rights situation in the Philippines

From January 2001 up to November 2006, some 6,990 cases of human rights violations⁵ affecting 396,099 individuals were recorded by the human rights group Karapatan (literally “right” or Alliance for the Advancement of Human Rights).⁶ Including persons who were summarily executed from December last year to the present, the number of victims of extrajudicial killings has reached 833. The number of persons killed in 2006 alone totaled 207.⁷ Hundreds of others survived political assassinations.

The growing number of extra-judicial killings prompted Amnesty International (AI), in its August 2006 report, to note the rise in human rights violations especially the increasing number of extra-judicial killings done with impunity. It also noted that these extra-judicial killings constitute a pattern⁸ which can be attributed to the State. Many of the attacks have been committed by unidentified men firing from unmarked vehicles or motorcycles. Paramilitary groups armed by the military, and even members of the military and police, have been implicated in these killings. These cases remain unsolved.

The Philippines’ Commission on Human Rights (CHR) has acknowledged that the spate of killings is one of the country’s worst and growing concerns. The CHR said that although the state “has a standing policy to enhance respect for the primacy of human rights, this state policy under the present administration has not been articulated or pronounced, rendering a declining level of enjoyment of human rights by the citizenry.”⁹

In 2005, the National Council of Churches in the Philippines (NCCP) invited the World Council of Churches (WCC) and the Christian Conference of Asia (CCA) to send a Pastoral

Ecumenical Delegation to look into the human rights situation in the country. Concluding its mission, the Delegation stated that “among the root causes of the current turmoil in the country are: the inadequacies of state institutions such as the judiciary, inequitable distribution of resources which traps many Filipinos in abject poverty, and the monopoly of transnational corporations and other foreign interests in resource exploitation. These shortcomings remain pervasive and the promise of full enjoyment of human rights is still far distant.”¹⁰

The Ecumenical Bishops Forum (EBF), on the other hand, said that at the rate and manner by which human rights violations are taking place, “nobody is safe in this country anymore.”¹¹

In a separate statement in September 2006, the WCC, through its Central Committee,¹² underscored the fact that these cases remain unsolved, that the government has allowed these crimes to take place with impunity, and is failing in its statutory obligations to protect the right to life and to maintain the rule of law.

Aside from the WCC and CCA delegations, various international fact-finding missions¹³ were held to look into the situation. Moreover, statements¹⁴ and letters of appeal¹⁵ from churches and faith communities, church-based institutions and other organizations in the international community have condemned the killings and, in varying degrees, have noted the pattern that the incidents were carried out and the impunity, and stressed the responsibility of the government to put a stop to it. The National Christian Council of Japan (NCCJ), in particular, wrote President Arroyo urging her to rescind the government’s counter-insurgency policy which it said is promoting extra-judicial killings and to reconsider “aggressive development policies including the Mining Act of 1995, in light of the fact that most of the political killings are associated with disputes over development projects, land reform or labor issues.”¹⁶ The Asian Legal Resource Center (ALRC) in Hong Kong added that deficiencies in the country’s legal system that the government has

failed to address for several decades have contributed to the country’s human rights violations.¹⁷

Various governments and state officials in the international community, as well as international lawyers groups, also assailed the unabated extra-judicial killings in the Philippines and called on the Arroyo administration to put a stop to the violence, including the following:

- ◆ European Union (EU)¹⁸ assailed the unabated killings of political activists in the Philippines and called on the Arroyo administration to put a stop to the attacks that have claimed hundreds of lives. German Ambassador to Manila Axel Weishaupt said all EU members “deplore” the killings and the human rights abuses being reported out of the Philippines.
- ◆ Australian Senator Gavin Marshall (ALP) noted a pattern in the political killings, saying that “the victims have been outspoken on issues of poverty and justice. They have advocated for poor and oppressed people in the Philippines, for workers’ rights, for civil liberties and for human rights, and some have been directly critical of the government.” In almost all of these cases, Marshall said, the prime suspects are “government military intelligence units. As a consequence, very few of them have been adequately investigated and the perpetrators of these heinous crimes have not been brought to justice.”¹⁹
- ◆ The government of Japan through its Foreign Minister Taro Aso²⁰ said that “in Japan, some people are concerned about political killings in the Philippines.”
- ◆ New Zealand Prime Minister Helen Clarke reiterated her concern regarding the human rights situation to President Arroyo during the ASEAN Leaders’ Summit in Cebu City, Philippines January 2007. The Prime Minister said that “the rate of extra-judicial killings is much higher in the past six months

than it was in the whole previous year. So there is a set of issues that the Philippine government needs to be tackling seriously”.

²¹

- ◆ Referring in particular to the killings of journalists, the U.S. Senate in May 2006 urged the Philippine government to swiftly bring to justice the victims’ attackers.²²
- ◆ The European Democratic Lawyers (AED), in a motion passed in its General Assembly on Jan. 27, 2007 in Malaga, Spain, asked the prosecution of the perpetrators “even if it turns out that security forces of the state are implicated” and to form and fully support an “independent commission, not controlled by the government...to investigate the assassinations, threats and recommendations and to follow its recommendations.”²³

Aside from Japan and New Zealand, countries like Finland, France, Spain and Canada as well as the European Council and the U.S. State Department have also expressed concern over the killings.

Even foreign trade groups like the Joint Foreign Chambers of Commerce (JFC) in the Philippines comprising business groups from the United States, Australia, New Zealand, Canada, Europe, Japan and Korea, and the Philippine Association of Multinational Companies Regional Headquarters, called for a halt to the killings saying that “such violence has no place in a modern democratic state.”²⁴ They warned the government that if it cannot stop the killings, it may risk losing foreign aid and investments.

Response of Philippine churches and faith communities

Condemning the killings and other violations of human rights, the Catholic Bishops’ Conference of the Philippines (CBCP)²⁵, on May 31, 2006, said that “it is not right that people be killed simply because they have different ‘political beliefs’ or are

suspected of being ‘subversive’ or of plotting against the government.” The CBCP also said the killings “leave deep scars on the memory of people especially members of their families which no amount of talk about national security will completely erase. This is a sin against life, a sin against human dignity. Human life, whose ever it is, is sacred. Retribution and vengeance simply perpetuates the cycle of violence.”

The NCCP, aside from facilitating fact-finding missions of its international partners, has released several statements on the killings and other human rights violations.²⁶ The statements dealt particularly with the killings of church people, the raid on a convent of a religious congregation and the announcement of President Arroyo to allocate PhP1 billion (about US \$20 million) for the government’s anti-insurgency campaign which the NCCP believes will lead to the deterioration of the human rights situation in the country.²⁷

Moreover, the May 2006 General Assembly of the United Church of Christ in the Philippines (UCCP)—the church which has been the hardest hit in terms of the number of victims—called for the holding of a Human Rights and Peace Summit. Held by UCCP in cooperation with the NCCP, the Ecumenical Bishops’ Forum (EBF) and the Benedictines for Peace, the Summit called “for a thorough inquiry by the United Nations High Commissioner for Human Rights and the Human Rights Council and other international courts of justice to ferret out the truth and to hold accountable those responsible for such wrongdoings.”²⁸

The appeal for UN intervention

At present, despite the numerous voices of indignation in the Philippines and in many countries against this tragic situation, there are grave doubts that extra-judicial killings and other forms of political repression will stop. In fact, it is anticipated that an increasing number of extra-judicial killings and other human rights violations will occur in 2007 prior to the country’s legislative and local elections.

Even if there is no declaration of martial law, the escalating extra-judicial killings and the rampant militarization in the countryside have created a climate of fear and terror among the Filipino citizenry. There are clear manifestations of the breakdown of the rule of law and failure of the criminal justice system. There is a failure to uphold basic civil and political rights guaranteed in the Bill of Rights of the Philippine Constitution as well as international human rights and humanitarian laws and conventions that the country has ratified.

The government created Task Force Usig²⁹ and a commission headed by retired Supreme Court Justice Jose Melo, to look into the killings. However, by and large, these efforts remain fruitless as they have not stopped the killings. As the U.S.-based Human Rights Watch³⁰ observed in its September 2006 report, there is a deep public distrust of the government’s investigative efforts, widespread fear among witnesses and victims’ families, and a climate of fear in areas where the killings occurred.

This situation is forcing the people, through their churches, NGOs and human rights organizations, to seek immediate intervention, remedies and other forms of action – which are no longer available in their own country – in the international community. Given the clear-cut travesty and miscarriage of justice, the pervading culture of impunity and the failure of the present Philippine authorities to put a stop to these killings, there is an urgent need to bring these issues to the attention of the United Nations Human Rights Council (UNHRC).

Human rights organizations in the Philippines as well as other international entities have already brought the Philippine human rights situation to the attention of the UNHRC. This particular report is not only an expression of support to those organizations, but a moral cry from the churches as well—churches whose finest daughters and sons were also murdered. This is a further expression of the churches’ accompaniment of the people to call attention to this senselessness, to “let the stones cry out”³¹ for justice, and for peace to reign.

Part II

The Worst Since the Marcos Dictatorship

Under the military dictatorship of Ferdinand Marcos (1972-1986), 35,000 persons were tortured, 70,000 were incarcerated, while 3,257 were killed³². The fall of the Marcos dictatorship in February 1986 during the EDSA I people power uprising did not end the gross and systematic violations of human rights. Thus, there were 1,064 reported victims of summary executions and 796 victims of massacres³³ (President Corazon Aquino, 1986-1992); 218 cases of summary execution, 144 victims of massacres and 15 cases of involuntary disappearances³⁴ (Fidel V. Ramos, covering only July 1992-June 1997); 974 documented human rights violations from July 1998 to November 2000³⁵ (Joseph Estrada, covering only July 1998-November 2000³⁶) with victims ranging from civilians killed in counter-insurgency operations, summary executions, massacres, forced evacuations, hamletting, arbitrary arrests, detentions and other types of violations.

Since January 2001, when Gloria M. Arroyo was installed President of the Republic of the Philippines during the second people’s revolt, until November 2006, a total of 6,990 cases of human rights violations affecting 396,099 individuals were documented by the human rights group Karapatan³⁸.

As of Dec. 31, 2006, Karapatan documented³⁹ 819 victims of extra-judicial killings while 357 have survived attempts on their lives. (The number of victims of killings has since increased to 833 at this writing – despite the visits of UN Special Rapporteurs in the country.) There were 209 individuals who were abducted and remain missing to this day. Thousands more have been harassed, displaced or their movements curtailed due to

large-scale military operations. Hundreds have sustained injuries while exercising their right to legally assemble and scores have been tortured.

The Philippine media has not been spared from the killings: 47 journalists have been slain under the Arroyo administration, representing the biggest number of media killings compared to previous presidencies. This has also made the Philippines the most dangerous country for journalists after Iraq, according to the International Federation of Journalists (IFJ) and the National Union of Journalists of the Philippines (NUJP).

In Mindanao, southern Philippines, KAWAGIB, a Muslim-based human rights group,⁴⁰ has also reported accounts of human rights violations against the Muslim population since 2001:

- 191 killed as a result of military operations against two rebel groups, the Moro Islamic Liberation Front (MILF) and Moro National Liberation Front (MNLF) in the provinces of Maguindanao, Lanao del Sur, North Cotabato, and Sulu;
- 132 cases of illegal arrests and detention of suspected members of the Abu Sayyaf and MILF;
- 442,000 individuals who were displaced from their ancestral homes in the midst of ongoing military operations, and millions of pesos worth of property, farms and livelihood destroyed as a result.⁴¹

Karapatan and various people’s organizations, whose members fell victims to the spate of brutal killings and enforced disappearances, are one in concluding that the Philippine human rights situation under President Arroyo’s six-year watch is the

worst, since the toppling of the Marcos dictatorship through a popular uprising in 1986. The trends in the killings and other cases show that many of the victims were specifically targeted for assassination or abduction, were suspected Leftists, and came from the broadest spectrum of the society. Especially alarming has been the increasing number of human rights defenders, lawyers, members of the church and faith communities as well as journalists getting killed during the past six years.

Alarming proportions

An average of three extra-judicial killings has been taking place every week⁴². From January to December 2006 alone, 207 persons were killed. This figure is higher than the number of persons killed in 2005 which is 189. This figure, in turn, is doubly higher than the 75 persons reportedly assassinated in 2004. The number of enforced disappearances has also been increasing since 2001 (see table 1 below).

Year	Extra-Judicial Killings	Enforced Disappearances
2001	101	7
2002	122	8
2003	125	11
2004	75	31
2005	189	57
2006	207	95

Source: Karapatan Documentation Team

The killings are happening on a nationwide scale. The sectoral spread of the targets is very broad (see Table 2): victims include lawyers, human rights defenders, journalists, church leaders, local officials, community leaders and organizers, students, peasants, indigenous leaders, workers, professionals, women and children⁴³. An Ad Litem Judge of the International Criminal Tribunal for the Former Yugoslavia (ICTFY), Romeo T. Capulong, was targeted but fortunately escaped the attempt on his life.

Table 2: Number of Victims per Sector (January 2001-December 2006)

SECTOR	NO. OF VICTIMS
Businessman/ Professional	50
Church/ Human rights worker	45
Farmer	408
Government Employee	4
Indigenous People	75
Minors/ Unborn	59
Moro	53
Urban Poor	29
Worker	62
Youth & Students	20

Source: Karapatan Documentation Team

Karapatan further states that 96 of the victims in 2006 were political activists, a 33 percent increase compared to 2005. Many of the victims were members of the congressional Party-list political parties Bayan Muna (People First) and Anakpawis (Toiling Masses) as well as members of Karapatan⁴⁴ (see table below).

Table 3: Number of Victims per Organization (January 2001-December 2006)	
ORGANIZATION	NO. OF VICTIMS
Bayan Muna	112
Anakpawis	43
Karapatan	17
Others	188
Source: Karapatan Documentation Team	

The chilling pattern

According to the Asian Human Rights Commission (AHRC), there are “*clear patterns before victims are killed: they receive death threats, their names are included in so-called ‘order of battle’ by the military, they are tagged as either being sympathetic to left or having ‘communist ideologies’, they are subjected to harassment and surveillance*”⁴⁵. Furthermore, AHRC states that there are also other cases wherein the victims had no known enemies and were killed for motives that also remain unknown and that witnesses and the victims’ families are also targeted.

The killings are carried out mostly by unidentified men, believed to be death squads, who shoot the victims before escaping on motorcycles or other types of vehicles. They are done with impunity in front of witnesses in public places, in work places and in some cases, in front of their own families at home. The arrest, prosecution and punishment of perpetrators are rare. In cases where the police have arrested suspects and filed charges against them, they are met with skepticism and are challenged by the victims’ families.

Amnesty International (AI) in its August 2006 report said:

*“The methodology of the attacks, including prior death threats and patterns of surveillance by persons reportedly linked to the security forces, the leftist profile of the victims and climate of impunity which, in practice, shields the perpetrators from prosecution, has led Amnesty International to conclude that the attacks are not an unconnected series of criminal murders but constitute a politically-motivated pattern of killings. The organization remains gravely concerned that members of the security forces may have been directly involved in the killings, or else have tolerated, acquiesced to, or been complicit in them.”*⁴⁶

AI further said that the Philippines signed major international human rights treaties and as such it has to investigate alleged violations on the right to life through independent and impartial bodies. AI noted that the failure of authorities to “act with due diligence in investigating and prosecuting such violation” continues to have a “serious, corrosive impact on public confidence in the administration of justice and the rule of law”.

SELECTED CASES

The following cases of extra-judicial killings, torture, threats, harassments, forced servitude, enforced disappearances, and illegal arrest and detention show the impunity of human rights violations among church people, human rights workers and lawyers, workers, indigenous people, political activists and Party-list leaders and members and even ordinary folks.

Taking God’s gift of life from Church people

Based on the tally of Karapatan and the Promotion of Church People’s Response (PCPR)⁴⁷, 25 church people including 10 clergy, six lay workers of church-based programs, seven members of the United Church of Christ in the Philippines (UCCP) and two members of the United Methodist Church (UMC) who were active in their respective

There were also two UMC members who committed suicide to escape further torture from the military, according to a church-led fact-finding mission.

Former Supreme Bishop Alberto B. Ramento, Philippine Independent Church

One of the most prominent persons killed and certainly the most high-profile victim among church people is Bishop Alberto B. Ramento, the former Obispo Maximo (Supreme Bishop) of the Iglesia Filipina Independiente (IFI) or the Philippine Independent Church. Unlike the other murders where the victims were shot, Bishop Ramento was stabbed several times inside his rectory last Oct. 3, 2006 in Tarlac City, about 120 kilometers north of Manila. Police said it was a case of robbery with homicide, but the bishop’s family, the IFI⁴⁸ and a number of organizations including the NCCP⁴⁹, have called for an independent

Type of Church of Violation	United Christ in the Philippines	Iglesia Filipina Independiente	United Methodist Church	Roman Catholic	Other Churches	Total
Extra-Judicial Killing	15	2	3	3	2	25
Frustrated Murder	2	2				4
Torture leading to suicide			2			2
Received Threats		3		1		4
Total	17	7	5	4	2	35

Source: Promotion of Church People’s Response and Karapatan

leadership bodies or mandated organizations were victims of extrajudicial killings. Four other church people survived attempts on their lives and four received death threats (see table).

investigation citing the bishop’s social involvement as a possible motive for his murder. Bishop Ramento was an active supporter of the striking workers of Hacienda Luisita, Inc. (HLI) in Tarlac⁵⁰ and an

outspoken peace and human rights advocate. Moreover, according to his eldest son Alberto Ramento II, the bishop had told him about receiving death threats through text messages. At one point, the bishop was quoted as saying:

“I know they (the military) are going to kill me next. But never will I abandon my duty to God and my ministry to the people.”⁵¹

Alberto II further, relates⁵²:

“...My father has been receiving death threats for a long time especially after the incident in Hacienda Luisita in 2004, and after the death of Fr. William Tadena of the IFI last April 2005... He told me that he has been receiving different kinds of text messages that are threatening, like: ‘Don’t get involved in HL (Hacienda Luisita), you will be next.’ and ‘After Fr. Tadena, you will be next.’ And ‘You are too much of a meddler, you will be next.’ He confided in me that he suspects that the military are behind the said threats... that he noticed different people tailing him and often in front of the church to observe him... and that ‘After the president (Arroyo) declared an all-out-war, I began to notice unfamiliar cars suspiciously circling the vicinity.’

His other son, Alberto III adds⁵³:

“It was also odd that there were no street children sleeping in front of the church on the day my father was killed. The street children often sleep in front of the church. They are close to my father because he has a feeding program for them. I tried to talk to them during my father’s wake but I noticed that they were evasive.”

Noel Noli Capulong, a former NCCP Staff

Another church person killed in 2006 was former NCCP staff Noel Noli Capulong. Mr. Capulong was on his way home at around 6 p.m., May 27, 2006, after a meeting with families facing eviction

from a contested property, when motorcycle-riding men pumped four bullets into his body in Barangay (village) Parian, Calamba City, Laguna, south of Manila. Like Bishop Ramento, Capulong was a social activist. Aside from his active involvement in church-related organizations as a lay-worker, he was the deputy secretary general of the Bayan Muna Party-list (People First Party-list) in the Southern Tagalog region and the spokesperson of the Southern Tagalog Environmental Action Movement (STEAM)⁵⁴.

The circumstances surrounding Capulong’s slaying follows the pattern of many other cases of summary execution. Before he was killed, he was called a “communist” and “enemy of the state” by the military for being an outspoken critic. Doyette, his widow, narrated during a Human Rights and Peace Summit:

“Noli gave so much of his time to others. But unfortunately, while he was giving his time to others, he was branded as a communist and an enemy of the state. Despite this, he lived out what he believed. He never got tired of initiating programs for our brothers and sisters, especially those living in rural communities.”⁵⁵

The victim’s elder brother, lawyer Emilio Capulong, also said that the government could not hide the fact that military personnel are believed to be behind the killing of activists. He asked President Arroyo to show her authority and control as commander-in-chief of the police and military by bringing to justice the killers of his brother⁵⁶.

Jose “Pepe” Manegdeg III, lay missionary

Jose “Pepe” Manegdeg III, 37, was at the time of his death the coordinator for the Cordillera and Ilocos in Northern Philippines of the Rural Missionaries of the Philippines (RMP) - Cordillera and Ilocos in northern Philippines. A former coordinator of the Regional Ecumenical Council in

the Cordillera Region (RECCORD), he also served as a volunteer for the NCCP’s Ecology and Environmental Protection Program.

Gunmen pumped 22 bullets into his body as he was waiting for a bus ride to Manila along the national highway at Sitio (sub-village) Bigbiga, San Nicolas, San Esteban, Ilocos Sur, northern Philippines at around 10 p.m. on Nov. 28, 2005. Manegdeg had just attended a paralegal training seminar sponsored by Ilocos Human Rights Alliance (IHRA)-KARAPATAN at Ursa Major Resort in Apatot, San Esteban⁵⁷ and was to meet his wife who would be arriving from Hong Kong.

A tricycle driver, Fenio Caceres, Sr., who drove him from the resort to the highway witnessed Manegdeg’s killing. He gave the following account to the San Esteban Police⁵⁸:

“... When we reached the road (National Highway), the passenger got off and told me to wait ... There was a bus approaching and I told him to take the ride but he did not because he wanted (to take) the Partas bus. After that a van approached and made a turnaround in front of my tricycle and then I saw a man go to the waiting shed behind us. He was talking through his cell phone and in an instant I saw him pocket the cell phone and draw his gun. He cocked it and aimed it toward us and... my passenger ran westward... toward Barangay Apatot and the man who fired the gun ran after (him).

“In my fear, I started (the engine of) my tricycle and while I was driving off ... I heard one gunshot and after that I heard a loud shout and when I was at a distance, about 15 meters (away) I heard again a shot then I also saw people hiding in the eastside of the north road of the chapel of the Jehovah’s Witness.”

According to colleagues, Manegdeg was under surveillance and had received death threats on his cell phone before the killing. It was also reported that the military had tagged him as an “NPA supporter.”

A newspaper report⁵⁹ on Jan. 22, 2007 said that the San Esteban police have identified a suspect in Manegdeg’s murder. A joint affidavit⁶⁰ from the policemen investigating the case said an eyewitness has identified Joel Castro from their rouges’ gallery as one of the men who gunned down Manegdeg. Castro, a captain of the Philippine Army formerly detailed with the Military Intelligence Company (MICO), later issued a counter-affidavit denying any involvement in the shooting.

Pastor Isaias Sta. Rosa, United Methodist Church

There were incidents wherein military personnel were positively identified by witnesses as the perpetrators, such as the murders of Pastor Isaias Sta. Rosa and Pastor Andy Pawican (*please refer to next case*). Pastor Sta. Rosa was a member of the United Methodist Church (UMC) in Legaspi City, South Bicol District, south of Manila. A freelance writer, he was also a project consultant for non-government organizations and the Executive Director of the Farmers’ Assistance for Rural Management Education and Rehabilitation, Inc.

A fact-finding mission organized by the UMC⁶¹ on Aug. 3, 2006 found that Pastor Sta. Rosa was abducted and murdered in Barangay (village) Malobago, Daraga, Albay by armed men wearing bonnets. His body was recovered at a nearby creek along with a dead soldier. Witnesses identified the soldier as part of the group that abducted the UMC pastor.

Pastor Sta. Rosa’s youngest brother, Jonathan,⁶² has this account on the pastor’s killing:

“I was watching the news on TV by myself when Ray Sun (my brother)

arrived...When he was taking off his shoes I turned and saw a bonnet-wearing man enter our house. The man aimed a gun at Ray Sun and ordered him to lie face down. After which, he aimed the gun at me. There were two or three of them who entered our hut. They were wearing bonnets and their eyes and mouths were the only ones visible. They were all wearing black with long sleeves as upper garments, fatigue pants and combat shoes. One of them who was giving the orders was also wearing a bonnet but his upper garment was maroon that had sleeves folded like a polo shirt, black short pants and a pair of rubber shoes. All of them were carrying short firearms.

“They were insisting that we are members of the NPA and they searched the whole house. They took the tools for Ray Sun’s motorcycle. They also made us take our shirts off so that they can ascertain that we (carried) no guns...”

“We were led outside the house to an unlit area and there, they forced us to admit that we are NPAs and they kept asking for ‘Ver’. When I accidentally gazed upward, they hit me near my eyebrow with the butt of a gun.

“The person in maroon and black short pants ordered one of his companions, ‘Take one of them and make him knock at the door.’

“There was nothing else I could do but to follow their orders. While I was knocking at Pastor’s door, the armed men wearing bonnets positioned themselves near the shrubbery next to the house’s gate.”

The pastor’s wife answered the door and the armed men barged into the house after hearing Pastor Sta. Rosa’s voice. Everyone, including the children, was ordered to lie on their stomachs. The armed men bound Pastor Sta. Rosa’s hands and took him to a room. Jonathan, the pastor’s wife and the children were then herded into another room.

“... We could hear them beating up my brother...After a few minutes they took Ray Sun inside the house and I saw them taking Pastor outside. When no one was left guarding us, we went outside the house and shouted for help.

“In an instant, we heard six succeeding gunshots. Then three more gunshots followed.

“With Ray Sun, a few of our neighbors and some town officials, we went to the place where the sound of gunshots came.

“We saw Pastor beside the stream not too far away from his house. He was already dead, bloodied, lying face down, his head was tilted and his body bore gunshot wounds. About five meters from the stream, we saw another dead person. He was wearing a bonnet, black short pants and black pair of rubber shoes. We saw his body on top of a shallow well. We saw a .45 caliber pistol facing him.”

The other body was identified as that of Pfc. Lordger Pastrana. He had with him a Philippine Army identification card that was valid until Dec. 9, 2008, and a mission order issued by the 9th Military Intelligence Battalion of the 9th Infantry Division, Philippine Army, based in Camp Weene Martillana, Pili, Camarines Sur. The mission order dated July 11, 2006 was to expire on Sept. 30, 2006 and was signed by Maj. Ernest Marc Rosal.

Issuing its preliminary investigation report on Aug. 24, 2006, the regional office of the Commission on Human Rights (CHR), said:

“It is evident that there is legal ground to prosecute the army soldiers in the company of Cpl. Lordger Pastrana for murder as this case would not contemplate robbery with homicide, but one of murder in view of the mission order found in Pastrana’s possession and the prior incident of assault upon the household of Sta. Rosa’s neighbor, Alwin Mirabuna, wherein these armed suspects inquired the whereabouts of Isaias Sta. Rosa, a person (who is the) possible subject of the secret mission. Since the identity of the suspects cannot be ascertained, it is recommended that the Commanding Officer in the above-cited mission order be legally made answerable under the principle of command responsibility governing military conduct.”⁶³

The Philippine Army (PA) has denied investigators access to records, such as the names of members of Pastrana’s unit. Moreover, the military declared that Pastrana was on “Absence without Leave (or AWOL).”

The police, on the other hand, described the killing as a simple case of robbery with homicide.

Pastor Andy Pawican, United Church of Christ in the Philippines

As earlier mentioned, some victims were killed in communities where intensive military operations are ongoing as part of the government’s counter-insurgency campaign. One such victim was Andy

Pawican, a licentiate pastor of the UCCP. Pastor Pawican was known to be active in his community, Barangay Fatima, Pantabangan, Nueva Ecija, northeast of Manila, especially in addressing the concerns of his church members.

Testimonies from witnesses gathered by a UCCP fact-finding team aver that Pastor Pawican was taken and shot by soldiers from the PA’s 48th IB Delta Company on May 21, 2006. The story of his murder is narrated by his father-in-law, Blacio Binlingan⁶⁴:

“Surrounding our home was a large number of military men. I noticed that our house was in disarray. My wife told me that the military ransacked our things and took the five hundred pesos I gave her. They also took the cough medicines for the children...The military wore uniforms and were from the 48th infantry battalion.

“My daughter, Dominga Pawican, was at home when I arrived. She was worried because her husband, Pastor Andy Pawican, had not yet arrived. She mentioned that as they were going home from church after Pastor Andy held a church service the military went up to them and said that they wanted to speak with Pastor Andy. Because Pastor Andy had not broken any law and that they were told that it will only take a while, she went home ahead. Pastor Andy was left with the military with their 8-month child.

“At around three in the afternoon, we heard gunshots some 100 meters away from our house, (from) where Pastor Andy was left to talk with the military. We wondered who the military shot because we did not see any of their enemies.

“A few moments later, military men arrived, shouting, ‘The one carrying a child was shot.’ When my son, Roger, heard what the military had said, he exclaimed, ‘That’s my brother-in-law.’ We tried to go to Pastor Andy but the military prevented us...”

“My wife pleaded to the military to bring the 8-month old child of Pastor Andy ... A few moments later, they brought the 8-month old child of Pastor Andy to our house with clothes tainted with blood and a gash on the face.”

The local police told the pastor’s kin at the police station that Pawican died in an armed encounter in Sitio (sub-village) Lomboy, Barangay (village) Tayabo, San Jose at dawn that same day. The relatives refused to believe the police version insisting that Pastor Pawican was killed in the afternoon when they heard gunshots not far from their community.

Forced servitude, torture, illegal arrest and detention of a UCCP member

The following day, May 22, 2006, some of the villagers chanced upon the body of Pastor Pawican being cordoned by about 60 soldiers led by Lieutenants Ariel Galado and Freddie Lobusta of the Philippine Army’s 48th IB, 7th Infantry Division. Upon the soldiers’ order, the villagers brought the pastor’s body to the town center in Barangay (village) Tayabo. At the town proper, they put the victim’s remains into a military truck. Thereafter, the soldiers ordered Blacio Binlingan, Mempe Ruiz and Marvin Palting to bring the corpse to Funeraria Ilagan in San Jose City. Except for Fidel Palting and Ruel Marcial, the other residents were ordered to go home. The remaining two were taken separately to what Marcial later learned was Sto. Niño Camp, a military camp in San Jose.

Ruel Marcial, a farmer from Aritao, Nueva Viscaya and a UCCP member, testified later that he was

interrogated and tortured by the military who also forced him to admit that he was a member of the NPA. Here is his account of his ordeal:⁶⁵

“...I was told to lie face down and the soldiers accused me that I was a member of the NPA. They asked me to tell them where I was hiding my gun. They also asked me if Pastor Andy was an NPA commander.

“While they were asking questions, they thrust cogon grass into my genitals and poured water into my mouth. They grilled me for almost two hours about things I knew nothing about. Afterwards, they handcuffed me and brought me to higher ground of the camp...The soldiers continued to ask me questions and poured water into my mouth, burned my thigh with cigarettes and heated wire and poked my genitals with grass.

“They cut my hair with a big and long knife. They kicked me, punched me in the stomach and slapped my face. When my face was already swollen, they put salt on it. The soldiers also peeled off my scalp until it bled and poked a gun at my head to make me confess that I was a member of the NPA. They also peeled off three of my toenails. They wanted me to be their decoy and lead them to NPA camps.

“While I was under torture, I could hear the shouts of Fidel (Palting) from another part of the camp.

“They tied my feet to a tree using a chain that looked like a dog leash. They hit my butt with the big and long knife and hit my hands with a bamboo. When I couldn’t take it anymore, I said that I am willing to cooperate and show them the camps of the NPA so that they would stop torturing me. Only after I told them

that I am willing to cooperate did they stop torturing me. I heard a soldier come in and asked the other soldiers, ‘Who is responsible for this?’ The soldiers who stood guard answered, ‘The underlings of Palparan’.”

Ruel never saw Fidel inside the camp but he surmised that he was inside one of the huts as he saw soldiers guarding the hut and bringing food.

Held and tortured by the military for nearly two months, Ruel managed to escape on July 7, 2006 and friends who found him took him to a sanctuary. Fidel, on the other hand, remained in military custody but was later brought back to his family’s house.

Until now, Marcial fears for his life and remains in hiding as do many of Pastor Pawican’s church members who have left their village to settle elsewhere.

United Methodist couple: Compelled to end their lives due to death threats and torture

The heavy militarization of Philippine rural areas has also resulted in cases of torture like that of Librado and Martina Gallardo both of whom, their children said, committed suicide after they were tortured for two days by the military.

A report of a fact-finding mission of the United Methodist Church (UMC)⁶⁶ revealed that around midnight of Oct. 8, 2006, about 50 soldiers from the Army’s 48th Infantry Battalion arrived in Barangay (village) Conversion, Pantabangan, Nueva Ecija, northeast of Manila, and occupied the village hall for their barracks.

What happened later is narrated by Pastor Eduardo Navalta, Jr.,⁶⁷ the local pastor of the UMC at Barangay (village) Conversion:

“... On Oct. 9, 2006, soldiers came to our town, surveyed the place and called a meeting at the town plaza to warn us

about some residents of the village who were helping the NPA... They also told those who are suspected to be with the NPA to report to them at the town hall at 10 a.m., Tuesday, Oct. 10, 2006 and surrender their firearms... They named me as one of the suspected NPA members in our area.”

Corroborating Pastor Navalta’s account, the UMC fact-finding team reported that the villagers were subjected to illegal detention, physical beatings, and other forms of torture. They were also made to admit that they were either “NPA members or sympathizers.”

Among those forcibly taken from their house, harassed and tortured was the Gallardo couple. The couple was active with the local UMC, with Librado being the chairperson of the church council. Their names as well as those of other villagers were included in a list of alleged NPA members/supporters that the military showed during the meeting. Pastor Navalta continues:

“... On Wednesday morning, Oct. 11, 2006, while I was harvesting rice, news reached me that there was a couple who are members of our church who were forced to end their lives because they were being terrorized and abused by the Philippine Army’s 48th Infantry Brigade, under the leadership of Lt. Noel Royzal.”

At around 10 a.m. that day, the Gallardo couple reportedly drank pesticide because they could no longer bear hours of torture by the soldiers and threats they would be killed unless they surrender their “firearms.” The couple was taken to Carranglan hospital by villagers but both were pronounced dead on arrival.

Pastor Navalta also testified that he did not return for two days after arranging the funeral of the Gallardo couple thus increasing the military’s suspicions that he was a member of the NPA.

“Because of the many incidents of military abuse in Conversion, I left my family under the care of my relatives at Liberty, Pantabangan. As for me, I reported the situation to our District Superintendent as his colleague in the vineyard of our Lord Jesus.”

Pastor Navalta has not returned to the village since then.

Attacks on human rights defenders and lawyers

The extra-judicial killing of activists is not only illegal but also condemnable. But when human rights volunteers have themselves fallen victims to these brazen acts, the brains behind these could be sending a political message. One such message is that the perpetrators of these crimes are above the law – defending the victims’ rights and their search for justice is not worth it.

Indeed, since 2001, 23 human rights workers have been killed⁶⁸.

Eden Marcellana, former Secretary General of the human rights group Karapatan-Southern Tagalog

One celebrated case is the abduction and murder of the former secretary general of Karapatan-Southern Tagalog, Eden Marcellana,⁶⁹ who was found dead together with Eddie Gumanoy, a peasant leader, on April 22, 2003. Marcellana and Gumanoy were part of a fact-finding team composed of 11 human rights volunteers. Their mission was to investigate and document the abduction of three residents of the town of Gloria, Oriental Mindoro, an island province off southwest Manila, allegedly by soldiers from the Philippine Army’s 204th Infantry Brigade which was under the command of Jovito Palparan, then a colonel, as well as the killing and disappearance of civilians and burning of property also reportedly by the military

in the town of Pinamalayan. In the course of the mission, Marcellana and Gumanoy were abducted and murdered⁷⁰.

Virgilio “King” Catoy, a member of the fact-finding team, was the last person with Eden and Eddie, and believes that the military was behind the murders:

“I think that it was the military who were responsible for abducting us because of the following: 1) it is only the military who have the means and power to put a checkpoint along a national highway near the camp of the 204th Brigade; 2) there is ‘military precision’ in the quick and planned way of accosting and abducting us; 3) based on the conversation between Eden and Col. Calzado, who is the liaison between Eden and Col. Palparan, I heard that the latter was already very angry because of the fact-finding on human rights violations of the 204th Brigade; 4) I heard from Eden, even before we went on the fact-finding mission, that she was in the Order of Battle of the military.”⁷¹

Town Vice Mayor Juvy Magsino and human rights leader Leima Fortu

Another celebrated case was the murder of Vice Mayor Juvy Magsino and Leima Fortu. Magsino, 34, a human rights lawyer and native of Naujan, Oriental Mindoro, was shot dead, together with human rights leader Fortu, 27, on Feb. 13, 2004 in Barangay (village) Amuguis, Naujan. Magsino was running for mayor of Naujan in the May 2004 elections under the Lakas Party and endorsed by Bayan Muna (People First). Fortu was the acting secretary-general of Karapatan-Oriental Mindoro⁷². Witnesses said the killers were riding a motorcycle with no plate number and were armed with a 9mm pistol and an M-26 rifle. The shooting happened only 500 meters away from the 204th Brigade headquarters.

Members of Magsino’s family said Juvy had received death threats before she was murdered. The human rights lawyer apparently earned the ire of the military after assisting the family of a slain suspected NPA guerilla, also from Naujan. Moreover, Magsino was among those who opposed the entry of the Army’s Task Force Banahaw in Mindoro in 2001. The task force was later integrated into the 204th Brigade then under the command of Colonel Palparan.

Aside from Magsino, there are many human rights lawyers who are also falling prey to extra-judicial killings and physical threats. The Counsels for the Defense of Liberties (CODAL) stated recently that the Philippines is now “one of the most dangerous countries in the world for lawyers”⁷³. CODAL also noted that seven lawyers were slain in 2006 alone.

Moreover, according to an international fact-finding mission organized by the Dutch Lawyers for Lawyers Foundation, since 2001, 15 lawyers and 10 judges have been killed in the Philippines. The foundation said human rights lawyers and judges in the Philippines are increasingly threatened, intimidated and killed and, as a result, they encounter more and more difficulties in practicing their legal profession. The Dutch lawyers also said “the harassment and killings of members of the legal profession undermine the independence of judges and lawyers and, as a consequence, also the rule of law and the faith in the judiciary system.”⁷⁴

Fedelino Dacut, human rights lawyer

Fedelino Dacut, 51, was a human rights lawyer based in Tacloban City, Leyte, central Philippines. He was also a board member of the Integrated Bar of the Philippines (IBP) and the regional coordinator of Bayan Muna (People First) Party-list in Eastern Visayas. He was killed on March 14, 2005 on a busy street in Tacloban. This is the account of Mrs. Amelia Dacut⁷⁵ on the murder of her husband:

“Boy (Atty. Dacut’s nickname) asked permission to leave the meeting with his

colleagues at their office because he was to buy milk for our two-year old child. He boarded a multi-cab along the street but a few seconds later he was shot at the back by a motorcycle-riding man. The multi-cab driver immediately brought him to Bethany Hospital in Tacloban but he was declared dead on arrival by the attending physician.”

Mrs. Dacut herself has received death threats and is afraid for her life and that of her daughter. Her story continues:

“Although I am afraid to say this, I hope that the budget that President Arroyo gives the military be allocated to the children of the victims so that they will have a chance to get a good education. I don’t know what will happen after this. Every time I speak in a forum like this, I receive threats. My neighbors have told me that there are people who are watching us and our house... If in the past we led a normal life, our life now is abnormal because we cannot stay at home for long periods. I disconnected our phone line because I am afraid. I pity my child. Sometimes she wants to play in the park but I am hesitant to let her play there because of the threats.”

Like the families of other victims, Mrs. Dacut has not received any protection from authorities as she continues to seek justice for her slain husband.

Romeo T. Capulong, Former ICTFY Ad Litem Judge: Death threats and under surveillance

Romeo T. Capulong, a renowned human rights lawyer and former United Nations Ad Litem Judge for the International Criminal Tribunal for the Former Yugoslavia (ICTFY), has escaped two attempts on his life. The attempts occurred on March 7 and 31, 2005. In the second incident, a man named Rogelio

C. Simbulan was caught by Capulong’s police escorts as he stalked the lawyer’s vehicle aboard a motorcycle without a plate number. His identification card showed that he was an operative of the Mike Delta Force Intelligence and Communication, an accredited auxiliary of the PNP⁷⁶.

Capulong is also the president of the Public Interest Law Center (PILC) and Senior Legal Counsel of the National Democratic Front of the Philippines (NDFP) negotiating panel in the peace negotiations between the Government of the Republic of the Philippines (GRP) and the NDFP. A few years ago, suspected military elements sneaked into the PILC office in Makati City and ransacked its filing cabinets.

Trade union repression

Diosdado Fortuna, union leader

According to the non-government Center for Trade Union and Human Rights (CTUHR), there were 1,114 cases of trade union and human rights violations victimizing 13,794 workers (from January 2001 to December 2006). Violations include killings, assaults at picket lines, illegal arrests and detention, grave threats, intimidations, abductions and harassments⁷⁷.

One of the most prominent victims of extra-judicial killing from labor is Diosdado “Ka Fort” Fortuna, 50, president of the Nestle Philippines Workers’ Union and chairperson of the Southern Tagalog region chapter of the Kilusang Mayo Uno (KMU, May 1st Movement). Fortuna was shot dead on Sept. 22, 2006 by motorcycle-riding gunmen near the Sagara Factory in Barangay Paciano, Calamba City, Laguna, south of Manila. He was on his way home to check on his sick grandson when he was gunned down.

Fortuna was on the military hit list for being an active leader in union struggles. Because of this, he

received death threats and was under constant surveillance and harassment reportedly by military and alleged security forces of Nestle since the workers went on strike on Jan. 14, 2002. KMU also noted that on the day of Fortuna’s murder, there was heavy police and military presence in the province and several checkpoints were set up⁷⁸.

Massacre of seven workers and supporters

The massacre on November 16, 2004 of seven striking workers and supporters in Hacienda Luisita, Tarlac City, north of Manila is another infamous case of trade union repression under the watch of President Arroyo.

On November 6, 2004, two labor unions went on strike against Luzon’s biggest sugar refinery: Hacienda Luisita’s Central Azucarera de Tarlac (CAT). The hacienda is owned by the family of former President Corazon Aquino. The two labor unions – the Central Azucarera de Tarlac Labor Union (CATLU), representing more than 750 sugar mill workers and the United Luisita Workers’ Union (ULWU), composed of more than 5,000 farmworkers of Hacienda Luisita – called the strike following the dismissal of more than 320 laborers, including the president and vice president of ULWU and eight other union officers. They demanded that the land be distributed to the tillers. On November 16, combined forces of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP), violently dispersed the striking workers with tear gas and guns. Seven workers and supporters were killed, felled by gunshots.

Among those killed was Juancho Sanchez, 20, a member of the UCCP Christian Youth Fellowship (CYF) and the son of the local UCCP pastor in the area, Pastor Gabriel Sanchez. Below is his story⁷⁹:

“My son, Juancho was close to the workers of Hacienda because he was born and raised there... On Nov. 16, 2004, around 3:20 in the afternoon, I left my house for the picket line in front of the gate of the sugar plantation or Gate

I of Hacienda. When I arrived, I saw military tanks ram the gate and the strikers were retreating. When the tank pulled back, the strikers went back to their original line of position.

“Then suddenly, I heard gunshots. I lay on the ground face down and rolled toward the creek, about 20 meters away from the gate.”

Certain that he was safe, Pastor Sanchez went home to change clothes. Then he went to the village hall of Balete to look for Juancho. There, his nephew gave him the news that Juancho is dead. He continues his story:

“I lost consciousness after hearing the news... When I saw my son’s body, I saw a bruise on the left side of his forehead just above the eyebrow. I didn’t see the gunshot wound at the back of his body.”

More than 100 others were wounded in the strike dispersal⁸⁰. Even after the massacre, there were reports that supporters of the strikers were harassed or, in the case of Fr. William Tadena, an IFI priest who had also supported the labor strike, murdered.

Violations against women: Killing, enforced disappearance and torture

Lizelda Estorba-Cuñado, women’s rights advocate

Lizelda “Inday” Estorba-Cuñado, 30, married with two kids and resident of Barangay (village) Panadtaran, Candijay, Bohol, central Philippines worked as a staff of the Women’s Development Center, based in Burgos St. in Tagbilaran City. She was also a coordinator of the Gabriela Women’s Party-list. She was killed on April 3, 2006, by a man named Joel Bayron, a member of the Barangay

(village) Intelligence Network handled by the Philippine Army’s 15th Infantry Battalion.

The incident is related by her widower, German Cuñado⁸¹, a local Bayan Muna (People First) coordinator, who survived the attempt on his life in the same incident that took Inday’s life:

“...At around 2 in the morning, my wife and I were awakened...by a loud sound coming from outside our house... We recognized the voice of our neighbors Gazella Bayron, and her husband, Joel Bayron, a member of the AFP’s Barangay Intelligence Network ...loudly hurling insults at me and my wife, repeatedly calling us rebels and communists...”

“Gazella Bayron started to bad-mouth my wife, calling her ‘burikat’ (whore) and other names. Stepping outside our house, I saw several people milling around our house after being disturbed by the commotion.

“The Bayron couple won’t let up on their verbal allegations and insults, so I told them to let the matter rest and that we would talk about it instead in the morning.

“Joel and Gazella Bayron kept on their tirades before finally leaving...after about 10 minutes, as I was telling our neighbors to go home...I glanced back and was surprised to see Joel and Gazella Bayron...behind me with Gazella throwing insults and spitting at my wife... (Then) Joel Bayron suddenly pulled out his .38-cal. pistol and pulled the trigger to my head but the gun did not fire. I tried to wrestle it off from him, but his next shots hit me, first on my right arm, and then on my right chest.

“I ran for cover to dodge the other bullets, fearing that I would finally be

YEAR	MALE	FEMALE	UNKOWN/UNBORN	TOTAL
2001	89	12	1	102
2002	109	13	0	122
2003	109	15	1	125
2004	63	11	1	75
2005	173	14	2	189
2006	184	20	2	206
TOTAL	727	85	7	819
Source: Karapatan Documentation Team				

killed in the next volley. As I moved away, I heard three or four shots fired behind me, followed by a neighbor’s terrified shout that my wife, Inday, has been hit.

“(I ran to where my wife was and saw her)...bleeding and writhing on the ground.”

The couple’s neighbors took Inday to the municipal hospital where she died. German was transferred to the provincial hospital. German further narrates:

“When I checked out of the hospital...my brother...told to me that ... two men were asking around if I was already dead...My brother described to me one of the men - short, medium-stocked, dark-skinned with a short hair. It fit Joel Bayron’s description.”

Lizelda “Inday” Estorba-Cuñado is among 85 females who are victims of extra-judicial killings. (See Table 4 below for gender distribution of victims.) According to Gabriela⁸², 40 of the victims were women activists, most of them members and leaders of Gabriela and its network organizations.

Sherlyn T. Cadapan and Karen E. Empeño: Two missing students

A case of enforced disappearance that has attracted media attention in the Philippines is that of Sherlyn T. Cadapan, 29, and Karen E. Empeño, 23. Both were students from the University of the Philippines

(UP) doing research in Barangay San Miguel, Hagonoy, Bulacan, north of Manila⁸³ at the time of their reported abduction.

On June 26, 2006, at around 2 a.m., Sherlyn, who was two months pregnant, and Karen who were then staying in the house of Raquel Halili in San Miguel, were forcibly taken with their hands tied by soldiers of the Philippine Army based in the Headquarters of the 56th Infantry Battalion, Iba, Hagonoy, Bulacan, under the command of Maj. Gen. Romeo Tolentino, Gen. Jovito Palparan and Col. Rogelio Boac.

The soldiers also took Manuel Merino, a farmer who was then staying in the adjacent house owned by William Ramos and who went out to help the two UP students. Merino was also tied, forced to lie down, treated roughly and taken away.

Ramos and his son, Wilfredo, saw the two students and Merino being led to a private stainless jeep with plate number RTF 579. Father and son were made to lie face down with their hands tied. The stainless jeep speeded toward Iba, Hagonoy, Bulacan.

Informed of the abduction, the human rights group Karapatan-Bulacan chapter sent a quick response team headed by Mildred Benitez to look for the two students and Merino. Proceeding to the 56th IB headquarters, the rights volunteers were blocked from entering the camp but were able to spot the stainless jeep with the same plate number parked inside. Mildred heard a barbecue stand vendor ask whom they were looking for. “*Yong mga babae*

ba?” (“The girls?”), and when they said “yes,” the vendor did not say a word again.

The military denied having custody of the missing students and farmer.

A petition for habeas corpus was filed by lawyers in behalf of Cadapan, Empeño and Merino before the Supreme Court (SC). A witness during the habeas corpus case refuted the claim of the military that they knew nothing about the whereabouts of the three missing persons. The witness, Oscar Leuterio⁸⁴, had been abducted by the military in another incident and was illegally detained and tortured. Inside the Army’s Fort Magsaysay in Laur, Nueva Ecija, where he was detained, he overheard soldiers talking about two pretty girls who have been captured. He saw the girls pass near the door of his cell. Leuterio narrates⁸⁵:

“One night while the soldiers were drinking, a car arrived. I heard one of them say that two beautiful girls were arrested. I also heard from their conversations the names Tanya and Sierra. I saw them (girls) through the door near my cell as they passed by. I saw that they were blindfolded and I noticed that one of them is tall with protruding frontal teeth.”

Leuterio accurately described Empeño. He further narrates about Manuel Merino, who was abducted with the two students:

“The drunken soldiers planned to have the girls dance but were prevailed upon by their CO (Commanding Officer) and so they were taken back to the car. I heard one of the soldiers say lustfully ‘It will be good to enjoy those two girls’. While these were happening, I heard a man being beaten and mauled outside. I heard one soldier say, ‘There, MM is coming out,’ when they said MM I know they were referring to my friend Manuel Merino because that is his nickname.”

Leuterio also narrated his encounter with Maj. Gen. Jovito Palparan:

“While I was at the OCG (Office of the Commanding General) about three weeks before I was released, the one they called “Lolo” (grandfather) talked to me. I later learned from the soldiers guarding me that he was Maj. Gen. Jovito Palparan Jr. In our talks with the “Lolo” I was again blindfolded and the lights were turned off while we were talking. He told me that they would let me live if I cooperate with them”.

Oscar Leuterio was able to give his testimony a month after his release on Sept. 14, 2006. To date, Cadapan, Empeño and Merino remain missing.

Angelina Bisuna-Ipong: torture, sexual abuse, arbitrary arrest and illegal detention

Torture, arbitrary arrest and detention of persons suspected to be members of “sectoral front organizations” and/or supporters/sympathizers of the NPA are also taking place especially in rural areas. Angelina Bisuña-Ipong was a former lay missionary and a peace advocate based in Mindanao. She was abducted on March 8, 2005 and was taken to a camp. Ipong shared this account⁸⁶ on her ordeal:

“I was in the room taking my afternoon rest when armed men barged in through the door and windows. I was dragged out of the room and placed in handcuffs. I was asking for their identification, what authority they are getting me, if they had any warrant of arrest. I also begged them to let me change my clothes at least to put on my bra and change to a non-sleeping wear but they hurriedly dragged me into a silver white van with two small windows at each side... There were five other big men inside the van. Then I was blindfolded.

“I found myself in a small nipa hut. I stayed there till night fell.... I was placed again in a car and later found myself in a room. From my observation of the place where I was...I could observe that this was Pulacan, Tabak Division.

On March 12, 2005, Ipong was blindfolded and was flown to another camp. While in military custody, she was subjected to sexual molestation and other types of torture. Excerpts of that experience:

“...I started knocking at my door because I wanted to use the CR (comfort room or toilet)...A guy came, blindfolded me, led me to the CR and told me that this is the last time that I would see that CR. I will stay in my room, urinate, defecate where I was. So I took a big mayonnaise jar as my bedpan from the CR. He brought me back to the room. He came back with a big commanding voice giving all the warning that if I don't tell the truth they are going to let me rot there, anyway nobody knew where I was. He started questioning me: if I was the first Deputy Secretary of Western Mindanao Region; where is Otik. While trying to extract the info he would punch me at the side of my body. He would strike my head with a rolled paper. I begged for mercy.... I denied all the allegations.”

The man took away all her belongings and left. Then after an hour, another man came, offering her food. He also gave her a bed and gave back all the things that the other man took. He also asked Ipong the same questions as the first interrogator. After about 30 minutes, he left.

“An hour later the door opened and a guy blindfolded me. Then came two or three men, tied my hands at my back and started questioning me...They beat my left and right shoulders and punched me

at the side and struck me in the head with a rolled paper..

“Then they started undressing me, pulled my bra up till my breasts were exposed. Then they began making fun of my breasts. Not being contented they started unbuttoning my shorts then pulled my panties down till I was undressed. They started touching private parts of my body while letting me talk. I was shouting for mercy, that they treat me with respect like their own mother and sisters but (they) just laughed at me. I was so very weak and in this instance I felt unconscious...”

Ipong was declared missing for 13 days before she was presented to the media by the military. She was charged with rebellion and various trumped-up criminal offenses including arson and homicide. She remains in detention to this day.

Violations against indigenous peoples

The ancestral land rights of indigenous peoples (IPs) in the Philippines, also called “national minorities,” have been a contentious issue for decades. Their lands having been declared as a public domain and open for economic exploitation, development projects and mining operations, IP communities have struggled to assert their ancestral land rights, territorial integrity, and natural resources. Over the years, many IP communities have been placed under militarization so that, their leaders say, the state and multinational corporations can pursue so-called “development” projects that, they further aver, hardly benefit them at all. Community dwellers have been subjected to various forms of human rights violations such as indiscriminate firing and shelling, destruction of property, razing of homes and farmlands, divestment of property, harassment, coercion, and grave threats.

In his report following his visit to the Philippines on Dec. 2-11, 2002, Dr. Rodolfo Stavenhagen, the

United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples (IP), “sharply stressed the need for the Philippine government to review its laws, policies and programs to ensure that it upholds the indigenous peoples’ collective rights to their territories and their civil-political rights.” More so, his report underscored the need to immediately address the serious human rights violations committed against indigenous peoples”⁸⁷.

Asked by the Philippine Department of Foreign Affairs for the government’s response to the Stavenhagen findings, Ambassador Howard Dee, former chief negotiator of the Philippine government panel on the peace talks with the NDFP, stated that the UN Special Rapporteur’s report “correctly depicted the sad plight of indigenous Filipinos, even after the historic enactment of the Indigenous Peoples Rights Act (IPRA) and its implementation, albeit torturously slow”⁸⁸.

Apparently, however, Dr. Stavenhagen’s recommendations fell on deaf ears. As of Nov. 27, 2006, there are 97 documented killings among indigenous people⁸⁹. Of the 97 killed, 43 are Lumads of Mindanao, 14 are Dumagats/Remontados and Mangyans of Southern Tagalog, 34 are Igorots of the Cordillera and six are Aetas of Central Luzon.

According to the Indigenous Peoples Human Rights Watch-Philippines (IPHRW-Philippines), at least 17 of the killings were found to be politically motivated⁹⁰, i.e., the victims were identified targets of summary execution presumed to be because of their political involvement. Among the cases cited was the murder of Alyce Omengan-Claver, 42, on July 31, 2006 in Tabuk, Kalinga province, northern Philippines.

Alyce Omengan-Claver of the Kalinga indigenous people

Below is the account of Alyce’s husband⁹¹:

“I am Dr. Constancio “Chandu” Claver, a native Filipino of the Igorot tribe, who

has been working as a physician-surgeon among the people of the remote province of Kalinga located in the Cordillera Mountain Range of Northern Philippines for the past 22 years.

“On July 31, 2006, after dropping off my 8-year old child at her school, we were savagely ambushed by two unidentified men while we were entering a crowded intersection in the center of town. Jumping out of a speeding van, they poured 38 deadly projectiles into us from two M16-type high-powered rifles before fleeing with the same van.

“As a result, my wife sustained seven gunshot wounds which resulted in her death six hours later despite heroic efforts of a skilled surgical team. I myself sustained three gunshot wounds resulting in severe damage to my left arm as well as my liver, stomach and intestines. My 11-year old daughter luckily escaped with a head scratch. No determined efforts were done by the police despite their capability to do so.

“I am the chairperson of Bayan Muna - Kalinga Chapter, a party list political party pushing for basic social changes in the Philippine society through the electoral arena. In the eight-week period prior to the ambush, we were subjected to intimidation, death threat through text message, and smear campaign. I believe that this is the handiwork of still unidentified agents of government.”

The prime target of the ambush, according to the Indigenous People’s Human Rights Watch (IPHRW) – Philippines, was Dr. Chandu Claver.

SUMMARY

As in many other incidents not elaborated on this report, the foregoing cases show that the victims were targeted for extra-judicial killing, abduction, torture and other violations of human rights because of their social advocacy, community work, defense of human rights and other forms of pro-poor involvement. Many cases of human rights violations happened in areas where there is a strong military presence as part of the government’s counter-insurgency program and under the climate of disputes and struggles over land rights, labor and other issues of justice and peace.

Many of the victims were said to be affiliated with legitimate groups named by the military as “front organizations” of the Communist Party of the Philippines – New People’s Army (CPP-NPA) and as such, based on government’s counter-insurgency doctrine, became vulnerable targets of “neutralization.” Visible and blatant, since about 2002 when Oplan Bantay Laya I was implemented, was a systematic campaign attributed to President Arroyo’s National Security Adviser, Norberto Gonzales, vilifying the persons and organizations of those targeted for “neutralization,” including nationally-known leaders of Congressional Party-list groups, cause-oriented organizations, and leaders of the church and faith community organizations. The vilification campaign – which continues to this day – was done in coordination with the military, police and anti-communist groups and with the use of propaganda paraphernalia, road streamers and graffiti, forums, village meetings, and the multi-media. They were indiscriminately branded as “communist terrorists” and many who eventually died had received death threats sometimes by text message. Some of the victims were reportedly in the military’s “Order of Battle” (or hit list). They

were subjected to surveillance before being fired upon or taken by armed men, never to be seen again. As a result of the incidents, families were devastated and traumatized, sources of income lost, and valuable services for poor communities gone.

The manner by which the victims were killed or abducted was brazen, with some of them slain in front of their own families. Some were tortured and hog-tied. They were begging for mercy but they were shot just the same, apparently at close range, or in the case of Bishop Ramento, stabbed several times. The assassins made sure they were dead before moving away from the scene of the crime.

To the kin of the victims, justice has been elusive. Investigation into the cases could not prosper: already traumatized by what they saw, some of the families received death threats themselves apparently from the same perpetrators. Police investigation was wanting in cases that came under probe, and in many inquiries the incidents were readily dismissed as simple homicide or an offshoot of an “internal purge” within the revolutionary movement. Specifically in the case of Bishop Ramento, police investigation appeared to be haphazard: the scene of the crime was not cordoned off allowing fingerprints and other possible evidence to be tampered. Investigation was over in two hours without valuable witnesses including the family and other people close to the slain bishop being interviewed.⁹²

Moreover, witnesses were harassed and received no protection from government authorities. To silence them, some witnesses were arbitrarily arrested, detained and tortured or, as in the case of a number, went missing themselves. A number of

them – including surviving victims and families - have gone into hiding for fear of their lives. Human rights groups were prevented from performing their task to give immediate succor to the victims. Courts were powerless in compelling military authorities to show victims of abduction.

The manner by which the crimes were perpetrated appeared to be professional and well-organized indicating, according to human rights groups, that state security forces who had the training, resources and, as in previous years, the experience to commit these were involved. In many instances, assassins wore bonnets to conceal their faces; some were clad in black garments, fatigue pants and combat boots. Many hitmen rode in motorcycles; in some case files not included here, witnesses saw the same motorcycles and other vehicles parked inside military camps. Some cases of extra-judicial killing happened near military headquarters. Aside from eyewitness accounts attesting to the involvement of security forces, their commanding officer and local intelligence assets, there was evidence directly implicating military intelligence agencies.

The summary of these selected case files – as do allegations in the rest of the cases of extra-judicial killings, involuntary disappearances, torture and other violations of human rights, has been affirmed by the Melo Commission, the government body tasked to investigate the killings of activists and journalists. In its final report submitted in late January 2007 – which, however, President Arroyo has not divulged at this writing despite requests by the EU Commission and UN Special Rapporteurs – the commission implicated the military in majority of the cases it investigated. It also confirmed consistent accusations of the culpability of General Palparan and other top military officials in the crimes.

Part III

Oplan *Bantay Laya*: A Tool for Political Persecution

The phenomenon of extra-judicial killings and other politically-motivated crimes accompanied by large-scale militarization particularly in the rural provinces is not new in a country that has undergone uprisings and revolutionary struggles over centuries of Spanish and American colonization and, later, post-World War II rebellions fueled by poverty, social injustice and other inequities. The last 50 years have seen a series of government-initiated counter-insurgency campaigns aimed at ending rebellions and the dismantling of their alleged mass bases, often with the support of U.S. military and development aid. Although various presidencies have pledged to address the social and economic roots of rebellion, this approach has apparently been superseded by the emphasis given on the military solution.

The counter-insurgency doctrine adopted by the present Philippine government appears to be essentially no different from previous ones, the only difference being that the present national security doctrine is intertwined with a counter-terrorism strategy that is a product of President Arroyo’s support for the U.S. global war on terrorism. The thrust of the government’s counter-terrorism strategy was originally directed against the Abu Sayyaf Group (ASG), widely believed to be a small kidnap-for-ransom syndicate until it gained the notoriety of a “terrorist group” when the global war on terrorism was begun in the aftermath of 9/11 and when the Philippines, along with the rest of Southeast Asia, was declared the global war’s “second front.” The Philippine government’s revitalized security partnership with the U.S. military inevitably paved the way for the entry of U.S. armed forces in the Philippines under the terms of the bilateral Visiting Forces Agreement (VFA) of 1998 that called for joint *Balikatan* (shoulder-to-shoulder) war

exercises, special operations trainings, and other forms of military cooperation. The U.S. government also increased its military aid to the Philippine government several-fold.

Subsequently, the Marxist underground revolutionary movement under the leadership of the Communist Party of the Philippines (CPP) and its armed component, New People’s Army (NPA), began to be tagged as a “terrorist organization” as well with defense officials reiterating that this underground movement constitutes the country’s top national security threat. Under this condition, the counter-terrorism strategy of the government shifted its focus to the armed Left, giving the longstanding counter-insurgency program a “counter-terrorist” twist. Last year, President Arroyo directed the Armed Forces of the Philippines (AFP) to reduce its timetable in defeating the “communist terrorist” armed Left from 10 to two years and earmarked additional budget for this purpose.

The fast tracking of the national security strategy against the communist underground was ordered under the conditions of a political crisis marked by massive protests calling for the resignation of President Arroyo over allegations of electoral fraud, graft and corruption, human rights abuses, and other violations of the Constitution. It was also punctuated by reports of attempted coup plots against the President. As the government resorted to emergency measures to, what the President declared, maintain the “rule of law and political stability,” it became evident that it was leaders and constituencies of anti-Arroyo Congressional Party-list groups and other reform-minded civil society groups that bore the brunt of the government’s iron-fist response.

Often cited as the operative plan of government’s counter-insurgency-terrorism strategy is Operation Plan Bantay Laya (OBL or Oplan Freedom Watch) and defense officials have admitted to its existence. What they do not admit, however, is that based on other documents, narrative accounts, findings of fact-finding missions and other institutional reports, OBL unravels a connection between the government’s counter-insurgency program, on the one hand, and the series of extra-judicial executions, enforced disappearances and other forms of human rights violations, on the other, based on circumstantial evidence, testimonies, documents analysis and patterns⁹³.

Oplan Bantay Laya (OBL): Waging war against the “enemies of the state”

The AFP calls OBL as an “end-game strategy” in its war against the armed Leftist guerillas but, as the increasing volume of human rights accounts show, the blueprint also allegedly targets legal activists, anti-government critics and political dissenters.⁹⁴ Adopted by the President’s Cabinet Oversight Committee on Internal Security (COCIS), OBL’s main target is to crush the New People’s Army (NPA). Designed to counter the Abu Sayyaf bandit group, OBL also cited as target the separatist Moro Islamic Liberation Front (MILF), which had earlier been tagged likewise as a “terrorist group.”

OBL has medium- and long-term objectives.⁹⁵ Its Strategic Holistic Approach consolidates the counter-insurgency efforts of government line agencies, the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP), civil society groups and NGOs. Coordination is done in Area Coordinating Centers headed by the military and the police. Coordinating these efforts in the national and local levels is the Inter-Agency Legal Action Group (IALAG) which was created under Executive Order 493 on January 17, 2006 issued by President Arroyo. The Department of Interior and Local Government (DILG), which administers the Philippine National Police (PNP), is a composite

member of IALAG. PNP has also a role in the counter-insurgency strategy.

Based on the military premise that the communist underground operates or “infiltrates” legal infrastructures in the form of civil society and community organizations, OBL documents thus describe these as the CPP-NPA’s legal “sectoral front organizations” tasked to carry out the revolutionary movement’s “protracted people’s war.” The operation plan directs that these “sectoral front organizations” are to be the subject of “target research” by military intelligence the output of which is a “sectoral/front Order of Battle.” Order of Battle (or OB) is typically a military hit list usually of “target individuals who exert maximum degree of influence in the groups.”

Although OBL does not identify the organizations it classifies as “local communist-infiltrated” and “sectoral front organizations,” the AFP produced a PowerPoint presentation titled “Knowing the Enemy”⁹⁶ during the last quarter of 2005. The presentation, which was subsequently shown in public forums, community mass meetings and media briefings, listed several broad legal organizations of farmers, workers, urban poor, government employees, teachers, women, health workers and even church and media organizations⁹⁷ as the communists’ “front organizations.” Included in the list were the United Church of Christ in the Philippines (UCCP), the Philippine Independent Church (PIC), the Association of Major Religious Superiors in the Philippines (AMRSP), the influential Catholic Bishops Conference of the Philippines (CBCP) as well as Karapatan (a national alliance of human rights organizations) and lawyers groups. When the military briefings were leaked to the press, several of the named organizations, including the Philippine Center for Investigative Journalism (PCIJ), which receives grants from the U.S. Embassy in Manila and the Ford Foundation, and the National Union of Journalists of the Philippines (NUJP), a media rights watch affiliated with several prestigious international press associations, strongly

denied the allegations protesting that it put the lives of their members in danger.

Being named as a “sectoral front organization” and target individual, and being listed in the “sectoral/front organization Order of Battle” practically signify a death sentence. Many of the victims of extrajudicial executions, abductions, and enforced disappearances came from these organizations that were listed in the “Order of Battle.”

Moreover, in the OBL’s Win-Hold-Win and Sustained Operation strategies, military deployment for counter-insurgency operations is concentrated in priority regions.⁹⁸ For instance, Central Luzon, a priority region just north of Manila, was saturated with more than a thousand combat troops. Coincidentally, the highest number of reported cases of extrajudicial executions, enforced disappearances and other human rights violations took place in Central Luzon and other “priority areas.”

**“The war horse is a vain hope for victory”
(Psalm 33:17)**

After President Arroyo called for fast-tracking the counter-insurgency campaign, she earmarked on June 16, 2006 PhP1 billion (US \$20 million) to finance military and police operations against the NPA in “critical areas” in two years.⁹⁹ A national daily called the President’s move a “virtual declaration of war,”¹⁰⁰ projecting the further escalation of killings.

Although OBL is implemented primarily by the Armed Forces of the Philippines (AFP) President Arroyo directed the Philippine National Police (PNP) to take part in counter-insurgency beefed up by the formation of more paramilitary forces.¹⁰¹ The three security organizations have been consistently denounced by human rights advocates both in the Philippines and abroad for human rights violations that date back to the Marcos dictatorship.¹⁰² Recognitions, military promotions and incentives given to military generals alleged to

be involved in human rights abuses seem to underscore a policy of tolerance for these atrocities. In her State of the Nation Address (SONA) on July 24, 2006, President Arroyo condemned “in the harshest possible terms. . . political killings” urging witnesses to testify. “Together we will stop extrajudicial executions,” she also said.¹⁰³ Yet in the same address, she praised Maj. Gen. Jovito Palparan, whose name has become synonymous with extrajudicial killings. Palparan has earned the moniker “Butcher” for the reportedly bloody trail of extrajudicial killings in his military assignments, from Mindoro Island to Leyte to Central Luzon.¹⁰⁴

After long stints in Mindoro in Luzon and the Eastern Visayas in central Philippines, Palparan was deployed in September 2005 to Central Luzon, north of Manila, as commander of the 7th Infantry Division. The human rights organization Karapatan reports that of the 212 incidents of human rights violations in Central Luzon from February 2001 to August 2006, at least 136 cases occurred during the 11-month stint of the general. These incidents included 71 summary killings, five massacres, 14 frustrated killings, and 46 enforced disappearances in the region’s seven provinces, Karapatan reports showed. So alarming were accounts of atrocities committed allegedly by Palparan’s men that the governor of Bulacan province openly disagreed with the general’s “methods.”¹⁰⁵

OBL has been extended to another five years, under OBL II, with defense officials describing the new Oplan’s objective to “decimate” at least 24 of the 52 active guerilla fronts in 2007.¹⁰⁶ The extended operation plan is to be bolstered with the release of P10 billion (US \$20 million) worth of “attack helicopters, shallow water boats, patrol vehicles and other equipment.”

“They do not speak peace but. . . conceive words of deceit” (Psalm 35:20)

The Arroyo government’s counter-insurgency program is expected to obtain a legal boost with the anti-terrorism bill (ATB) which it sponsored as

a priority measure. President Arroyo has been exerting pressure on the Philippine Congress to approve the ATB. In her State of the Nation Address on July 25, 2005, President Arroyo urged Congress to pass “an anti-terrorism law that will protect rather than subvert, enhance rather than weaken, the rights and liberties that terrorism precisely threatens with extinction.”¹⁰⁷

The House of Representatives passed such a bill on December 15, 2005¹⁰⁸ with the Senate enacting its own version, Senate Bill 3127 known as the Human Security Act on February 1, 2007. According to the Counsels for the Defense of Civil Liberties (CODAL), SB 2137 surpasses what the House version intends “to terrorize legitimate dissenters.” Many of its provisions, the group said, are in violation of the 1987 Constitution specifically with regard to the indefinite detention of “terrorist suspects” and repressive provisions on surveillance, opening and freezing of accounts, and other threats on civil liberties.

A broad movement of concerned individuals, people’s organizations, civil libertarians and lawyers, human rights advocates, Church leaders and several members of the Congress is strongly opposed to the ATB on the grounds that it will restore authoritarian rule in the Philippines. The bill arms the government with a draconian law whose aim, in the name of “counter-terrorism,” is actually to suppress all forms of political dissent and legitimate struggles for fundamental social, economic and political reform. Rebellion will be stripped of its ideological and political cause by tagging it as “terrorist” and “criminal” and will be denied the protection of human rights as recognized by international humanitarian law, the Geneva Conventions and Protocols 1 and 2. Moreover, critics say, it will formally restore authoritarian rule under a powerful “Anti-Terrorism Council” headed by the President and the national security adviser that will be charged with implementing the all-encompassing anti-terrorism law.

At least two international organizations of jurists and human rights defenders have also expressed concerns over the ATB. Counter-terrorism laws, the International Commission of Jurists (ICJ) said, should not alter such fundamental legal rules.¹⁰⁹ The ICJ was also concerned with the powers granted to military officers to arrest and detain, to wiretap and to monitor financial transactions and to construe industrial strikes or demonstrations as acts of terrorism. The London-based Campaign for Human Rights in the Philippines (CHRP) also feared that the bill “creates a bad precedent with regard to the potential abuse of the civil liberties of individuals” and must not be allowed to side-step democratic values.¹¹⁰ This bill, the CHRP said, “could potentially make ‘terrorists’ of those legitimately opposing the incumbent government. Repression and injustice, and the criminalization of non-violent protest, make us less safe, not more so.”

In the hands of a government with a poor human rights record, the terror measure offers the potential of being abused as a legitimate tool for the political persecution of the “enemies of the state” and to suppress the most effective critics of the administration.¹¹¹ Indeed, the Arroyo administration has been accused of unleashing state terrorism against the Filipino people particularly groups and sectors that have called for her removal following allegations that she committed fraud in the May 2004 presidential race and on her ruling coalition’s move to change the Constitution whose perceived agenda is actually to perpetuate President Arroyo’s political allies in power.¹¹² Calls for her removal thundered out and triggered an avalanche of street protests. Her response was more political persecution that includes restrictions on the freedom of expression and assembly and other civil and political rights and the declaration of a state of emergency.

On September 21, 2005, the 33rd anniversary of the declaration of martial law by Ferdinand Marcos, President Arroyo issued the Calibrated Preemptive Response (CPR) or “no permit, no rally” policy,

directing the police to arrest protesters who defied the order. Her Executive Secretary, former Gen. Eduardo Ermita, justified the policy to prevent “anti-government groups” from inciting people “into actions that are inimical to public order, and the peace of mind of the national community.”¹¹³ Human rights advocates called the move as a violation of the right to free speech, among others.

A week later, President Arroyo issued Executive Order 464 that barred Cabinet secretaries and armed forces and police generals from appearing before Congressional hearings or investigations in aid of legislation without the President’s approval. Evidently, the move came on the heels of a series of legislative investigations into charges of corruption against the President and her involvement in election fraud. The order triggered a howl of protests from many quarters with the Senate leading the petition for the Supreme Court to rule EO 464 as unconstitutional.

But none received so widespread a protest and drew so much flak as did her February 24, 2006 Presidential Proclamation (PP) 1017 that placed the country “under a state of emergency”.¹¹⁴ Issued on the pretext of preempting a Left-military right “coup plot,” PP 1017 was used to effect the arrest of six House representatives belonging to progressive Party-list groups (who were, listed in the OBL hit list) based on trumped-up charges and for at least 50 others including alleged military coup plotters.

The three presidential decrees were found by the Supreme Court (SC) unconstitutional following petitions by legislators, human rights groups and grassroots organizations.¹¹⁵ On May 3 the same year, the high court also declared some provisions of the PP 1017 unconstitutional.¹¹⁶

“Selling the needy for a pair of shoes” (Amos 8.6)

The Pastoral Letter of the National Christian Council of Japan (NCCJ) has viewed the Philippine

government’s counter-insurgency program under OBL in a broader context: OBL as a policy of the “Philippine Government is morally and financially supported by the United States and its allies under the pretext of the War on Terror” and that the situation in the Philippines “should not be regarded as an internal affair of the Philippines, but it should be looked at in the international context, especially in relation to the influence of the United States and Japan.”

In the aftermath of 9/11, President Arroyo declared her all-out support to President George W. Bush, Jr.’s war against terrorism and offered the use of the Philippine territory for U.S. military operations. Her support led to the proclamation of the Philippines along with the rest of Southeast Asia as the war’s “second front”. This paved the way for the entry of U.S. security forces into the country to support Philippine military operations against the Abu Sayyaf, a kidnap-for-ransom group tagged by the U.S. as “terrorist,” as well as to conduct bilateral war exercises and special operations training under the Visiting Forces Agreement (VFA) signed by the two governments in 1998. The increased military aid, training and other forms of security support extended by the U.S. government to the Philippines have also been used to support President Arroyo’s counter-insurgency program against the NPA and suspected infrastructures of the armed Left. Consequently, the renewed security cooperation between the two governments led to the signing of other bilateral agreements including the Mutual Logistics and Servicing Agreement (MLSA), the Non-Surrender Agreement and the proclamation of the Philippines as a “major Non-NATO Ally.” The agreements have been criticized by church and faith communities, human rights groups, civil libertarians and other groups as a violation of the country’s sovereignty and territorial integrity. An immunity guarantee agreement covering U.S. soldiers and civilian personnel accused of committing crimes, the Non-Surrender Agreement, in particular, has been assailed as inimical to the Rome Statute of 1998 creating the International

Criminal Court as well as the International Convention on the Law of Treaties.

Since the post-colonial years – the grant of independence to the Philippines by the U.S. in 1946 – the country has been a vital security station of the U.S. in the region. For this reason, the U.S. has been involved in counter-insurgency programs starting in the 1950's during the anti-Huk rebellion campaign and again beginning in 1969 when the CPP launched an armed struggle for national liberation and until today.

It has been no coincidence that at times when there is an increase in U.S. military assistance, there has been a heightening of the counter-insurgency campaign leading to the rise in the number of cases of human rights violations.

Part IV

The Political Crisis, Poverty and Armed Conflicts: The Social, Economic and Political Context of the Human Rights Situation

The extra-judicial killings, abductions, involuntary disappearances and militarization in the Philippines’ rural countryside and urban areas are mounting against the backdrop of a fluid political situation, economic uncertainties and armed conflicts that have deep structural roots. They are also taking place in the midst of the continuing “war against terrorism,” increased security partnership between the governments of the Philippines and the United States and the renewed presence of U.S. military forces in the country.

Brief geographical and historical overview

The Philippines (population: 85 million) is located in Southeast Asia, and its capital and main port of entry is Manila. An archipelago, it consists of 7,100 islands with a total land area of about 300,000 sq. kms. Filipinos are basically of Indo-Malay racial stock, mixed with some Chinese and Spanish ancestry. Although the national language is Filipino, which is based on Tagalog language, there are more than 87 languages and dialects in the country. English is also spoken and understood throughout the Philippines. Religions are Christianity and Islam. Majority of the population is Christian, with 80 percent Roman Catholics; others are Muslims and Protestants. The literacy rate in the country is about 85 percent.

The Philippines, according to historians, dates back to the Paleolithic age with the Filipino society and culture fairly developed prior to contacts with other countries. Filipinos had commercial relations early on with China, Indo-China, Malaysia, India and Arab countries.

In 1571, the Philippines was colonized by Spain, years after Ferdinand Magellan came on March 16, 1521 and claimed the country for the Spanish crown. Among other changes in the political, social and cultural life of the people, Spain introduced Christianity. The series of revolts that punctuated Spanish colonial rule climaxed in 1896 when the Filipinos staged the first patriotic revolution in Asia against the Spaniards. On June 12, 1898, leaders of the revolution declared the country a sovereign state and proclaimed the first Republic of the Philippines. Meanwhile, Spain declared war against the United States over Cuba and was defeated. As a result, the Philippines was ceded to America by Spain through the Treaty of Paris. This led to the Philippine-American War of 1899-1902 where 300,000 Filipinos died.¹¹⁷

After being briefly occupied by Japan during the Second World War, the Philippines was liberated in 1945 and was granted its independence by the United States on July 4, 1946. Resistance to the Philippines-U.S. Military Bases Agreement of 1947¹¹⁸ and the Parity Rights amendment that gave Americans equal rights to engage in economic activities in the country led to the communist-inspired Huk rebellion of the 1950s and, in response, the launching of a post-war counter-insurgency campaign by the government.

Ferdinand Marcos, who was elected President in 1965, declared martial law in 1972. The Marcos dictatorship was characterized by political repression that resulted in the gross and systematic violations of human rights and the escalation of armed

conflicts between the Philippine military, on the one hand, and the Marxist-led New People’s Army (NPA) and the Moro National Liberation Front (MNLF) that fought for a separate state in southern Philippines, on the other. Marcos was toppled in the historic “People Power” Revolution on February 25, 1986, with Corazon C. Aquino being proclaimed as President of the Philippines.

A new Constitution, which was approved in a referendum in 1987, provides for a republican state with a presidential form of government. Gloria M. Arroyo became the country’s 14th President¹¹⁹ after the Second People Power of January 2001 that led to the ouster of President Joseph E. Estrada on charges of plunder, graft and corruption.

Political crisis

But the term of office of President Arroyo has also been wracked by a series of coup attempts led allegedly by forces identified with Estrada, who called his ouster “unconstitutional”, and by disgruntled military elements. Her election as President in May 2004 has also been marked allegedly by massive fraud, triggering street protests and two impeachment complaints filed in Congress in 2005 and 2006 for betrayal of public trust, graft and corruption, bribery and culpable violation of the Constitution. The administration-dominated House of Representatives junked both impeachment complaints leaving the fundamental issues regarding the presidency unresolved. Convened in November 2005 to investigate the charges, a Citizens’ Congress for Truth and Accountability (CCTA) led by former Vice President Teofisto Guingona, asked Mrs. Arroyo to immediately leave the presidency¹²⁰ and recommended that a case be filed against her government in the United Nations human rights mechanisms for “violations of human rights and international humanitarian law.”

Responding to an alleged left-military right to unseat her, the President declared a state of national emergency in February 2006 followed by warrantless arrests of active political dissenters,

media censorship, and other controversial acts.¹²¹ These were preceded by the issuance of the calibrated pre-emptive response (CPR) that was aimed at putting a stop to anti-government street protests calling for the President’s removal from office, as well as gag orders that stopped Congress from summoning Cabinet officials and generals to appear for inquiries in aid of legislation. Acting on urgent petitions, the Supreme Court (SC) ruled against many of the presidential orders as in violation of the Constitution.

President Arroyo, along with her close political allies, in late 2006 renewed the move to amend the Constitution in order to change the presidential form of government into a unicameral parliamentary system, among other objectives. Undeterred by a SC ruling as unconstitutional the charter change promoters’ “people’s initiative” track, Arroyo’s allies in the House next pushed for a Constituent Assembly that would have infringed the legislative bicameral system requiring the participation of the upper chamber, Senate, in any charter change. The ensuing public outrage that saw the influential Catholic Bishops’ Conference of the Philippines (CBCP), other church organizations as well as grassroots groups mobilizing for national protests stopped the track from taking off. The opposition centered on fears that constitutional change was being used by Arroyo and her political allies to perpetuate themselves in power, to suspend the May 2007 national elections, and to pre-empt a possible third impeachment against Arroyo.¹²²

Critics observe that the manipulation of the country’s formal democratic institutions by President Arroyo and her political allies speaks of a system of political patronage that has long embedded itself in the country’s presidential system of government. Patronage ensures political support to the President through trade-offs and the lop-sided allocation of government resources and hence, preserves the endemic problem of graft and corruption. Graft and corruption wastes away a huge slice of the government treasury and development funds making

the Philippines to be ranked consistently as among Asia’s most corrupt countries.¹²³

Aside from political patronage, the acute political situation has forced President Arroyo apparently to rely more and more on the military – and the police – to preserve her presidency and maintain political stability and this she pursues not only by prioritizing budget allocations for the defense and military establishment but also by appointing former generals and other senior military and police officials to her cabinet, the civilian bureaucracy and diplomatic posts. To date there are 32 of these – led by no less than the President’s executive secretary, former Gen. Eduardo Ermita¹²⁴ – occupying key government positions, thus raising questions whether the civilian authority is being undermined by the presence of many former generals in the bureaucracy.¹²⁵

The Economy

Government statistics point to a five percent economic growth over the past two years, the creation of a million jobs, the appreciation of the Philippine peso against the dollar, a record-high balance of payments, the reduction of the fiscal deficit to PhP115.5 billion (US \$2.3 billion) and the upgrading by foreign financial houses of the country’s credit rating from negative to stable.

Independent studies show a different picture, however. Economic growth, says a mid-2006 report of the independent research institution Ibon Foundation, Inc., “is a fantasy as people continue to face the realities of a hard life – joblessness, skyrocketing prices and abject poverty.”¹²⁶ Job scarcity has worsened: There were actually 4.1 million jobless and 7.5 million underemployed Filipinos or a total of 11.6 million – nearly a third of the labor force – in 2006.¹²⁷ On the other hand, migration rate is around 3,200 workers a day¹²⁸, which is a catastrophic picture amid claims of growth.

Although the legal minimum basic pay is PhP350 (about U.S. \$7), the daily national average is

PhP283 (about US \$5.66) or the equivalent of only 36 percent of the required daily minimum income of PhP766 (about US \$15.32). A bill that has been pending in Congress for nearly 10 years calling for an across-the-board PhP125 (US \$2.50) increase in daily wage was approved only last December but was put on the backburner in February 2007 after President Arroyo threatened to veto it and the business community – backed no less by the labor department and Arroyo’s economic adviser – protested.

Wages are never enough for the Filipino workers owing to the failure of the economy to provide adequately for the people’s needs coupled with the government’s default on the provision of social services and the high cost of living. Government claims a poverty threshold of 40 percent but other reports show up to 80 percent of the Filipino families is poor. Especially under the Arroyo administration, there “has been an unparalleled decline of people’s condition and escalation of poverty and misery in recent years,” according to Ibon.¹²⁹ The United Nations Development Program (UNDP) reported the Philippines is lagging behind in achieving its Millennium Development Goals (MDG) especially in reducing poverty and improving the people’s lives. Confirming the report, a recent “self-rated hunger survey” by the Social Weather Station (SWS) showed up to 17 percent of the total number of households or 2.9 million out of 17.4 million families were experiencing hunger.¹³⁰

Critics say that the economic problems of the Philippines are essentially the result of globalization-oriented economic paradigms in the context of a semi-feudal and neo-colonial economy. President Arroyo has actively endorsed neo-liberal globalization policies of trade and investment liberalization, privatization and deregulation that critics say surrender the country’s economy to the profit-oriented dynamic of foreign capital and domestic big business: trade and investment liberalization, privatization and deregulation. Trade liberalization, for instance, has resulted in the unrestricted influx of foreign imports leading to the

marginalization of the country’s small producers as well as in mass lay-offs and further threats to food security. According to a Philippine Senate report, trade liberalization has failed to address the stagnation of employment.¹³¹ The further liberalization of the mining industry, under the Mining Act of 1995, has opened large portions of the country’s land to mining operations endangering communities, livelihoods and the ecology.

The Arroyo administration’s seemingly steel-fist rule, the restrictions on civil liberties and the erosion of major democratic and criminal justice institutions leave the people no avenue for seeking redress for their grievances, let alone articulating their aspirations not only for justice but also for equality in life and better governance. The country’s dire economic conditions highlighted by unemployment, systemic poverty and poor opportunities are a constant reminder of the government’s inability to effect serious and thoroughgoing socio-economic reforms that would address these problems. The less these systemic problems are attended to by government, the greater will be the magnitude of hopelessness among the people that, in turn, will drive more and more Filipinos to look for overseas jobs and generate greater public apathy – definitely not a healthy sign for nurturing an avowed democratic system.

The armed conflicts

It is the grim social and economic conditions and perceived political repression that fuel the revolutionary armed struggle led by the Communist Party of the Philippines (CPP) whose armed component, the New People’s Army (NPA), is comprised mainly of peasant guerillas and workers. Waging an armed struggle since 1969, the CPP claims to be fighting for genuine agrarian reform, the dismantling of U.S. economic and military hegemony in the country, and national industrialization among other objectives. The CPP-NPA, through the National Democratic Front of the Philippines (NDFP), has been in an on-and-off peace talks with the Government of the Republic

of the Philippines (GRP), marked by the signing of at least 10 bilateral agreements.¹³² One landmark agreement, the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRHIL), prescribes the upholding of human rights and respect for international humanitarian law in the ongoing armed conflict.

However, reportedly upon the prodding of the Arroyo government, the U.S. State Department reinstated the CPP-NPA and Prof. Jose Maria Sison, Chief Political Consultant of the NDFP peace panel, in its “foreign terrorist organizations” (FTO) list on Aug. 9, 2002, as did the Council of the European Union and, on Oct.22 the same year, the Dutch government followed suit by including Professor Sison in their “terrorist list.” The refusal by the Philippine government to work for the removal of these organizations from the “terrorist lists” led to the suspension of the peace talks being brokered by the Norwegian government in Oslo in 2004.

On the other hand, the Moro Islamic Liberation Front (MILF), which split from the Moro National Liberation Front (MNLF) in 1977, has consistently struggled for an independent state of the Bangsamoro people in southern Philippines under the principle of self-determination. Its claim for a separate state has deep historical roots of exploitation and oppression of the Moro (or Muslim) people. At the core of its demands is the recognition of the Moro people’s ancestral domain. It has been engaged in peace talks with the GRP in Kualu Lumpur for the past two years, brokered by the Malaysian government. However, ceasefires and peace negotiations have been broken by renewed armed hostilities between MILF and government forces.

The Philippine government’s program to end the country’s decades-old rebellion problem is being pursued in the midst of a “war against terrorism.” The war against terrorism began following President Arroyo’s declaration of support to the U.S.’ global

war against terrorism in the aftermath of 9/11 that also led to the proclamation of Southeast Asia, including the Philippines, as its “second front.” The revitalized security partnership between the Philippines and U.S. governments paved the way for the holding of joint war exercises, special training programs, increased U.S. military aid as well as intelligence and technical support for the Philippine military’s combat operations against the Abu Sayyaf Group (ASG), a kidnap-for-ransom group now described as a “terrorist organization.”

Based on the Mutual Defense Treaty of 1951 and the Visiting Forces Agreement (VFA) of 1998, the Arroyo and Bush governments signed the five-year Mutual Logistics and Services Agreement (MLSA) of 2002 and the Non-Surrender Agreement of 2003.¹³³ The security partnership between the two countries has caused serious irritants and mounting complaints of displacement of communities due to war exercises and military operations, incidents of crime such as the celebrated rape case of a Filipino woman¹³⁴ by a U.S. Marine and, in broad strokes, alleged transgressions of the country’s sovereignty and territorial integrity by a foreign government.

Part V

The Culture of Impunity and the Collapse of the Country’s Legal and Judicial System

As representatives of the Church and other faith communities, we have strong reasons to believe that the spate of extra-judicial killings, involuntary disappearances, torture and other cases of gross and systematic violations of human rights is made conducive by a culture of impunity and the failure of the Philippine government’s criminal and judicial system to protect human rights and comply with international law. Both these problems appear to have become endemic since the Marcos dictatorship (1972-1986) and were tolerated by succeeding administrations thus resulting in the continuation of human rights violations.¹³⁵

Despite the formal restoration of democratic institutions following the ouster of the Marcos dictatorship by People Power I in February 1986¹³⁶, the structures of military rule have basically remained intact aided no less by the rise into power of military and police generals in the country’s major governing institutions. Many repressive decrees issued by Marcos have remained in effect and have continued to be implemented by the dictator’s presidential successors as well as by the court system.

The 1986 people power that led to the ouster of the dictatorship hardly gave way to any meaningful social, economic or political reform but only transferred presidential power to representatives of the same elite that have been at the helm of the government leadership for generations. The World Council of Churches (WCC), in a statement about the extra-judicial killings in the Philippines on Sept. 5, 2006, concedes that promises of reform have not been addressed, let alone fulfilled. “The

Philippines,” the WCC stated, “remains a country with stark divisions between the haves and the have-nots. Political power is still exercised by a ruling elite supported by the military. The so-called ‘war on terror’ has served to strengthen the hold of the government and the military over the people, as development and military funding from overseas governments is provided in return for the government’s support of the ‘war on terror’. The long-standing communist insurgency is used by the government as an excuse for action against any persons and groups who seek to stand with and for the poor.”¹³⁷

The culture of impunity traces its roots to the granting of formal amnesty by Marcos’s successor, President Corazon Aquino,¹³⁸ to the perpetrators of military and police atrocities during the dictatorship as well as by the inaction of all administrations on the mounting cases of human rights violations wantonly committed by state security forces.

Marcos legacy

Under impunity, “culture and politics are recasting the past, turning cronies into statesmen, torturers into legislators, and killers into generals.”¹³⁹ Beneath the surface of a restored democracy, the Philippines, through the compromises of impunity, still suffers the legacy of the Marcos era – a collective trauma and an ingrained institutional habit of human rights abuse. Impunity has left what University of the Philippines (UP) historian Maris Diokno called the “entrenched legacy of martial law” – a lingering collective malaise that, subtly but directly, shapes and distorts the nation’s political process. Since

Marcos’s fall, each succeeding administration has, by action and inaction, allowed impunity to deepen. Battered by repeated coup attempts, Aquino abandoned any attempt to prosecute the military for past crimes of torture and murder and, led by former Marcos generals, launched a “total war” policy that basically continued the litany of human rights violations begun by the ousted dictator.¹⁴⁰ Her successors transformed impunity from a de facto to de jure status, elevated former torturers to positions of power, and offered members of the Marcos regime both symbol and substance of exoneration.

Referring to the prevalence of this culture today, the state’s Commission on Human Rights (CHR) stated in a recent advisory: “Impunity presages the absence of the rule of law that is essential in maintaining order and stability. It destabilizes the sociopolitical system. When faith in law enforcement and the justice system is eroded, the rule of law is replaced by the rule of man. Impunity breeds brazen acts of violation of human rights.”¹⁴¹

Failure of the criminal justice system

The same culture of impunity explains the failure of the country’s criminal justice system particularly in dispensing justice not only to past but also current victims of human rights violations. Allowed to persist since Marcos, this culture is sustained today by “ineffective investigations, which fail to lead to prosecutions and convictions.”¹⁴² The continuing lack of effective prosecutions and conviction of state perpetrators of human rights violations, lack of protection given to witnesses and victims’ families, and an apparent absence of political will to ensure the prosecution of suspects risked entrenching a de facto climate of impunity that emboldens security forces to commit further violations in the context of anti-insurgency operations and counter-terrorism. A bleak picture of persistent failures in the administration of justice is highlighted by the fact that of the 1,509 cases of alleged human rights violations filed by the CHR before the courts between 1987 and 1990, only 11 cases resulted in sanctions against the perpetrators.

A concrete illustration of the extremes to which this culture of impunity perpetrated reportedly by state security forces – military, paramilitary and police personnel – has reached is the summary executions of several leaders and members of the Church and other faith communities, as well as human rights volunteers and lawyers. Under President Arroyo since 2001 to the present, 25 Church and faith community leaders and members, 23 human rights volunteers, and 16 lawyers and 10 judges have been slain. Many of the killings were perpetrated evidently by state security forces.

These unarmed and definitely innocent people were killed while engaged in the advocacy of peace and justice, in shepherding their church and other faith community flocks, campaigning for environmental concerns and against destructive mining projects, calling for electoral reform, conducting investigation of incidents of human rights violations and defending poor clients. The violent attacks done on their persons not only were acts against human rights but were also an assault on the very institutions – the church and faith communities, human rights promotion, and legal defense - that they represented and which are considered vital pillars in a civilized, humane and democratic society.

Referring to these attacks particularly against human rights volunteers, the CHR’s Dr. Quisumbing pointed an accusing finger at the government: “The glaring reality also shows that in a large number of cases covered in this (CHR) report, human rights defenders continue to face harassment, imprisonment, disappearances or torture where in a number of cases, the risk comes from the government institutions that should be protecting the citizens.”¹⁴³

Perpetuation of injustice

Impunity, said the WCC, “perpetuates injustice... The culture of impunity... is a major factor for continued or reiterated violations of human rights.

The issue has ethical, theological, social and political implications.”¹⁴⁴

Under President Arroyo, the perpetrators of extra-judicial killings, abductions, enforced disappearances and other forms of human rights violations seem to be shielded not only by the prevailing license of impunity but also due to the weaknesses of the country’s criminal justice system and the state’s inability to protect its citizens from acts of injustice especially those perpetrated by its own men. In her own way as President, she is directly abetting and encouraging the culture of impunity by rewarding the alleged perpetrators of human rights violations under the context of counter-insurgency, with awards, military promotions, appointments to the Cabinet and other incentives.¹⁴⁵

The Philippines lacks the effective legal and judicial institutions that are tasked to prevent crimes – most especially politically-motivated crimes – as well as to investigate, prosecute and render justice. A police task force was created to investigate the cases of human rights violations and a fact-finding body was also formed to ferret out the truth in these crimes. Yet, no perpetrator has been prosecuted let alone punished and incidents of political killings and other atrocities are piling up. Why?

Task Force Usig falls under the Philippine National Police (PNP) and is headed by the PNP Deputy Director General, Avelino Razon. Formed on March 13, 2006 to investigate the extra-judicial execution of activists and journalists, the task force is widely perceived to lack credibility. Aside from the fact that the PNP has a key role in counter-insurgency, it has early on apparently prejudged the killings describing these as part of an ongoing “purge” by the communist movement to weed out alleged “deep-penetration agents.” It has thus exonerated the Armed Forces of the Philippines (AFP) and the paramilitary forces under its command from any accountability to the killings – despite deep suspicions and contrary evidence that these are the very same agencies believed to be behind the spate of political assassinations and other atrocities. The

PNP’s credibility is further tarnished by the fact that it has also been consistently named by the CHR and the U.S. State Department as the worst human rights violator in the country.¹⁴⁶ Many Filipinos thus believe that Task Force Usig was created to whitewash investigations of politically-motivated crimes and cover up the trail of evidence leading to their perpetrators.

Military obstructionism

Citing its own experience, the CHR in August 2006 accused the military of obstructing the commission’s work by their refusal to appear before its fact-finding inquiries regarding reports of military atrocities. In Central Luzon north of Manila, CHR legal chief Flora Atilano disputed military claims that CHR had allowed the human rights group, Karapatan, to go forum-shopping referring to the latter’s petition for habeas corpus before the courts for at least 10 missing political activists in the region.¹⁴⁷

Moreover, in early investigations of incidents of human rights violations by the police as well as by National Bureau of Investigation (NBI) units, surviving victims and families have attested to the generally lackadaisical manner by which such probes were conducted. Many cases of extra-judicial killings were either prematurely theorized as simple crime incidents or as an offshoot of “internal organizational intrigues.” There were instances when police investigators were reluctant in pursuing leads claiming they could not dip their fingers into “confidential military operations.”

Not a single case of either extra-judicial killings or enforced disappearances has been prosecuted by the Department of Justice (DoJ) either, while the cases that were brought to it in earnest by families of victims and rights watchdogs were either dismissed or never prospered at all. The CHR itself has recently transmitted more than 400 cases to the DoJ for further investigation and prosecution, but the department has been sitting down on these cases and taking no action.¹⁴⁸ No significant prosecution can be expected from the DoJ given

the apparent bias shown by the justice secretary, Raul Gonzalez, himself who has made his own assessment of the cases: They are part of “collateral damage.”¹⁴⁹

That the legal remedies under the DoJ remain unavailable to the victims is further compounded by the department’s own inadequate “witness protection program.”¹⁵⁰ No serious efforts and resources are invested to make the program effective especially considering that many families of victims and eyewitnesses to political crimes have experienced harassment including death threats from security forces – with some witnesses actually being slain before they could testify. Higher courts, particularly the Court of Appeals (CA) and Supreme Court (SC), have been approached by families of victims of enforced disappearances by filing petitions for the writ of habeas corpus but the mechanisms for compelling top-ranking military officials to surface the identified victims based on evidence and eyewitness accounts are likewise inadequate. “Filipinos are losing confidence in their country’s security forces and government,” said Sophie Richardson, deputy Asia director of the U.S.-based Human Rights Watch. “Not only is the government failing to provide real protection and redress for ordinary citizens, it hasn’t even acknowledged that the system needs fixing.”¹⁵¹ Where will the kin of victims of forced disappearances turn to for justice?

A political gesture, not effective legal redress

Under these circumstances, no surviving victim or family of victims has appeared to testify before the fact-finding body that was formed by President Arroyo on Aug. 21, 2006 to investigate the killings and recommend preventive measures. President Arroyo formed the Melo Commission only after international pressures and expressions of concern had reached boiling point and her directive was thus widely seen more as a political response rather than as a major legal intervention by the head of state. Many critics expected the commission to be just a

body whose intention is to clear the name of the President and her generals from the extra-judicial killings and other cases of politically-motivated violence.¹⁵²

The Melo Commission submitted its report to President Arroyo on Jan. 30, 2007, implicating former Army Maj. Gen. Jovito Palparan and other generals to the extra-judicial killings of hundreds of leftwing activists, community workers and farmers. Acting on the commission’s recommendations, the President directed the Departments of National Defense (DND) and of Justice (DoJ), as well as the CHR and the AFP to delve deeper into the involvement of military men in the killings and prosecute them as well as asked the Supreme Court (SC) to create special courts to try charges involving unexplained political killings.¹⁵³

At this writing, however, the President needs to prove she means what she says especially because the day after issuing her directives, she exonerated the AFP for the killings, reiterated that Leftist groups and the NPA were also involved, and that human rights groups should refrain from disinformation that consistently implicates the military to the killings. The European Council of EU has received no official invitation asking some of its members to join a fact-finding mission, neither has it received any copy of the commission’s report at this writing. It should also be noted that the Melo Commission report, the details of which have not been released by the President at this writing, failed to dig into accounts that the extra-judicial killings and other violations of human rights were carried out systematically and on a nationwide-scale thus raising concerns that these were part of a state policy that could have only been authorized by the Office of the President.

Collapse of the rule of law

The culture of impunity, the lack of credible investigations and suspicions regarding the involvement of government security forces apparently acting in pursuit of a state policy have engendered a loss of faith not only in the country’s

criminal justice system but also in government’s political will to address the deterioration of human rights decisively. In its recent human rights report on the Philippines, the Asian Human Rights Commission (AHRC) pointed to the ongoing human rights crisis in the country as an indication of a “collapse of the rule of law.” “While the government claims to uphold human rights and democracy before the international community including the United Nations,” the AHRC said, “at home there is no possibility for most victims of gross abuses of human rights to get justice and redress.”¹⁵⁴

Echoing similar findings particularly regarding the extra-judicial killings of journalists, human rights lawyers and judges, the Philippine Senate in a report by its committees on justice and human rights, public information and mass media, and public order and illegal drugs in October 2006 concluded that despite the high-profile cases “the government has not responded adequately to the situation. It has failed to deliver justice.” On the other hand, Jo Dereymaeker, Belgian lawyer-member of the International Association of People’s Lawyers, said: “the Philippines is one of the worst places for human rights defenders to be.” The Philippines has also been adjudged as one of the worst countries for human rights lawyers.¹⁵⁵

In a round-table discussion on “The Rule of Law: Seeking International Intervention” held on Sept. 26, 2006¹⁵⁶, representatives of the Movement for the Restoration of Peace and Order (MRPO), revealed their exasperation and loss of hope in the country’s criminal justice system. The MRPO groups families and sympathizers of victims of heinous crimes in the Philippines. Participants in the forum, which was also attended by the chairperson of CHR, agreed to approach the United Nations and other international legal mechanisms for intervention.

Part VI

Conclusion: “Render Judgments of Truth that Make for Peace” (Zechariah 8:16-17)

Families and sympathizers of the victims of violations of human rights, rights watchdogs, civil libertarians and other sectors alarmed by what amounts to a human rights crisis struggle to assert their democratic rights by going to the streets in indignation – aware that this activity itself invites state reprisal - as well as circulating alerts and appeals for international support and intervention. The victims of the gross and systematic violations of human rights stood for or supported social and economic reform and social justice, challenged the constitutional legitimacy of President Arroyo, called for the de-militarization of the rural countryside, the resumption of peace talks between the GRP and National Democratic Front of the Philippines, and to uphold the country’s sovereignty and territorial integrity. By sectoral organization, the biggest number of political activists killed has come from the congressional Party-list Bayan Muna (BM or People First). Since the Party-list system was introduced in 1998 to represent the country’s marginal sectors in Congress, BM which espouses “new politics” and advocates reform bills, has been topping the 2001 and 2004 Party-list elections.

The fact that they were silenced by violent means only shows the perpetrators’ abhorrence to democratic voices, people’s principled participation in elections and governance, civil and political rights, and the like. The fact also that human rights defenders, leaders and members of Church and faith communities, and lawyers have fallen victims to these violent attacks indicates a contempt for human rights, peace and justice, and the due process of law. A government that, at the very least, fails to act in stopping this mayhem and providing protection

and justice to its own people or, as pleaded in numerous appeals of concerns, fails to rein in its security forces qualifies to be in the league of governments that tolerate state terrorism, an act that violates the principles and provisions of the country’s constitutional laws and of international law as well.

As a President with powers and authority vested on her by the Philippine Constitution, President Arroyo has an obligation to rectify the wrongs that were done by preceding administrations in the territory of human rights and justice – the fundamental pillar of a civilized, humane and democratic society. On the contrary, however, her government has failed to:

- use its authority for rendering justice to - and the indemnification of - 10,000 torture victims under the Marcos dictatorship even if a class suit on this had won a favorable final judgment at the U.S. federal court system in 1997;
- move for the investigation of tens of thousands of other victims of violations of human rights since the Marcos dictatorship and the prosecution of their perpetrators;
- review toward the repeal of several Marcos repressive decrees providing for the criminalization of political acts, warrantless arrests and searches, the prolonged detention of individuals arrested for political offenses without being charged, the “no permit, no rally” policy, the legalization of paramilitary forces, and the imposition of food blockades in communities during anti-insurgency operations.

War crimes and crimes against humanity

Under President Arroyo’s watch, the gross and systematic violations of human rights accompanied by the political persecution of reform-minded progressive groups and active anti-government critics are being committed in the context of a relentless counter-insurgency and counter-terrorism program. Statements of concerns, fact-finding mission reports and countless other independent investigations have implicated government’s security forces to these crimes. This being so, the unsolved cases of extra-judicial executions, enforced disappearances, torture and other violations of human rights can only be the end results of a state security policy that uses unlawful acts of unconventional warfare and other forms of violence against persons and organizations that are contrary to the conscience of humankind and international human rights. The government’s counter-insurgency program against the armed Left is being pursued under no state of emergency and should therefore not tamper with the normal functioning of legal and judicial institutions. Even if there were a state of emergency, Article 4(2) of the International Covenant on Civil and Political Rights (ICCPR) is clear that under this condition basic civil and political rights are non-derogable; and that “no exceptional circumstances, such as war or public emergency, may be invoked to justify torture...”¹⁵⁷ The extra-judicial killings, enforced disappearances and other violations of human rights constitute war crimes and crimes against humanity as they are being committed in furtherance of a State security policy on a nationwide and systemic scale.

In its Concluding Observations on the Philippines on Oct. 30, 2003, the UN Human Rights Committee expressed “concern regarding reported cases of extrajudicial killings, arbitrary detention, harassment, intimidation and abuse, including of detainees, many of whom are women and children that have neither been investigated nor prosecuted.” Such a situation, the Committee further said, “is conducive to perpetration of further violations of human rights and to a culture of impunity.” The

Committee also expressed its concern about “the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators. It urged the Arroyo government to adopt legislative and other measures “to prevent such violations...and ensure effective enforcement of the legislation.”

Until today, the Concluding Observations of the Committee and the measures proposed have not been addressed by the Philippine government. Instead, the gross and systematic violations of human rights have escalated that, in many respects, have been far worse than what occurred in previous presidencies installed after the Marcos dictatorship. The numerous expressions of concerns and appeals about the deterioration of human rights in the Philippines have pointed to not only the continuing spate of extra-judicial killings, enforced disappearances and other violations of human rights but more so to the existence of military hit lists and a counter-insurgency policy that only foreshadow a bigger number of politically-motivated crimes on the scale of a worst humanitarian situation. Whatever investigations and inquiries that have been done by the government took off only after pressures bore upon President Arroyo to act on the cases but even such motions were apparently nothing but mere political gestures. Subsequent indications and reports tend to confirm fears by families of the victims along with human rights organizations, church institutions and the press that such investigations and inquiries are a sham and were designed primarily to whitewash or cover up the actual perpetrators as well as to clear the President from possible accountability to the violations of human rights. This is not only a transgression of justice but also a betrayal of the pledge made by the Arroyo government to the UNHRC to uphold human rights and international law, in contravention of the Philippine government’s obligations that discredit the UNHRC as it seeks to establish its credibility with the international community.

No significant measures taken

Meantime, there has been neither a law enabling the families of disappeared persons to obtain redress nor any protection for witnesses and victims from further violence and killings, as required by Republic Act 6981, which provides for a witness protection program. The government has also failed to enact an enabling law to criminalize torture in conformity with the Convention against Torture. Members of the House of Representatives from Bayan Muna (BM or people first) – at least 124 of whose volunteers have become victims of extra-judicial killings - and other progressive party-list groups have filed bills and resolutions:

- penalizing the crime of enforced or involuntary disappearance;
- declaring torture as a crime;
- calling on the Arroyo government to conduct immediate investigations on the killings and other cases of political crimes;
- requiring the submission of human rights record as a condition to being appointed to government;
- strongly opposing the promotion of Gen. Jovito Palparan, tagged as the “Butcher of Mindoro”

They have also filed bills related to the compensation of human rights victims during the Marcos dictatorship and for President Arroyo to transmit the Rome Statute of 1998 to the Senate for ratification. Unfortunately, all the previously mentioned bills and resolutions have not been enacted into law - stalled in the bureaucratic maze of Congress¹⁵⁸ and the President’s non-endorsement.

While the Arroyo government has shown a lack of interest in supporting the aforementioned bills that enhance human rights, it has endorsed as a priority the controversial anti-terrorism bill (ATB) that is feared to erode these basic rights. Among others, the ATB gives the executive department vast powers to arbitrarily label a person or organization as

“terrorist” by reason solely of his religious or political belief, to arrest and detain any person without warrant for 15 days, and conduct surveillance on any person without any court order. The bill has been opposed by civil libertarians, human rights defenders, and lawyers groups including the International Commission of Jurists for its being a draconian measure that the government can use for political repression, to curtail civil and political rights, and to restore authoritarian rule.

An independent constitutional body, the Commission on Human Rights (CHR) lacks the mandate and authority to make sure that the results of its own investigation of cases of violations of human rights will lead to the prosecution, trial and punishment of alleged perpetrators. Since its establishment in 1987, the CHR has lacked powers of prosecution and other forms of authority that would boost its mandate. On the other hand, the Commission has also failed to recommend to Congress effective measures to promote human rights and to provide for compensation to victims of violations of human rights or their families.

The presence of at least 32 former generals and other senior military and police officials in the Arroyo Cabinet and high echelon of the civilian bureaucracy smacks of the President’s propensity to reward armed forces and police commanders with salary increases, appointments in civilian posts and other incentives as a way of maintaining their loyalty. But this practice all the more adds clout to authorities who support the iron-hand approach to solving the decades-old rebellion problem the roots of which have long been acknowledged to be social, economic and political in nature. “National security” doctrines are given priority as a means of addressing the insurgency on the assumption that the elimination of this source of political instability would boost economic development. There is a propensity to blame the insurgency for the country’s current political instability¹⁵⁹ – when in fact the armed conflict is deeply-rooted in unjust social structures and development strategies that aggravate the crisis of poverty and unemployment.

Especially in rural areas where counter-insurgency operations are conducted, the presence of security forces subverts the rule of law, the regular functions of the local governments, and the constitutionally-mandated civilian supremacy. Hamletting or the forcible herding of villages, food blockades, the enforcement of ID and residence certificate systems, curfew, checkpoints, and denial of health services are common occurrence in the communities.

In turn, all these help sustain the culture of impunity that breeds the brazen display of military authority, the supremacy of the military/police institution over the civilian authority in national security affairs, the collapse of the criminal justice system and the failure to fulfill obligations under all treaties, conventions and protocols on human rights of which the Philippines is a party.

Accountability

Under these appalling circumstances, the government of President Arroyo cannot evade accountability for the series of extra-judicial killings, forced disappearances and other cases of violations of human rights taking place. Under the Philippine Constitution, the President, as chief executive, also acts as the commander-in-chief of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). The President is also responsible for Departments that fall under her office, specifically the Departments of National Defense (DND) and of the Interior and Local Government (DILG), the National Security Council (NSC) and the Department of Justice (DoJ). Her office, along with the Department of Foreign Affairs (DFA), is also charged with complying with international obligations including the UN human rights instruments and several other conventions, treaties and protocols signed by the Philippine government and in making sure that implementing laws are enacted accordingly.

It is in this light that the government of President Arroyo should be held liable for its non-compliance

with the “Concluding Observations” and the measures proposed by the UN Human Rights Committee in October 2003¹⁶⁰; for its failure to carry out its pledges to the UN Human Rights Council made on April 19, 2006, particularly in upholding the seven core international human rights treaties and their protocols and, to quote its own pledge, in “bridging national and international human rights goals, standards and strategies.” It has violated – and continues to violate – the core provisions of the International Covenant on Civil and Political Rights (ICCPR), particularly the right to life; the right to freedom from torture; the right to liberty and security of person; rights in the criminal justice system; freedom of thought, conscience and religion; freedom of expression; the right of peaceful assembly and freedom of association; political rights; and equality before the law. Likewise, it has violated – and continues to violate – the core provisions of the International Covenant on Economic, Social and Cultural Rights (CESCR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the UN Declaration on the Rights of Indigenous Peoples; and the Convention on the Rights of the Child. It has also violated – and continues to violate – the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRIHL) signed between the GRP and NDFP, which aims to regulate the armed conflict by upholding international human rights and humanitarian laws.

Considering the culture of impunity, the brazenness of the human rights violations, the complicity of military generals, the connection of the killings to the state’s counter-insurgency program, the inaction of high government officials in ordering the stop to the killings and other violations, and the lack of effective legal and judicial mechanisms, no so-called domestic remedy can be reliably exhausted by the victims of human rights violations and the Filipino people to put an end to the widespread extra-judicial killings, enforced disappearances and other forms of violations. We strongly believe, therefore, that

the general rule on the exhaustion of domestic remedies does not apply in these particular cases because of the inordinate delay, ineffectiveness of the remedies, and the continuing violations of the same kind as proven by subsequent events where political killings escalated.

CALL TO ACTION

Our Concerns

Appalled at the continuing gross and systematic violations of human rights in the Philippines under President Gloria M. Arroyo (2001 – to present), with numerous incidents involving extra-judicial executions, abductions and enforced disappearances, torture, forced servitude, illegal arrests and detentions, sexual molestations, threats and intimidation accompanied by the increasing militarization of the rural provinces and urban areas;

Shocked at how the victims of these mounting cases of human rights violations have included highly-respected leaders and members of churches and faith communities, human rights defenders, lawyers and journalists – as well as; peasant, fisherfolk, labor and student leaders and activists; community leaders; members of the national minorities including Muslim communities; women and children, many of them involved in peace and social justice, land and labor rights advocacy, electoral and governance reform, and the defense and promotion of press freedom, women’s and children’s rights; indigenous people’s and Muslims’ rights to ancestral domain, territorial integrity and self-determination;

Noting that many of the cases of gross and systematic violations of human rights have taken place in highly-militarized areas where there are land and labor disputes; evictions of urban poor communities; development projects involving mining, infrastructure and tourism; and various struggles for the defense of social, economic, cultural, civil and political rights;

Noting further the consistent application of a military solution to rebellion that is acknowledged even by State authorities as having deep social and economic structural roots, requiring a comprehensive program of socio-economic and political reform;

Alarmed by increasing reports and allegations coming from human rights organizations, fact-finding missions, church institutions, and lawyers groups both in the Philippines and in many countries pointing to the involvement in many of the cases of extra-judicial killings, enforced disappearances, and other violations of human rights of the Philippine government’s security forces including top military authorities and intelligence units;

Alarmed further that the perpetration of these crimes is programmed and implemented systematically and on a national scale in the context of the Philippine government’s campaign against insurgency and terrorism, as part of a state policy and internal security doctrine authored and directed by higher authorities;

Concerned about the failure of the state’s investigation, prosecution and judicial systems in addressing the mounting cases of gross and systematic violations of human rights; the state’s failure of its witness protection program as well as the lack of prosecution of identified suspects, leaving the victims’ kin, sympathizers and human rights groups no legal and effective remedies to seek redress and to hold the perpetrators of these crimes accountable;

Concerned further that the continuing gross and systematic violations of human rights are sustained by a longstanding culture of impunity traceable to the period of the dictatorship (1972-1986) and which has apparently become institutionalized by the inaction of successive governments in correcting the injustices done in the past as well as the consistent application of a military solution to rebellion that is acknowledged even by state authorities as having deep social and economic structural roots requiring the adoption of a comprehensive and thoroughgoing socio-economic and political reform;

Welcoming the increasing expressions of concern over the gross and systematic violations and of alarm over the inability of the Philippine government to stop these incidents that have come from Church and faith community organizations, ecumenical bodies, human rights institutions, groups of civil libertarians and lawyers, media organizations, associations of parliamentarians and, as well, various multilateral institutions and a number of governments from all over the world,

WE, as the voice of churches and faith communities, in the Philippines, address this

CALL TO ACTION

I. To the United Nations Human Rights Council (UNHRC)

- 1) We call on the United Nations’ human rights mechanisms particularly the Human Rights Council (HRC) to consider the deterioration of the human rights conditions in the Philippines as a special concern requiring the intervention of appropriate procedures to address the urgency of the situation;
- 2) We urge that an urgent and special fact-finding mission under the auspices of the United Nations be

sent to conduct an investigation on the extra-judicial killings, enforced disappearances, torture and other forms of violations of human rights in the Philippines and to recommend appropriate action;

- 3) We also urge that the following UN Representatives, Special Rapporteurs and Working Groups be deputed to inquire into the killings of members of church and other faith communities, human rights defenders, and human rights lawyers in the Philippines:

- Special Representative of the Secretary General on the situation of human rights defenders;
- Working Group on enforced or involuntary disappearances;
- Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers;
- Special Rapporteur of the Commission on Human Rights on the question of torture;
- Working Group on Arbitrary Detention;
- And any other Representatives, Special Rapporteurs, and Working Groups appropriate to other specific cases of human rights violations

- 4) We likewise urge the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Philip Alston, and the Special Rapporteur on human rights and fundamental freedoms of indigenous people, Dr. Rodolfo Stavenhagen, to expedite their reports regarding their recent visits in the Philippines to look into complaints of human rights

violations submitted by surviving victims and families of victims;

- 5) For the HRC and other components of the UN human rights system to recommend and assist the government of the Philippines establish an independent commission of senior judges, competent jurists, reputed academics in relevant fields and representatives from civil society, including human rights organizations, to undertake a comprehensive review of the country’s criminal justice system with a mandate to specifically examine the investigation, prosecution and adjudication of cases in order to identify the weaknesses of the legal system that are defective or obsolete and a hindrance to the proper adjudication of criminal justice, a process that includes public consultation and the technical assistance of UN agencies and other international bodies; the commission’s reports with recommendations should be completed and made available to the government and released to the public within six months;

Specifically, we urge the Human Rights Council to focus, among others, on the Philippines, and work with Philippine government and civil society to:

- a. Monitor performance on pledges made by members elected to the Council.*

Last year, the Philippine government pledged that, “if elected into the Council, the Philippines will focus on the importance of bridging national and international human rights goals, standards and strategies” and that it will continue to “play an active

role in upholding the rights and welfare of the disadvantaged and vulnerable groups...”

- b. Assess the performance record of the Philippines during its first year of membership on the Human Rights Council.*

Upon election, new members commit themselves to cooperating with the Council and to upholding the highest standards in the promotion and protection of human rights. This entails at a minimum:

- Fulfillment of treaty obligations: timely reporting; response to Concluding Observations; domestic publicizing of State Party Reports and of Concluding Observations;
- Provision of timely and effective remedies as required by Article 2 of ICCPR.
- Cooperation with Special Procedures: “standing invitation”.

- c. Develop good practices regarding forthcoming pledges and the forthcoming election.*

- Reviewing and improving the existing OHCHR Recommendations as to pledges.
- Making new recommendations as to pledges in light of prevailing human rights practices in the Philippines regarding, for example, impunity, accountability and redress.

- d. Develop the Universal Periodic Review (UPR): method and process*

A wealth of human rights information exists regarding the Philippines, including information regarding the method and process used by human rights NGOs and the Philippine Human Rights Commission to undertake their own “alternative” universal periodic review.

- e. Apply good practices in the forthcoming UPR of the Philippines: info and process*

Here once again, the information compiled regarding human rights in the Philippines can be used to formulate and apply good practices in the forthcoming universal periodic review of the Philippines, which will be among the first batch of countries to pass through the UPR of the Human Rights Council.

f. *Evolve the practice of the Human Rights Council regarding human rights emergencies*

One of the functions of the Human Rights Council is to “*respond to human rights emergencies*”. Already, in less than a year, a practice is involving in the Human Rights Council (regarding Palestine, Lebanon, and Darfur). What constitutes a human rights emergency and what range of responses from the Human Rights Council are questions being addressed presently by the Council. The human rights crisis in the Philippines can help provide answers which could be explored in depth during a special session of the Council on the Philippines. Such a session could be unique if it were to be supported by the government of the Philippines which has already turned to the international community for help in investigating some of the recent extra-judicial executions.

II. To the Church and Religious Bodies in the International Community

We also urge Church and faith community organizations, ecumenical bodies and similar other institutions in the international community to:

- 1) *Ask the Philippine government to immediately stop the killings, abductions, torture and other forms of human rights violations, including the revocation of all hit lists that target members, leaders and other civilians suspected by the military as being affiliated with communist “front organizations”;*
- 2) *Call for the holding of an impartial, independent and credible*

investigation on the cases of human rights violations in the Philippines to be led by a group of esteemed and eminent individuals from different walks of life such as church people, academicians, lawyers, legislators, and leaders of workers and peasants, to be done with dispatch, and which will make sure that the perpetrators are accountable to these crimes by placing them under prosecution and adjudication;

- 3) *Call on their respective governments to, in particular, review development assistance to the Philippine government especially when such aid exacerbates, instead of reducing, social and economic inequities and aggravates, rather than stopping, the prevalent violations of human rights;*
- 4) *Call on their respective governments to review their security cooperation with the Philippine government particularly in the fight against terrorism and ensure that this does not support its national security policy that exacerbates the violations of human rights;*
- 5) *Call upon the Philippine government to rescind its national security policy of making no distinction between combatants and non-combatants under the government’s current counter-insurgency and counter-terrorism campaign;*
- 6) *Urge the Philippine government to review its counter-insurgency doctrine and instead give primacy to the pursuit of comprehensive social, economic and political reform that will address the roots of the armed conflict;*
- 7) *Call for reforms in the Philippines’ criminal justice system centered in particular on the enhancement and protection of human rights; on the effective implementation of the witness protection program; as well as in giving*

more powers to the Commission on Human Rights (CHR) in order to fulfill its mandate for the promotion of human rights in pressing for the effective prosecution, trial and appropriate punishment of alleged perpetrators of human rights violations;

- 8) *Work more closely with the church and faith community institutions in the Philippines* most especially in seeking justice for the past and present victims of human rights violations; in setting up programs and initiatives that support the efforts of victims and their families, widows and orphans - as well as efforts of the human rights groups and other institutions – to rebuild their lives alongside the protection, promotion and realization of human rights;
- 9) Support the call for the immediate resumption of the stalled peace talks between the GRP and the National Democratic Front of the Philippines (NDFP), and between the GRP and the Moro Islamic Liberation Front (MILF);
- 10) In relation to the GRP-NDFP peace talks, to call for the implementation of the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL), and other bilateral agreements, as well as, for immediate action by both parties on complaints of human rights violations already submitted under the mechanism of the Joint Monitoring Committee (JMC);
- 11) Raise international awareness on the human rights crisis in the Philippines particularly in churches and civil society.

communities; organizations and members/constituencies of the civil society; grassroots social movement, and NGOs; legislators, lawyers, civil libertarians, press freedom advocates, and other human rights defenders; community leaders and public servants to:

- 1) Press for a deeper investigation of the gross and systematic violations of human rights committed by the current Philippine government including the formation of an impartial, independent and credible commission that will conduct the investigation of these cases leading to the prosecution, trial and punishment of the alleged perpetrators;
- 2) Monitor the investigation being conducted by the Melo Commission and press for the immediate release of all results of its investigation on the human rights violations including the identities of the alleged perpetrators and masterminds of these violations;
- 3) Monitor the fate of all complaints filed by the Commission on Human Rights (CHR) with the Office of the President and the Department of Justice (DoJ) in particular, covering cases of human rights violations committed not only under the present administration but also in past administrations, and make public any action or inaction thereon;
- 4) Prepare, monitor, and submit appropriate reports with regard to the scheduled Universal Periodic Review (UPR) of the Philippine government as a member of the UN Human Rights Council (HRC), focusing in particular on its compliance with its Commitments

III. To the Philippine Community

We call on our Fellow Pilgrims for Peace and Human Rights and Servants in the church and faith

- to the HRC as declared in April 2006;
- 5) Initiate an alternative UPR on the Philippine government’s human rights commitments including its compliance with all UN and other international treaties, conventions and protocols regarding human rights already ratified;
 - 6) Campaign for rendering justice to the victims of human rights violations committed by the State security forces; and pressing for the accountability of alleged perpetrators; and, for prohibiting the granting of any form of immunity;
 - 7) Support the call for the immediate resumption of peace talks between the GRP and the National Democratic Front of the Philippines (NDFP), and between the GRP and the Moro Islamic Liberation Front (MILF);
 - 8) Call for the implementation of the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL), and other bilateral agreements, already signed by the GRP and NDFP as well as for immediate action by both parties on complaints of human rights violations already submitted under the mechanism of the Joint Monitoring Committee (JMC).

EPILOGUE

On February 21, 2007, Prof. Philip Alston, Special Rapporteur of the United Nations Human Rights Council on extra-judicial, summary or arbitrary executions, asked the Armed Forces of the Philippines (AFP) to “acknowledge” the fact of its involvement in the extra-judicial killings and conduct a “genuine” investigation. The UN Special Rapporteur spent 10 days in the Philippines to conduct an investigation on the extra-judicial killings and related violations of human rights and held meetings with President Arroyo and other government officials as well as with human rights groups and families of the victims.

In a press statement covering his preliminary report, Alston said he could not exactly determine how many died in the numerous cases of violations of human rights, but added: “I am certain the number is high enough to be distressing.” Saying that the AFP “remains in a state of almost total denial,” he observed that the focus of the investigation of Task Force Usig and the Melo Commission was “insufficient.”

Professor Alston also called for a review of the Philippine government’s counter-insurgency strategy. “The enduring and much larger challenge,” he also said, “is to restore the various accountability mechanisms that the Philippines Constitution and Congress have put in place over the years, too many of which have been systematically drained of their force in recent years.”

On the day the UN Special Rapporteur issued his press statement, President Arroyo directed the release of the Melo Commission’s report - nearly a month after the fact-finding body submitted it to the President. Previously, despite persistent demands

by human rights organizations, the European Union Council, and the media for the release of the report, government authorities had said it could not be done because the report was “incomplete.”

In its report, the Melo Commission named retired Philippine Army Maj. Gen. Jovito Palparan – along with other generals – as the “prime suspect behind the extrajudicial killings” in the country. The “whip must be cracked to bring the rogue military elements back in line,” the Commission added. It also called on President Arroyo to reiterate her condemnation of the killings “in the strongest possible manner” and to announce her resolve to stop them.

For the Commission, however, to say that “there is no official or sanctioned policy...to resort to illegal liquidations,” falls short of expectations raised by human rights organizations as well as church and faith institutions. The report seems to have overlooked leads such as public policy pronouncements from top government officials accusing and labeling those named in military hit lists as “front organizations” of the armed Left and “enemies of the state”; of government admissions about the existence of the counter-insurgency strategy, Oplan Bantay Laya; and of various documents that can establish the connection between this strategy and the human rights violations. Never invited by the Commission were members of the President’s Cabinet Oversight Committee on Internal Security (COCIS) who approved the counter-insurgency strategy and issued other repressive decrees that undermined civil and political liberties and led to threats of arrest against many leaders identified with the “front organizations.” Pinning Palparan as the “prime suspect” in the killings may assuage the calls for justice of families

of the general’s alleged victims but it raises further questions as to why, for instance, President Arroyo would promote him several times and honor him with the “Distinguished Service Star” and “Medal of Valor” and then contemplate on appointing him to a government post.

Meantime, another chilling effect has been created with the ratification of the anti-terrorism bill (ATB), renamed as the Human Security Act of 2007, by the bilateral committee of the Philippine Senate and House of Representatives. Ratified by the committee on the second week of February 2007, the bill is expected to be signed into law by President Arroyo. Alarms have been further raised that the law, enacted in the name of “counter-terrorism,” will be used to sanction political repression against legitimate dissent and the critical press, that it will lead to a virtual authoritarian rule reminiscent of the Marcos dictatorship, and that it will increase impunity resulting in the escalation of extra-judicial killings and other forms of human rights violations. The foremost question is, how can the State – which stands criticized for tolerating if not authorizing the gross and systematic violations of human rights – guarantee that in implementing the Human Security Act the people’s civil and political rights are not trampled upon?

ENDNOTES

¹ <http://www.bulatlat.com/breaking/6-49/6-49-Prof.htm>. January 22, 2007.

² Cui was also a founding member of the congressional party-list group Bayan Muna (People First) in the province, provincial chair of Confederation for Unity, Recognition and Advancement of Government Employees (Courage) and the chairperson of the University of Eastern Philippines Employees Association (UEPEA).

³ <http://www.un.org/60/elect/hrcphilippines.pdf>.

⁴ <http://www.ahrck.net/statements/mainfile.php/2006statements>.

⁵ Karapatan, *State Terror and Martial Rule: Report on the Human Rights Situation 2006*.

⁶ Of these, 660 cases are extra-judicial killings victimizing 797 individuals.

⁷ Karapatan Documentation Team as of December 31, 2006.

⁸ In its August 2006 report "Philippines: Political Killings, Human Rights and the Peace Process", Amnesty International "believes that the killings constitute a pattern and that a continuing failure to deliver justice to the victims represents a failure by the Government of the Philippines to fulfill its obligation to protect the right of life of every individual in its jurisdiction".

⁹ The chairperson of the Commission on Human Rights, Dr. Purificacion C. Valera Quisumbing wrote a report entitled "Culture of Impunity Threatens Democracy" which was published by the Manila Times in its Sunday Edition last Dec. 10, 2006. Dr. Quisumbing further stated that "the glaring reality also shows that in a large number of the cases covered in this report, human-rights defenders continue to face harassment, imprisonment, disappearances, or torture, where in a numerous number of cases, the risk comes from the government institutions that should be protecting the citizens".

¹⁰ Pastoral Ecumenical Delegation Visit to the Philippines, Press Release, July 20, 2005.

¹¹ Members of the Ecumenical Bishops Forum are bishops from the Roman Catholic Church, Iglesia Filipina Independiente, Episcopal Church, United Church of Christ in the Philippines and the United Methodist Church. Organized in 1982, the EBF is a consistent prophetic voice on justice and peace in the Philippines. The quotation above is the title of the EBF statement on the killing of its Co-Chairperson Bishop Alberto Ramento in October 2006.

¹² WCC Central Committee Statement on Extra-judicial killings in the Philippines, September 5, 2006.

¹³ a. International Solidarity Mission, August 2005, evidence gathered were presented before an International People's Tribunal on August 19, 2005;

b. United Methodist Church Delegation on Human Rights in the Philippines, January 2006, the results of their fact-finding were presented through a statement that was released to the media on January 6, 2006;

c. International Fact Finding Mission on Attacks Against Filipino Lawyers and Judges by the Dutch Lawyers Foundation, Dutch Lawyers Without Borders and International Association of Democratic Lawyers, June 2006;

d. International Peasant Solidarity Mission, August 2006;

e. Canadian Fact-finding Mission in the Philippines, November 2006;

f. Hong Kong Mission for Human Rights and Peace in the Philippines, November 2006.

¹⁴ The Uniting Church of Australia, National Christian Council in Japan, Hong Kong Christian Institute, Franciscans International, Episcopal Church in the USA, United Methodist Church in the USA, United Church of Canada, Inter-Parliamentary Union, among others, released statements of concern regarding the killings.

¹⁵ The Ecumenical Advocacy Alliance (EAA) sent a letter of appeal dated October 7, 2005, to President Arroyo regarding the killings. The letter was signed by more than 30 organizations and individuals including the World Council of Churches (WCC), the Lutheran World Federation, World Alliance of Reformed Churches, Franciscans International and the Young Women's Christian Association.

¹⁶ As a result of a Pastoral Delegation Visit to the Philippines, the Executive Committee of the National Christian Council in Japan, unanimously approved a resolution on October 19, 2006, to write a letter to

President Arroyo expressing its concern over the killings. NCCJ urged President Arroyo to follow three steps: to establish a credible justice system, to repeal the Counter Insurgency Policy and to reconsider aggressive development policies.

¹⁷ Asian Legal Resource Center, “The criminal justice system of the Philippines is rotten,” Article 26, No. 1 (2007).

¹⁸ Philippine Daily Inquirer, “EU assails unabated killings of activists,” Jan. 24, 2007.

¹⁹ ‘Human Rights: Philippines’ by ALP Senator Gavin Marshall, <http://cpcabrisbane.org/Kasama/2006/V20n3/SenatorGavinMarshall.htm>. Jan. 24, 2007

²⁰ The Sunday Times. December 10, 2006. pp. A1-A2.

The said news article also stated that the Philippines’ poor human rights record “was endangering the flow of badly needed official development aid.

²¹ Philippine Daily Inquirer, “NZ premier raises concern over human rights in RP” January 17, 2007. p. A2

New Zealand Prime Minister Helen Clarke also reiterated her concern regarding the human rights situation to President Arroyo during the ASEAN Leaders’ Summit in Cebu City January 2007. The Prime Minister said that “the rate of extra-judicial killings is much higher in the past six months than it was in the whole previous year. So there is a set of issues that the Philippine government needs to be tackling seriously”

²² Manila Times, May 5, 2006. http://www.manilatimes.net/national/2006/may/05/yehey/top_stories/20060505top1.html Last accessed Feb. 11, 2007

²³ The AED is made up of lawyers from France, Italy, Germany, Catalonia, the Netherlands, Belgium and Spain. See www.aed-edl.net.

²⁴ Philippine Daily Inquirer, Page A1, November 14, 2006

²⁵ Archbishop Angel Lagdameo, “Let Us Keep Human Life Sacred”, May 31, 2006

²⁶ a. “Justice for Our Fallen Martyrs” (On the one year anniversary of the killing of Rev. Edison Lapuz), May 12, 2006

b. “His Blood is in Their Hands” (On the killing of former NCCP Staff Noli Capulong), May 29, 2006

c. “Words of War Do Not Provide Peace” (On Pres. Arroyo’s allocation of one billion pesos to crush the insurgency), June 22, 2006

d. “Getting Worse Everyday” (On the killing of Pastor Isaias Sta. Rosa), August 7, 2006

e. A Statement on the Brutal Slay of Bishop Alberto Ramento, October 3, 2006

f. Statement of Support to the Religious of the Good Shepherd, Women-JPIC Network on the police raid on their convent, November 6, 2006

²⁷ The NCCP as well as other church groups have also brought the issue of the killings in dialogues with the government and the military. Prayer vigils, lobbying and mobilizations were also launched to dramatize the call to stop the killings and other rights violations.

²⁸ Unity Statement of the Human Rights and Peace Summit, July 21, 2006.

²⁹ *Usig*, a term in Filipino or the national language, means to pursue or investigate.

³⁰ http://hrw.org/english/docs/2006/09/29/philip14283_txt.htm.

³¹ cf. Habakkuk 2:11

³² McCoy, Alfred W., *Dark Legacy: Human Rights under the Marcos Regime*, Paper presented at the “Conference on Memory, Truth-Telling and the Pursuit of Justice. The Legacies of the Marcos Dictatorship” held on 20-22 September 1999, Ateneo de Manila University, Quezon City, Metro Manila, Philippines.

³³ Task Force Detainees of the Philippines.

³⁴ <http://www.hartford-hwp.com/archives/54a/039.html>. last accessed: January 19, 2007

³⁵ Ibon Birdtalk Yearend Economic and Political Briefing 2000 and 2001

³⁶ Following an aborted impeachment, Estrada was also ousted by a second people power uprising in February 2001 over charges of plunder, graft and corruption.

³⁷ A total of 125 journalists have been killed in the Philippines since 1972. Suspected killers included military men, police officers, and goons hired by powerful politicians. Based on Philippine Graphic Magazine, September 15, 2003, Bobby Tuazon, “Number of media killings rises.”

³⁸ Karapatan, *State Terror and Martial Rule: Report on the Human Rights Situation 2006*, Appendix B

³⁹ Karapatan Official Tally as of December 31, 2006.

⁴⁰ KAWAGIB, a Maguindanaoan term for human rights, is an organization advocating for Moro (or Muslim) human rights and contributes paralegal services for Moro victims of human rights violations in Mindanao. It was founded as a result of the military operations in Muslim communities and in towns where there have

been intensive military operations, often with the support of U.S. special forces, reportedly against the Abu Sayyaf Group (ASG), widely believed to be a holdup-for-ransom syndicate but which both Philippine and U.S. authorities describe as terrorist with alleged links to Al Qaida.

⁴¹ Data taken from the Moro-Christian People’s Alliance (MCPA), “Mindanao in the Grip of Terror: A Report on the Bangsamoro Human Rights Situation Under the Macapagal-Arroyo Regime 2001-2005,” pp. 1-2.

⁴² Karapatan, State Terror and Martial Rule: Report on the Human Rights Situation 2006, p. 3.

⁴³ Karapatan, Philippine Government’s Inaction on Human Rights: Promotion or Infraction?, Report Submitted to the 88th Session of the United Nations Human Rights Committee, Geneva, Switzerland, 26 September 2006, p. 12.

⁴⁴ Karapatan, State Terror and Martial Rule: Report on the Human Rights Situation 2006.

⁴⁵ Asian Human Rights Commission, Philippines: The Human Rights Situation 2006, p. 4.

⁴⁶ Amnesty International, Philippines: Political Killings, Human Rights and the Peace Process, August 2006, p. 2.

⁴⁷ Promotion of Church People’s Response Documentation Committee and Karapatan Documentation Desk, as of February 18, 2007.

⁴⁸ In its statement “When Prophets are Silenced” released last October 9, 2006 and signed by the Most Rev. Godofredo David, the current Supreme Bishop, the IFI expressed its concern that the PNP made a hasty conclusion regarding the case. It called for the creation of an independent multi-sectoral investigating body to probe into the human rights violations including the case of Bishop Ramento.

⁴⁹ On October 3, 2006, the NCCP released a statement on the killing of Bishop Ramento. The NCCP stated that “the chilling events of surveillance and death threats that hounded the good bishop even before his death seem to be reflective of the pattern of killings that attend vocal critics of the state” and as such called for “a thorough and independent investigation on the instances of his death”.

⁵⁰ A strike by the HLI’s thousands of sugar farm and mill workers on November 16, 2004 led to the massacre of seven strikers. The massacre was blamed on police and military men who fired at the workers on strike.

⁵¹ Cited by Georges Lemopoulos, Acting General Secretary of WCC in “Letter to WCC member churches in the Philippines and to the National Council of Churches,” October 10, 2006, Geneva.

⁵² Excerpts from the translation of Alberto Ramento II’s sworn statement. Succeeding citations of translated affidavits and original affidavits are on file with the National Council of Churches in the Philippines (NCCP).

⁵³ Excerpts from the translation of the sworn statement of Alberto Ramento III.

⁵⁴ IBON Foundation Inc. (2006). Stop The Killings in the Philippines, p. 15.

⁵⁵ This was an excerpt from the testimony given by Mrs. Doyette Capulong. As a response to the human rights situation in the country, the UCCP called for the holding of a Human Rights and Peace Summit. The said summit was co-sponsored by the NCCP, the Ecumenical Bishops’ Forum and the Benedictines for Peace on July 21, 2006 at St. Cecilia’s Hall, St. Scholastica’s College, Manila. Several victims and their families gave testimonies during the summit.

⁵⁶ Philippine Daily Inquirer, “This is not the way of democracy,” May 29, 2006. p. A17.

⁵⁷ Promotion of Church People’s Response Documentation Team

⁵⁸ Excerpts from the translation of the sworn statement of Fenio Caceres Sr.

⁵⁹ http://www.philstar.com/philstar/show_content.asp?article=296146. January 22, 2007

⁶⁰ From the joint affidavit of Police Senior Inspector Antonio Alvis Reyes, SPO3 Henry A. Eleccion and PO3 Marcelo S. Martinez Jr.

⁶¹ A team of United Methodists coming from the three episcopal areas of the Philippines Central Conference of The United Methodist Church (Manila, Davao and Baguio) conducted a Fact Finding Mission (FFM) on August 15-16, 2006 at the site of the incident in Malobago, Daraga, Albay. The results of the FFM was later presented to the media.

⁶² Excerpts from the translated sworn statement of Jonathan Sta. Rosa.

⁶³ Initial Investigation Report of Commission on Human Rights Region V on the Killing of Isaias Sta. Rosa. p.2.

⁶⁴ Excerpts from the translated sworn statement of Blacio Binlingan.

⁶⁵ Excerpts from the translation of Ruel Marcial’s sworn statement.

⁶⁶ The Report, *A Search for Truth, Justice and Peace: Our Continuing Journey with the People*, was the result of the United Methodist Church-Manila Episcopal Area’s Fact Finding and Mercy Mission in Barangay Conversion, Pantabangan, Nueva Ecija, held last November 8-10, 2006.

⁶⁷ Excerpts from the translation of Pastor Eduardo Navalta’s sworn statement.

⁶⁸ Karapatan Documentation Team, as of December 31, 2006

⁶⁹ The details of the murders of Eden Marcellana and Eddie Gumanoy can be found in the book “*Terror In Mindoro*”, published by the Campaign Committee: Justice for Ka Eden and Ka Eddie in cooperation with the Ecumenical Consortium for Just Peace.

⁷⁰ Karapatan filed a complaint on the case of Marcellana to the United Nations Human Rights Committee last March 9, 2006.

⁷¹ Excerpts from the translation of Virgilio Catoy’s sworn statement.

⁷² <http://www.bulatlat.com/news/4-4/4-4-hero.html>. Last accessed: January 19, 2007

⁷³ Bulatlat.com. “*Philippines Among most Dangerous for Lawyers, Seven Lawyers Slain in RP This Year. December 17-23, 2006.*” This was the statement made by Atty. Neri Javier Colmenares, CODAL Spokesman, in the wake of the killing of human rights lawyer Gil Gojol and his driver Danilo France in Gubat, Sorsogon last December 12, 2006. According to Colmenares, the victim has been in the “order of battle” of the AFP due to his militant advocacy for human rights. Gojol’s murder was also condemned by the International Association of People’s Lawyers (IAPL).

⁷⁴ Dutch Lawyers for Lawyers Foundation. *From Facts to Action: Report on the Attacks Against Filipino Lawyers and Judges*, July 24, 2006. The report was based on an International Fact-finding Mission in cooperation with the Counsels for the Defense of Liberties (CODAL). The report also stated that many people believe that the state security forces are involved in the killings. The group noted that the Arroyo administration has hardly done anything to address the extrajudicial killings effectively. In particular, the government has neither responded seriously to strong allegations that its own security forces are involved in the killings nor has it taken effective measures to improve the poor record of prosecutions of the perpetrators.

⁷⁵ Excerpts from the testimony given by Mrs. Amelia Dacut at the Human Rights and Peace Summit.

⁷⁶ Karapatan 2005 Human Rights Report.

⁷⁷ Center for Trade Union and Human Rights (CTUHR). “*Trade Unions Under Siege: Ulat hinggil sa kalagayan ng karapatang pantao at Pang-manggawa sa taong 2006 (Report on the Human Rights Situation and of Workers for the year 2006)*”. February 7, 2007. p. 6

⁷⁸ IBON Foundation Inc. (2006). *Stop The Killings in the Philippines*, pp. 24-25.

⁷⁹ Excerpts from the translation of Pastor Gabriel S. Sanchez’ sworn statement.

⁸⁰ <http://www.e-alliance.ch/media/media-6027.pdf>.

⁸¹ Excerpts from the Sworn Affidavit of Gerry Cuñado.

⁸² Gabriela, *Data on Human Rights Violations Involving Women Under GMA regime*.

⁸³ Karapatan Urgent Action Alert, July 13, 2006.

⁸⁴ Details of Oscar Leuterio’s testimony were written by Patricia Evangelista in her column for the *Philippine Daily Inquirer*. It was published on November 19, 2006 at page A13.

⁸⁵ Excerpts from the translation of Oscar Leuterio’s sworn statement.

⁸⁶ Excerpts from the personal account of Angelina Bisuña-Ipong, Appendix 10 of the Karapatan 2005 Human Rights Report.

⁸⁷ Indigenous Peoples Human Rights Watch-Philippines, *The Situation of Human Rights & Fundamental Freedoms of the Indigenous People in the Philippines: Highlight Cases from January 2003-June 2006*.

⁸⁸ Keynote address to the National Workshop of Indigenous Peoples on Human Rights, February 2004, Quezon City, Philippines as cited by Indigenous Peoples Human Rights Watch-Philippines, *The Situation of Human Rights & Fundamental Freedoms of the Indigenous People in the Philippines: Highlight Cases from January 2003-June 2006*. June 2006. p. 6.

⁸⁹ Indigenous Peoples Human Rights Watch-Philippines.

⁹⁰ The Indigenous Peoples Human Rights Watch-Philippines presented a “*Briefing Paper on the Killings Against Indigenous People’s in the Philippines*” to the 2nd Session of the United Nations Human Rights Council, Geneva, Switzerland, last September 18-22, 2006. They cited several cases of extra-judicial killings in the said paper.

⁹¹ Excerpts from the paper presented by Dr. Constancio Claver to the “National Consultation with the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples” at SEAMEO INNOTECH International House, Diliman, Quezon City, February 2-3, 2007.

⁹² Philippine Star, October 10, 2006, p. 8. According to Chief Superintendent Samuel Pagdilao, PNP Spokesman, “Officially, we are done with our investigation on the case. We have identified and arrested four of the five suspects and charges against them were filed...” Despite appeals for an independent probe, the Philippine National Police (PNP) declared the case solved after arresting four of five suspects who, the police said, were “petty criminals.”

⁹³ “Oplan Bantay Laya, A Primer”, by the Ecumenical Movement for Justice and Peace. <http://stopthekillings.org/?q=node/>. Last Accessed: November 19, 2006

⁹⁴ Previous governments had their internal security operations – Oplan Balangai, Oplan Lambat Bitag, and Oplan Makabayan. In the December 7, 2006 issue of the Philippine Daily Inquirer, the Chief of Staff announced that Oplan Kaunlaran shall take over Oplan Bantay Laya. The military pronouncement later said it will be called Oplan Bantay Laya II. The medium term objectives of OBL seek to a) preempt the ASG (Abu Sayyaf Group) resurgence by maintaining AFP presence; b) reduce local communist movement affected areas; manpower and firearms and dismantle its politico-military structures; and, c) degrade the military capability of the Southern Philippines Secessionist Groups.

⁹⁵ The Medium Term Objectives are: a) to preempt the resurgence of the Abu Sayyaf Group [later the NPA and other “terrorist groups”] by maintaining Armed Forces of the Philippines presence; b) to reduce the local communist movement, manpower, firearms and dismantle its politico-military structures; and c) to degrade the military capability of the Southern Philippines Secessionist Groups (SPSG). The long-term objectives include among others: a) to prevent the resurgence of the Abu Sayyaf Group; b) Resolve the local communist threat; and, c) to compel the SPSGs to renounce their separatist objectives.

⁹⁶ Military’s ‘Knowing the Enemy’ CD shown to media. http://news.inq7.net/nation/index.php?index=1&story_id=32965

⁹⁷ Among these are the legislative party-list groups such as Bayan Muna (BM or people first), Kilusang Mayo Uno (KMU or May 1st Movement); Kilusang Magbubukid ng Pilipinas (KMP or Peasant Movement of the Philippines); COURAGE, a federation of unions of government employees, PISTON, a federation of transport drivers and operators; KADAMAY, a federation of urban poor associations; as well as organizations of youth and students, teachers, women, health workers, lawyers, journalists, scientists and technologists, church people as “sectoral front organizations.”

⁹⁸ In OBL’s second year, the military identified the following as focus of operations, namely, Ilocos-Cordillera, Central Luzon, Southern Tagalog, Bicol, Bohol in Central Visayas, Caraga, Compostela Valley in Southern Mindanao. These areas have since been the venue for the extrajudicial killings as well as the massive violation of human rights. See also the banner story of the Philippine Daily Inquirer on June 18, 2006, where the OBL was described as the “fourth counter-insurgency master plan adopted by the government in 25 years.”

⁹⁹ See banner story of the Philippine Daily Inquirer (PDI) June 17, 2006. In the same story, Presidential Chief of Staff Mike Defensor identified the “critical areas” as Quezon Province, Southern Tagalog and Northern Luzon. In the same report, President Arroyo tasked defense officials to coordinate with the Department of Budget and Management “on selected hardware and funding aside from the 5 billion” annually for the military’s modernization program.

¹⁰⁰ Philippine Daily Inquirer, “GMA orders reds crushed in 2 years”. June 17, 2006.

¹⁰¹ Rivera, Blanche, “Barangays tapped to fight vs. terror” Philippine Daily Inquirer, October 23, 2006.

¹⁰² Elmer Ordonez, The Logic of State Repression, Stop the Killings in the Philippines, IBON Foundation, Inc., Quezon City. <http://www.ibon.org>.

¹⁰³ <http://www.gov.ph/sona/sonatext2006.asp>. December 28, 2006.

¹⁰⁴ She said: “. . . Sa mga lalawigan sakop ng 7th Division, nakikibaka sa kalaban si Jovito Palparan. Hindi siya aatras hanggang makawala sa gabi ng kilabot ang mga pamayanan at maka-ahon sa buka’ng-liwayway ng hustisya at kalayaan.” (In the provinces under the 7th Division, Jovito Palparan is waging war on (our) enemies. He will not retreat until he banishes into the night the terror in the villages and lift them up into the dawn of justice and freedom.) The July 2, 2006 issue of the Philippine Daily Inquirer featured an interview of General Palparan who joined the Army in 1974. The report said he was a member of the 24th Infantry Battalion. That battalion was described by a retired Army General as a “virtual killing machine; we

had to caution them to slow down.” For his part, Palparan said, “conscience is the least” of his concerns. On the accusations against him, he said “(The killings are) being attributed to me, but I did not kill them. I just inspired (the triggermen)... We are not admitting responsibility here, what I’m saying is that these are necessary incidents.” He denied any innocent victims as he claimed “these people are suspected of having done wrong in the community” and implied that villagers were playing “footsie” with the military. He said he does not have “hang-ups” on the charges of human rights abuses leveled against him. “We are fighting a movement that is violent,” he said in the same interview.

¹⁰⁵ Orejas, Tonette. “Palparan’s trail: 136 cases in 11 months”, *Philippine Daily Inquirer*, September 2, 2006.

¹⁰⁶ Pazzibugan, Dona. “AFP ‘07 target: Crush 24 of 52 Red guerrilla fronts.” *Philippine Daily Inquirer*, January 7, 2007.

¹⁰⁷ <http://www.news.ops.gov.ph/sona3005.htm> December 28, 2006.

¹⁰⁸ <http://www.congress.gov.ph/press/details.php?pressid=1062>. December 28, 2006.

¹⁰⁹ “Philippines: ICJ calls on Senate to amend counter-terrorism bill,” *International Commission of Jurists*, November 6, 2006.

¹¹⁰ Letter sent by Andrew Whitmore on behalf of CHRP sent to members of the Philippine Senate.

¹¹¹ Bayan, a national patriotic organization, several of whose members have also become victims of politically-motivated crimes, echoes similar sentiments. For further details of the February 13, 2007 rejoinder of BAYAN to Senate Bill 3127, visit <http://www.bayan.ph/pr/07/nrfeb13-07-The%20Anti-Terrorism%20Bill.htm>.

¹¹² Despite the ruling of the Supreme Court, President Arroyo and her allies in Congress still want to push on with the Charter Change, also known as Cha-Cha. The Arroyo Administration openly supported the so-called People’s Initiative for Charter Change. The Supreme Court ruled the latter unconstitutional.

¹¹³ <http://www.news.ops.gov.ph/archives2005/sep21.htm>. December 28, 2006.

¹¹⁴ For the full text of the Proclamation, visit <http://www.ops.gov.ph/records/procno1017.htm>.

¹¹⁵ For a full text of the Supreme Court decision, visit <http://supremecourt.gov.ph/DECISION%20EO%20464&20Final.htm>.

¹¹⁶ Chief Justice Artemio Panganiban said President Arroyo’s PD 1017 proclamation “has nuclear teeth that must indeed be defanged.” He added: “Some of those who drafted Proclamation 1017 may be testing the outer limits of presidential prerogatives and the perseverance of this court in safeguarding the people’s constitutionally enshrined liberty . . . They are playing with fire, and unless prudently restrained, they may one day wittingly or unwittingly burn down the country.” <http://www.sunstar.com.ph/static/ceb/2006/05/04/news/sc.rules.1017.constitutional.html>.

¹¹⁷ As estimated by Filipino historians Teodoro Agoncillo and Renato Constantino; but other accounts estimate the total number of deaths from 500,000 to more than one million. Historian Luzviminda Francisco estimates that at least 600,000 Filipinos died during the war. American anti-imperialist Mark Twain claims that Filipino casualties were close to one million or the equivalent of 1/6 of the country’s total population at the turn of the century.

¹¹⁸ The MBA of 1947 allowed the United States to extend the operations of its military bases, installations and camps in 23 locations in the Philippines. Talks were held in 1990-1991 between the two governments regarding the renewal of the bases’ stay but the proposed treaty was rejected by the Philippine Senate. Soon, secret talks were held regarding an Acquisition and Cross-Servicing Agreement (ACSA) but a leakage sparked yet another anti-bases movement leading to the proposed executive agreement’s being scrapped in 1995. Three years later, a bilateral agreement – the Visiting Forces Agreement (VFA) – was signed between the two governments and was ratified by the Philippine Senate in 1999.

¹¹⁹ Gloria Macapaga-Arroyo, daughter of the late President Diosdado Macapagal, is also the Philippines’ 10th President under the Third Republic founded after the country’s granting of independence by the United States on July 4, 1946. Under the 1987 Constitution, the President, who is elected by a direct national vote, shall serve a full one-year term of six years with no reelection. Arroyo, then the Vice President, became President after a second people power uprising, dubbed EDSA Dos, toppled President Joseph E. Estrada on January 20, 2001 over allegations of corruption, plunder and human rights violations.

¹²⁰ Fraud: Gloria M. Arroyo and the May 2004 Elections (2006). Bobby Tuazon (ed.) Quezon City, Philippines: Center for People Empowerment and Governance (CenPEG). The CCTA was led by a 15-member Presidium chaired by Guingona. Lawyer-presenters were led by former UN Judge ad Litem Romeo T. Capulong and House Representatives Francis Escudero and Allan Peter Cayetano, with the assistance of

the Counsels for the Defense of Liberties (CODAL), the Alternative Law Group (ALG), Public Interest Law Center (PILC), and several private firms.

¹²¹ Other reports said that President Arroyo had in fact contemplated on declaring martial law at the time.

¹²² Charter change (“cha-cha”), advocated by reigning Presidents since 1996, has been stopped several times by public opposition who saw the move as a self-serving political mechanism and to dismantle remaining constitutional provisions that protect the country’s economy from full foreign control. It was hatched by President Arroyo and close political allies, including former President Fidel V. Ramos and House Speaker Jose de Venecia where pro-administration allies in Congress will block impeachment proceedings in exchange for President Arroyo’s pledge to support, with the use of state resources, the move for charter change. The ploy was called off following declarations by several interfaith groups led by the Catholic Bishops Conference of the Philippines (CBCP), the NCCP and others announcing plans to spearhead rallies against charter change. See, for instance, Issue Analysis No. 27, “After the con-ass debacle, the elections,” December 18, 2006. Policy Study, Publication and Advocacy, Center for People Empowerment in Governance (CenPEG).

¹²³ Transparency International, in its 2006 Corruption Perceptions Index (CPI), said the Philippines joined other countries whose ranking fell in the list of 163 countries, dropping to 121 from 117 in 2005. TI also ranked the Philippines as the third most corrupt country in the ASEAN region next to Myanmar and Indonesia. There have been similar ratings on Philippine corruption by the World Bank, Asian Development Bank, and other international institutions and risk analysis groups. See “Is the Philippine judicial system effective in fighting corruption?” (December 8, 2006) A policy report by Transparency International-Philippines and Center for People Empowerment in Governance (CenPEG). Quezon City, Philippines: CenPEG.

¹²⁴ Ermita served as a colonel during the Marcos dictatorship.

¹²⁵ See Issue Analysis, “Loyalty to the commander-in-chief, above all else,” November 14, 2006, Policy Study, Publication and Advocacy, Center for People Empowerment in Governance (CenPEG), Quezon City, Philippines.

¹²⁶ Rosario Bella Guzman, “The survival of the Arroyo regime: Why growth hype won’t do the trick” (July 13, 2006). Bird Talk Economic and Political Briefing. Quezon City, Philippines: Ibon Foundation, Inc.

¹²⁷ Sonny Africa, “The hype and reality of the economy in 2006” (January 15, 2007) Birdtalk: Economic and Political Briefing. UP Diliman, Quezon City: Ibon Foundation, Inc.

¹²⁸ Remittances by the country’s some 9 million overseas Filipino workers (OFWs), who sent back some US\$10.3 billion in the first 10 months of 2006, have consistently registered the highest net factor income from abroad comprising 8 percent of GNP and more than 90 percent of the receipts in current transfers reflected in the balance of payments (BoP).

¹²⁹ The Arroyo government is also the biggest borrower in Philippine history with annual net borrowing rising from P175 billion in 2001 to P219.4 billion in 2005. Total foreign debt by the end of 2005 stood at \$54.2 billion, with government accounting for 67 percent. Total outstanding debt of the national government (total foreign and local debt including loan and interest payments and other charges) reached P3.914 trillion by October 2006. It earmarks the biggest allocation to debt servicing (interest payments only), automatically capturing 26 percent of the 2006 budget.

¹³⁰ Senate Economic Planning Office, “Economic report” (December 2006) <http://www.senate.gov.ph/>. Last accessed February 11, 2007.

¹³¹ Senate Economic Planning Office, “Economic report” (December 2006) <http://www.senate.gov.ph/> Last accessed February 11, 2007.

¹³² Among the agreements are: The Hague Joint Declaration (September 1, 1992); Breukelen Joint Statement (June 14, 1994); Joint Agreement on Safety and Immunity Guarantees (February 24, 1995); Joint Agreement on the Ground Rules of the Formal Meetings between the GRP and the NDFP Negotiating Panels (February 26, 1995); and Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committees (RWCs, June 26, 1995). Signed in 1998, CARHRIHL is the first comprehensive agreement in the substantive agenda of the peace negotiations between the GRP and the NDFP.

¹³³ The MLSA covers the basic elements of an operational base that includes supplies (food, oil and ammunition), support services (billeting, transportation, medical services, operations support and construction, training services, repair and maintenance, storage and port services), and open access to all

ports and military facilities nationwide. The Non-Surrender Agreement (or bilateral immunity agreement) signed on May 13, 2003 was an exchange of notes between U.S. Ambassador to Manila Francis Ricciardone and then Philippine Foreign Affairs Secretary Blas Ople. Under the agreement, the Philippine government is under obligation not to surrender U.S. military or civilian personnel who are charged with committing crimes in the Philippines to the International Criminal Court (ICC) or any other international tribunal unless it is established by the UN Security Council and without the consent of the U.S. government.

¹³⁴ U.S. Marine Lance Cpl. Daniel Smith, 21, was convicted by a Philippine court in November 2006 to a 40-year imprisonment for raping a 22-year-old Filipina identified by the court only as “Nicole,” in November 2005 inside the former U.S. naval base of Subic Bay in Olongapo City, north of Manila. Three other U.S. Marines were cleared. Against protests, the Philippine and U.S. governments agreed that Smith be taken under the custody of the U.S. Embassy in Manila pending an appeal.

¹³⁵ Under Marcos, military murder was the apex of a pyramid of terror – 3,257 killed (extra-judicial killings), 35,000 tortured, and 70,000 incarcerated. About 737 Filipinos disappeared between 1975-1985; but nearly four times that number, some 2,520 or 77 percent of all victims, were “salvaged” – that is, tortured, mutilated, and dumped on a roadside for public display. (Alfred McCoy, “Dark legacy: Human rights under the Marcos regime,” University of Wisconsin-Madison. Aug. 29, 2001; paper presented at the “Conference on Memory, Truth-Telling and the Pursuit of Justice: The Legacies of the Marcos Dictatorship,” September 20-22, 1999, Ateneo de Manila University, Quezon City, Philippines.

¹³⁶ A second civilian uprising, People Power II in January 2001, led to the ouster of President Joseph E. Estrada over allegations of plunder, graft and corruption.

¹³⁷ Statement on “Extra-judicial killings in the Philippines” (September 5, 2006) WCC, Geneva.

¹³⁸ Except for a few liberal-minded elements, the government formed by Mrs. Aquino in 1986 included a considerable number of powerful officials who had served under Marcos.

¹³⁹ McCoy, “Dark legacy: Human rights under the Marcos regime.”

¹⁴⁰ While some Marcos repressive decrees were repealed by President Aquino others were retained (such as PD 1866 which is often charged against Leftist activists for “illegal possession of firearms” and general orders on military and police checkpoints) while new repressive decrees were issued by her, including EO 272 that extends the period required to bring arrested persons to court and EO 264 creating the Citizens Armed Force Geographical Units, a paramilitary unit banned by the 1987 Constitution. Aquino’s “total war” campaign against the NPA guerrillas and legal activists resulted in: 1,064 victims of extra-judicial killings; 836 victims of enforced disappearances; 20,523 persons arrested; 796 victims in 184 massacre incidents; and 237,508 families (or more than 1.2 million persons) displaced by military operations. There were also 100,000 children who were killed, wounded or abused. Bobby Tuazon (ed.), *Pumipiglas: Torment and Struggle after Marcos* (A report on human rights trends in the Philippines under Aquino, March 1986-June 1992), 1993. Quezon City, Philippines: Task Force Detainees of the Philippines.

¹⁴¹ Dr. Purificacion C. Valera Quisumbing, “CHR: ‘Culture of impunity’ threatens democracy,” December 10, 2006, *The Sunday Times*. Similarly, in a pastoral letter issued after a fact-finding mission in the Philippines on June 23, 2006, the National Christian Council of Japan (NCCJ) cited government’s counter-insurgency or Operation Bantay Laya (OBL) in particular, as “replacing the rule of law and structurally creating a climate of impunity.” NCCJ has also sent several letters of concern to President Arroyo.

¹⁴² “Philippines: Political killings, human rights and the peace process” (2006) Amnesty International. London. AI further says, “The vast majority of soldiers, paramilitaries and police responsible for endemic human rights violations during the Marcos years have never been prosecuted and most of their victims have received neither justice nor redress. Although President Marcos’ successor, President Corazon Aquino (1986-1992), promulgated a new Constitution, restored democratic institutions and instituted mechanisms for the protection of human rights, an entrenched public belief that a climate of impunity protected security forces personnel responsible for past and continuing patterns of grave human violations remained intact. President Aquino’s administration...considered it necessary to maintain the support of loyal military leaders. To this end, there was no government pressure for systematic investigation and prosecution of security personnel accused of perpetrating human violations under martial law and in the context of past and renewed counter-insurgency operations.

¹⁴³ Quisumbing, Purificacion C.V. “Culture of impunity’ threatens democracy,” *The Sunday Times*, December 10, 2006.

¹⁴⁴ WCC, “Together on the way: A statement on human rights,” Clement John, Executive Secretary for Human Rights in Unit 3 (Justice, Peace and Creation).

¹⁴⁵ Some of these are Maj. Gen. Jovito Palparan, tagged as the “Butcher” of activists, who was promoted several times by President Arroyo and was about to be appointed to the National Security Council (NSC) upon his retirement. Another, Lt. Gen. Pedro Abuay was appointed deputy for counter-insurgency of the National Security Council (NSC). Cabuay’s last assignment was as commander of the Southern Luzon Command (Solcom) accused for alleged extrajudicial killings and enforced disappearances.

¹⁴⁶ “Philippines: Country Reports on Human Rights Practices 2005. Released by the Bureau of Democracy, Human Rights, and Labor March 8, 2006 / U.S. State Department.

¹⁴⁷ Philippine Daily Inquirer, “CHR says Army blocking probe of Left killings,” Aug. 27, 2006.

¹⁴⁸ No significant prosecution could be expected from the DoJ given the apparent bias shown by the justice secretary, Raul Gonzalez, himself who has issued his own assessment of the cases: They are part of “collateral damage.”

¹⁴⁹ Gonzalez on the war against insurgency: “You can’t avoid collateral damage... Sometimes there are bombings, and civilians might get hurt.” Sunday Inquirer Magazine, December 31, 2006, p. 9.

¹⁵⁰ Republic Act (RA) 6981 or the Witness Protection, Security and Benefit Act.

¹⁵¹ Human Rights Watch, “Philippines” Climate of fear impedes probe into killings,” New York, Sept. 28, 2006. http://hrw.org/english/docs/2006/09/29/philip14283_txt.htm Last accessed November 30, 2006.

¹⁵² Since its inception, the commission has been met by widespread skepticism not only from families of victims and human rights groups but also sections of the media as well as a number of international institutions. Its independence and neutrality has been questioned because it is headed by a retired Supreme Court Justice, Jose A. R. Melo, who is believed to be a close friend of the Macapagal-Arroyo family. Its three other members are also close to the presidential office: Chief State Prosecutor Jovencio Zuno and Nestor Mataring, Director of the National Bureau of Investigation, are from the Department of Justice (DoJ) The other member, Nelia Teodoro-Gonzales, is a presidential protégé serving as a Regent of the University of the Philippines. Aside from its lack of power to prosecute alleged perpetrators of gross and systematic human rights violations, the commission’s task is limited to finding the “root causes” of the killings – and “not in identifying the culprits” – as well as recommending appropriate “prosecution and legislative proposals.” The commission has also relied mainly on reports submitted by the PNP’s Task Force Usig and AFP authorities. Furthermore, the Melo Commission appears to be duplicating the functions of the CHR, a fact resented by CHR Commissioner Quisumbing. An independent constitutional body, the present CHR has apparently been doing some investigations albeit hamstrung by institutional obstacles in investigating cases of extra-judicial killings and other human rights violations but it simply lacks the resources and powers to prosecute identified perpetrators. It has put to task government investigators and the DoJ for their failure to perform their tasks with regard the spate of political murders. The CHR was formed after the fall of the Marcos dictatorship to ensure that state authorities uphold human rights and international humanitarian law but it is indeed alarming that it has not been given teeth and support that would enable it to perform its mission effectively.

¹⁵³ President Arroyo’s 6-point directives included, for: the Department of National Defense (DND) and the Armed Forces of the Philippines (AFP) to come up with an updated document on command responsibility; the Department of Justice (DoJ) and DND to coordinate with the Commission on Human Rights (CHR) to constitute a Joint Fact-Finding body to delve deeper into the alleged involvement of military personnel in unexplained killings, file the corresponding charges against, and prosecute the culpable parties; the DoJ to broaden and enhance the Witness Protection Program (WPP) to cover all witnesses to unexplained killings of an ideological/political nature; the Chief Presidential Legal Counsel to draft a letter to the Supreme Court (SC) seeking the creation of Special Courts for the trial of charges involving unexplained killings of a political/ideological nature; and the Department of Foreign Affairs (DFA) to submit a formal proposal to the European Union (EU), Spain, Finland, and Sweden to send investigators to assist the Commission.

¹⁵⁴ The culture of impunity, including state and non-state actors, is so rife that victims have already lost faith in the government’s criminal justice system. There is extreme fear amongst the victims that exacerbates the deep-rooted culture of silence and unwillingness to fight back, in the country. Those victims who dare to fight back or even to encourage and serve others to assert their own rights are subjected to torture, death threats, disappearance or extra-judicial execution... Both the civilian government and the security forces are either indirectly or directly complicit in the human rights crisis in the country, without fear of being prosecuted.” So critical has been the failure of the criminal justice system that it does

not function to prosecute members of the police, the military and militiamen allegedly involved in cases of human rights violations. The inefficiency of the core elements of the criminal justice system – police investigation, prosecution system and the judicial system - prevents victims from getting justice and redress and perpetuates a culture of impunity. “The existing systems are defective and inefficient,” the AHRC notes further, “and the absence of enabling laws to prosecute perpetrators of human rights violations - in particular concerning torture and disappearance - have reinforced the culture of impunity concerning even the worst forms of abuse. The government has so far attempted to suppress international criticism of its bleak human rights records with pretences, half-truths, and downright deceit, instead of attempting to resolve the problems that its people face.” “Philippines: The human rights situation in 2006” (Dec. 21, 2006). Hong Kong: Asian Human Rights Commission. See also similar findings by Amnesty International, in its 2006 report on the Philippines; Human Rights Watch, “Philippines: Climate of fear impedes probe into killings” (Sept. 28, 2006). New York; the U.S. State Department human rights report on the Philippines, 2005.

¹⁵⁵ Alexander Martin Remollino, “Philippines among most dangerous for lawyers,” *Bulatlat.com* (Dec. 17-23, 2006), quoting lawyer Neri Javier Colmenares, spokesperson of the Counsels for the Defense of Civil Liberties (CODAL).

¹⁵⁶ Held in the University of the Philippines, the forum was sponsored by the Center for People Empowerment in Governance (CenPEG) and attended by Amnesty International-Philippines, Karapatan, the National Union of Journalists of the Philippines, representatives of foreign embassies in Manila and surviving victims of heinous crimes as well as politically-motivated crimes and their kin.

¹⁵⁷ Magallona, Merlin M., *Fundamentals of public international law*. (2005) Philippines: C&E Publishing, Inc.

¹⁵⁸ The House of Representatives – lower chamber of Congress – is presently dominated by the ruling coalition of President Arroyo.

¹⁵⁹ Arroyo’s presidency has been wracked by political unrest characterized by street protests and coup threats ignited by widespread allegations of fraud in the last presidential election of May 2004, her ruling coalition’s move to revise the charter motivated by the desire to perpetuate power, the declaration of a state of national emergency, and so on.

¹⁶⁰ Concerns were raised by the Committee regarding cases of human rights abuses and “the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators.” The case of Eden Marcellana and Eddie Gumanoy were specifically mentioned. The labeling of victims as “enemies of the state” or “communists,” is a clear incitement to violence. This is prohibited under Article 17 and Article 20 of the ICCPR.

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SWORN TESTIMONIES:

In English:

- Cuñado, Gerry – Widower of slain women’s rights advocate Lizelda Estorba-Cunado.
- Reyes, Antonio Alvis, Eleccion, Henry, A. and Martinez, Marcelo, S. Jr. (Joint affidavit) – Police officers investigating the murder of Jose “Pepe” Manegdeg III.

Sworn affidavits translated to English by the Office of Communication and Research, National Council of Churches in the Philippines.

- Binlingan, Blacio – Father-in-law of slain Pastor Andy Pawican of the United Church of Christ in the Philippines (UCCP)
- Caceres, Fenio, Sr. – Witness to the shooting of Jose “Pepe” Manegdeg III.
- Catoy, Virgilio - a member of the human rights fact-finding team led by Eden Marcellana. He was the last person with Eden Marcellana and Eddie Gumanoy, before they were murdered.
- Marcial, Ruel - a member of Pastor Andy Pawican’s church, he was interrogated and tortured by the military who also forced him to admit that he was a member of the New People’s Army (NPA).
- Navalta, Eduardo – A Pastor of the United Methodist Church (UMC) in Barangay (village) Conversion, Pantabangan, Nueva Ecija, northeast of Manila. A couple who were members of his church was compelled to commit suicide after they were tortured for two days by the military.
- Leuterio, Oscar - A witness in the petition for habeas corpus in behalf of two missing students of the University of the Philippines that was filed before the Supreme Court (SC). He himself had been abducted by the military in another incident and was illegally detained and tortured.
- Ramento, Alberto, II – Eldest son of the Most Rev. Alberto B. Ramento, the slain former Supreme Bishop of the Iglesia Filipina Independiente.
- Ramento, Alberto, III – Second son of the Most Rev. Alberto B. Ramento.
- Sanchez, Gabriel, S. – Pastor of a local UCCP Church in Hacienda Luisita, Tarlac City, north of Manila. His son Juancho, a local leader of the Christian Youth Fellowship (CYF), was one of the victims of the Hacienda Luisita massacre on November 16, 2004.
- Sta. Rosa, Jonathan – Brother of slain UMC Pastor Isaias Sta. Rosa.

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