



KARAPATAN HUMAN RIGHTS REPORT

2008

KARAPATAN HUMAN RIGHTS REPORT

2008

Preface

Karapatan is releasing this 2008 report on the human rights situation in the Philippines as the world observes the 60th anniversary of the Universal Declaration of Human Rights (UDHR). This report principally features cases of violation of human rights, as recorded by Karapatan, from January to October 2008. It also includes a review of escalating attacks against human rights defenders since 2001 and our experience so far with the *writ of amparo*. It reveals that amidst our celebration of the global triumphs of our advocacy for human rights, social justice remains a work-in-progress in the Philippines.

UDHR serves as the international standard for the observance of human rights. Member states, like the Philippines, that are signatory to this document are expected to guarantee and promote the democratic rights of their citizens. However, the Philippine government, as represented now by the Gloria Macapagal-Arroyo administration, has time and again not lived up to the promise of respecting the dignity and fulfilling the human rights of Filipinos. Since its assumption to power in January 2001, this regime has been more interested in preserving its political and economic self-interest rather than the well-being of its people. Despite repeated claims to eradicating poverty and improving democracy, Filipinos have not been any better over the last eight years. Government

has instead unleashed the brutality of its armed forces against the very people whose lives it has sworn to protect.

Discontent, not surprisingly, has risen among Filipinos due to grinding poverty, corruption and ineffectiveness of government. Those who protest this appalling state of affairs are, however, unjustly branded as terrorists or enemies of the state. They are hunted down and silenced to preserve the interests of those in power.

Injustice and impunity are still the trademarks of the atrocious regime of Arroyo. The rights to life, liberty, and security of Filipinos as enshrined in the UDHR and our Constitution, remain a paper promise if state terror and abuse of power are not checked. Looking back at 60 years of the UDHR, as we enter the penultimate year of this government, we are challenged more than ever to persevere on our commitment and work to defend, promote, and advance the inherent dignity and inalienable human rights of the poor and marginalized majority as foundation for achieving freedom, justice, and peace.

Keeping Score: Recounting Seven Years of Terror

With numerous reports of scandals, corruption and fraud involving herself, family, and close aides, the ground beneath the Arroyo administration's feet has repeatedly been shaken by popular protests. Social surveys endlessly illustrate the extent of the Filipino people's dissatisfaction with the President. As early as 2002, the incumbent government has lost the moral ascendancy to rule.

After 9-11, Arroyo was the first to heed the US government's call on the "global war on terror". In this war, the word "terrorist" has been reinvented to include all those opposed to the US

...we are challenged more than ever to persevere in our commitment and work to defend, promote, and advance the inherent dignity and inalienable human rights of the poor and marginalized majority as foundation for achieving freedom, justice, and peace.

government and its imperial ambitions. By aligning the Philippines with Bush's war against terrorism, the Arroyo regime received strong military backing from the US through increased military aid, Balikatan, and other joint US-RP armed training and exercises.

Arroyo seized the emotional tide against terrorism to crush all critics of her administration and present a posture of stability through the rhetoric of a "strong republic". Apparently, this "strong republic" meant brazen attacks against individuals and organizations, including members of the press, which threatened her hold to power. By using the language of the war against terror, the Arroyo government labeled all opposition as either terrorists or destabilizers, and made them open targets in the violent drive to quash mounting popular dissent.

DISCLOSURE OF A MURDEROUS NATIONAL POLICY

In lieu of a formal declaration of martial law, Arroyo unleashed her own brand of state terrorism through the counter-insurgency program *Oplan Bantay Laya (Operational Plan Freedom Watch)* in 2002. Supposedly designed to decisively defeat the armed communist insurgency before her term ends in 2010, *Oplan Bantay Laya* was instead used to train the guns of the armed forces against leaders and organizers of the public opposition. The objective is to terrorize or instill fear on people belonging to or supporting certain activist organizations.

Oplan Bantay Laya was implemented first under the command of the Cabinet Oversight Committee on Internal Security (COCIS). In 2004, the National Security Council Cabinet Group (NSCCG) was formed through Administrative Order 104, which, in effect, dissolved COCIS. NSCCG, however, maintained the same function as COCIS: to coordinate the all-out war policy against state enemies of the Arroyo regime.

The NSCCG is headed by the National Security Adviser and includes secretaries of the departments of interior and local government, justice, national defense, and foreign affairs, as well as the advisers on the peace process, constituency affairs, and the Mindanao Economic Development Council.



Arroyo during the January 15, 2008, meeting of the National Security Council Cabinet Group held at the Aguinaldo State Dining Room, Malacañang. Also in photo are (L-R) Department of Agriculture Secretary Arthur Yap, Executive Secretary Eduardo Ermita, National Security Council Adviser Norberto Gonzales, and Department of Justice Secretary Raul Gonzalez. (source: <http://www.op.gov.ph>)

Oplan Bantay Laya is primarily aimed at liquidating representatives, community organizers and advocates of the leftist movement affiliated with the Bagong Alyansang Makabayan (BAYAN), party-list Bayan Muna, Kilusang Mayo Uno (KMU), Kilusang Magbubukid ng Pilipinas (KMP), etc. It also targeted duly-elected officials and church personalities identified with these organizations. Military documents obtained by Karapatan show that these legal democratic organizations are maligned and maliciously tagged as “sectoral front organizations” of the Communist Party of the Philippines (CPP), a group listed as a foreign terrorist organization by the US State Department.

Oplan Bantay Laya's strategy is no different from those of past counter-insurgency programs of the Armed Forces of the

Philippines (AFP). It is still aimed at clearing communities of the influence of the CPP and its armed group, the New People's Army (NPA). But given the AFP's weakness in waging an expansive and expensive head-to-head war with the armed communist movement, *Oplan Bantay Laya* primarily targets legally operating so-called communist front organizations instead.

By 2004, *Oplan Bantay Laya* intensified its operations through the consolidation of the *Target Research Concept* of the AFP. This concept directed all unified commands of the AFP to adopt a distinct system of intelligence work focused mainly on the "neutralization" of specific members of legal leftist organizations within specific deadlines. At the end of the *Target Research Concept* paper, it is stated that:

"Extreme caution, however, should be observed as the objects of this undertaking are mostly legal organizations duly recognized not only by the local community or public at large, but also, by the National Government itself."

The *Target Research Concept* undertaking involved the conduct of data gathering, mostly about the whereabouts, history and routines of political activists targeted for "neutralization" either through summary liquidation, enforced disappearance, or arrest and detention. Intelligence officers pass on the data to a tactical combat unit which then makes the "Order of Battle", a list of priority targets marked for execution. In almost all reported cases, the executions of targets were usually preceded by a military-instigated vilification campaign that branded the victims and their organizations as communist terrorists or enemies of the state.

OPEN SEASON FOR EXTRAJUDICIAL KILLINGS

The first seven years of the Arroyo administration brought, not only increased economic inequality and hunger, but death to many of its critics. Those identified as responsible for "destabilizing her

government” were silenced through the state’s armed and police forces. Under *Oplan Bantay Laya*, dreaded death squads—mostly masked motorcycle-riding men—have been organized and set loose, primarily in the provinces, to go after members of leftist organizations. In the course of these violent attacks that target mainly political activists and human rights defenders, however, ordinary citizens have also been victimized and have formed part of the broader circle of targets.

Year	EXTRAJUDICIAL KILLINGS		ENFORCED DISAPPEARANCES	
	Total Victims	Organized	Total Victims	Organized
2001	99	34	7	1
2002	118	44	9	3
2003	126	33	12	2
2004	83	41	25	10
2005	187	100	31	6
2006	220	109	80	25
2007	94	35	30	14
TOTAL	927	396	194	61

Number of victims of extrajudicial killings and enforced disappearances under the Arroyo government (Jan 21, 2001 – Dec 31, 2007)

2001-2003

When Arroyo became president through Edsa Dos, the AFP’s counter-insurgency program was still focused on the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ASG) through *Oplan Balangai*. Thus, operations against certain Moro communities provided the most number of reported extrajudicial killings (23 victims) during this period.

The introduction of *Oplan Bantay Laya* in 2002 shifted the focus of battle from the Moro insurgency and the Abu Sayyaf to the communist insurgency led by the CPP and NPA. *Oplan Bantay Laya*, with its first phase set to be concluded by 2006, signaled the start of extrajudicial killings nationwide.

By 2003, seven regions had been identified as priority areas of *Oplan Bantay Laya*, namely: Ilocos-Cordillera, Central Luzon, Southern Tagalog, Bicol, Bohol, CARAGA, and Compostela Valley. Of these areas, Region IV or the Southern Tagalog region, specifically the island of Mindoro, suffered the most number of attacks as it was regarded as the experimental area for *Oplan Bantay Laya*.

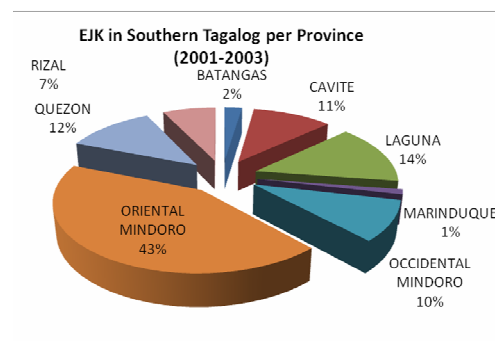
Then Col. Jovito Palparan Jr. was the commanding officer of Task Force Banahaw, which was based in Laguna in 2001, before he was deployed as commander of the 204th Infantry Brigade of the Philippine Army in Mindoro Island. Palparan earned the monicker “butcher of Mindoro” given the unprecedented number of deaths and atrocities that happened in the island during his watch.

Public outrage triggered by the killing of human rights defenders Eden Marcellana and Eddie Gumanoy during a fact-finding mission of Karapatan compelled the Arroyo regime to transfer Palparan from Mindoro to Iraq. However, many observed that this action was a virtual promotion rather than a reproof of Palparan since he headed the Philippine Peace Mission delegation in Iraq from 2003-2004.

The period ended with a total of 343 extrajudicial killings, in which 25% of victims came from Region IV. A total of 28 victims of enforced disappearances was also recorded, 36% of whom also came from the Southern Tagalog region.

2004-2005

During the first half of 2004, there was a total of 36 extrajudicial killings, most of which occurred during the campaign period of the elections. However, incidents of extrajudicial killings rose to 83 by the end of the year following the institutionalization of the *Target Research Concept* on October 2004. A total of 41 persons were



Status of extrajudicial killings in Region IV, by province (Jan 21, 2001 – Dec 31, 2003)

reportedly abducted during the same year, with 25 still considered missing.

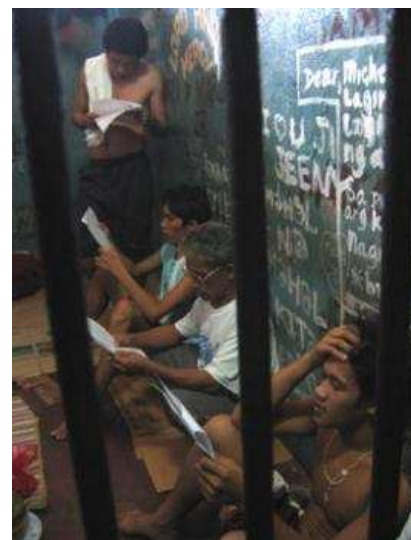
Arroyo faced her worst political crisis during the third quarter of 2005 as a result of the Hello Garci exposé or the election fraud. Public protests calling for her removal as president exploded into the streets after media reports showed how she and an election commissioner schemed to manipulate votes in Mindanao. To counter public dissent against Arroyo, military troops were deployed in a number of cities and provinces resulting in an atmosphere of de facto martial law. Curfews, checkpoints, and other restrictions on the movement of the civilian populace were also imposed.

Extrajudicial killings surged during the last quarter of 2005 after protests simmered down and the impeachment complaint against Arroyo was junked by Congress in September. Of the 187 extrajudicial killings recorded, 62% happened during the last three months of 2005. On the other hand, there were 57 persons reportedly abducted during the same year, with 31 now considered as disappeared.

This period was also marked by two peasant massacres, both of which occurred during the month of November. In 2004, seven striking farm workers of Hacienda Luisita, Tarlac, were killed during a brutal dispersal of their picketline. In 2005, nine farmers were killed when elements of the 19th Infantry Battalion of the Philippine Army spray-fired on a hut in Palo, Leyte. Those slain were then presented as NPA rebels or civilians killed in the crossfire.

2006

Considered as the deadline year for the first phase of *Oplan Bantay Laya*, 2006 witnessed an unprecedented number of political killings and disappearances. With an additional P1 billion



Farmers who survived the Palo massacre read their affidavits inside their cell. They were accused of being members of the NPA. After a year in detention, they were freed and acquitted of all charges. (source: <http://www.bulatlat.com>)

budget for counter-insurgency, extrajudicial killings averaged five per week, bringing the total to 220 by the end of the year. The number of victims of enforced disappearances was also at a record-high of 93. Among those abducted and disappeared were 11 consultants to the peace talks of the National Democratic Front (NDF).

The rise in the number of extrajudicial killings in 2006 alarmed the general public and the international community. Statements of concern were issued by several foreign governments, including the European Union, forcing the Arroyo government to take a defensive position vis-à-vis the grim human rights situation. Arroyo was compelled to denounce the political killings in her State of the Nation Address. However, in that same speech, she praised General Palparan for his instrumental role in her government's counter-insurgency program despite widespread allegations of Palparan's role in a number of the killings.



The Kansai Action Center for Philippine Human Rights during the observance of the 2007 Human Rights Day in Kyoto, Japan. (source: <http://www.arkibongbayan.org>)

Confronted by local groups, international organizations, and foreign governments with the measures she had undertaken to address the killings, Arroyo created Task Force Usig and the Melo Commission. However, these bodies did not gain the trust of the victims' families, who, from the beginning, had been denied of diligent investigation by concerned authorities.

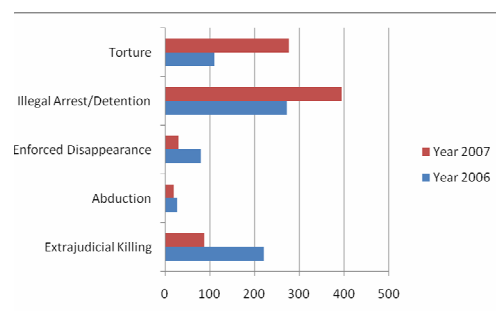
Task Force Usig, which was led by Avelino Razon Jr., former chief of the Philippine National Police (PNP) in the National Capital Region, ended up covering for the suspected perpetrators in the extrajudicial killings. The task force merely fabricated its own definition of "solved cases" and "unexplained killings". It also presented "victims" and "witnesses" that had been obviously coerced to point an accusing finger on the legal democratic organizations to which many of those killed belonged.

The year after, the Melo Commission completed its investigation and ironically implicated Palparan, Arroyo's favored general, in several cases of extrajudicial killings and disappearances.

2007

There was a notable reduction in politically motivated extrajudicial killings and enforced disappearances in 2007 following international condemnation of the country's human rights situation. Extrajudicial killings reported to Karapatan went down to 94 from a high of 220 the previous year. Enforced disappearances dropped to 30 victims from a high of 93 the previous year.

It appears that the decline in reported incidences of extrajudicial killings is a mere tactical ploy of the Arroyo regime to appease global public outrage. It was never the result of any genuine concern over the worsening human rights situation nor of any measure taken by government to arrest, prosecute, and convict those allegedly responsible for the atrocities.



Comparative number of human rights violations (2006, 2007)

UN Special Rapporteur Prof. Philip Alston, who indicated the probable culpability of the AFP on the killings, was more categorical in his observation, saying: “The decrease in number [of extrajudicial killings], while a cause to congratulate, is likewise a cause to condemn because it merely shows clearly who are behind the extrajudicial killings.”

Alston pointed to two policy initiatives that are critically responsible for why the killings continue: (1) the counter-insurgency strategy of the AFP which is focused on dismantling civil society groups; and (2) the perversion in the criminal justice system which is more focused on prosecuting civil society leaders rather than apprehending and imprisoning the killers.

MOCKING JUSTICE THRU THE “LEGAL OFFENSIVE”

To complement the slaying of targets under *Oplan Bantay Laya*, the Arroyo government has also manipulated the Philippine judicial system to take legal actions aimed at slandering and immobilizing the operations of legal democratic organizations.

On January 17, 2006, Arroyo issued Executive Order 493 creating the Inter-Agency Legal Action Group (IALAG) with an initial budget of P50 million. On paper, IALAG is tasked to investigate, prosecute, monitor, and handle litigation processes of cases involving national security. However, its unwritten primary objective is to organize the systematic filing of imagined criminal lawsuits against political activists suspected of being members or partisans of the CPP.

IALAG is headed by National Security Adviser Norberto Gonzales. It coordinates the functions of DOJ and the other departments whose secretaries compose the NSCCG. It includes representatives from the AFP, PNP, National Bureau of Investigation (NBI), National Intelligence Coordinating Agency (NICA), and National Security Council (NSC). It closely

IALAG is tasked to investigate, prosecute, monitor, and handle litigation processes of cases involving national security. However, its unwritten primary objective is to organize the systematic filing of imagined criminal lawsuits against political activists...

coordinates with the Intelligence Service of the AFP (ISAFP) and the PNP Criminal Investigation and Detection Group (PNP-CIDG). It meets at least once every other week and operates down to regional and provincial levels.

Numerous leaders, members and supporters of legal democratic organizations have become victims of IALAG's legal offensive against leftist groups. They are slapped with the most bizarre of criminal charges. They are arrested and detained in a manner that speaks volumes on how the police and armed forces show utter disregard for basic rights guaranteed by the Constitution.

Former Anakpawis Party-list Representative Crispin Beltran was the first celebrated victim of IALAG. He was arrested in February 2006 and illegally detained for a year and a half on the basis of a warrant issued in 1985 for a case that had long been dismissed by the courts. Also in 2006, all other duly elected party-list representatives of Anakpawis, Bayan Muna, and Gabriela were charged with fabricated allegations of rebellion, along with more than 50 political activists who were allegedly CPP members. In April 2006, poet and peasant rights advocate Axel Pinpin and four other colleagues (popularly known as the Tagaytay 5) were arrested by police and naval intelligence officers in Tagaytay City for allegedly plotting to oust Arroyo.

In the early morning of March 2007, policemen literally dragged Bayan Muna Party-list Representative Satur Ocampo out of jail to board a private plane that would have taken him to Leyte. Days earlier, Ocampo was put to jail on false charges that maliciously link him to murders that happened in Leyte 23 years ago. In May 2007, Pastor Berlin Guerrero of the United Church of Christ in the Philippines (UCCP) was abducted by naval intelligence officers while on his way home with his family. Like Ocampo, he, too, was "arrested" on made-up charges of murder that he allegedly committed in 1998.



Former labor leader Crispin "Ka Bel" Beltran during his release from detention in July 2007. (source: <http://www.gitnangluson.org>; photo by PokusGL)



A human rights worker from the Moro group Kawagib records violations of human rights in Cotabato City. (source: <http://www.arkibongbayan.org>)

THE ARROYO GOVERNMENT'S DIRTY WAR

French playwright Sebastien Roch Nicolas Chamfort once said:

“We leave unmolested those who set fire to the house, and prosecute those who sound the alarm.”

Chamfort's statement aptly describes the continuing attacks perpetrated against all human rights defenders, particularly the human rights workers of Karapatan. Since Karapatan brought the issue of extrajudicial killings and enforced disappearances to the public and the international human rights community, the Arroyo government and the AFP have gone from denial to training their guns against members of the group which sounded the alarm.

In the course of its work as documentors and investigators of human rights abuses, Karapatan has so far lost 33 human rights workers under the Arroyo administration.

Type of Violation	No. of Victims
Extrajudicial Killing	33
Enforced Disappearance	3
Frustrated Killing	6
Torture	7
Illegal Arrest	18
Illegal Detention	16
Physical Assault and Injuries	30
Threats, Harassments and Intimidation	72

Number of Karapatan workers that have fallen victim to violations of human rights under the Arroyo government (Jan 21, 2001 – Sep 30, 2008)

It has become increasingly difficult for Karapatan to conduct fact-finding missions and other activities that seek to gather evidences of abuses. Regional offices of Karapatan are either raided or burned to terrorize its members and volunteers. Karapatan has also been the subject of vilification campaigns during military operations in both rural and urban areas. Branded as a communist front, the human rights workers of Karapatan are spitefully labeled as “terrorist lovers” making them vulnerable to different forms of threats, harassments and intimidations.

2008: Another Year of Cover-up

The eighth year of the Arroyo regime’s term is no different from the previous years. While a further drop in the number of incidences of extrajudicial killings and enforced disappearances may be noted, the fact that these acts of violence persist indicate no significant shift in the internal security policy of government and that the perpetrators and their masterminds are still at large.

The Arroyo government is clearly unrepentant about its appalling human rights record over the last eight years. Its commitment to upholding the rights of its citizens is plain political grandstanding and rhetoric, not a genuine pursuit of justice.

The Arroyo government is clearly unrepentant about its appalling human rights record over the last eight years. Its commitment to upholding the rights of its citizens is plain political grandstanding and rhetoric, not a genuine pursuit of justice.

This year, with the second phase of *Oplan Bantay Laya* still in effect, extrajudicial killings and other forms of human rights violations continue to be committed with utter impunity. From January to October, extra-judicial killings have already claimed the lives of 50 victims while seven persons have been involuntarily disappeared.

The Arroyo government has still not taken any significant action to arrest this continued spate of killings. Its continued persecution of political activists clearly shows that it is more interested in coddling and covering up for the criminals responsible for the killings rather than in unmasking their identities.

Type of Violation	No. of Victims (Jan-Oct 2008)	No. of Victims (Jan 21, 2001-Oct 31, 2008)
Extrajudicial, Summary and Arbitrary Killing	50	977
Frustrated Killing	14	339
Enforced or Involuntary Disappearance	7	201
Abduction	22	191
Torture	53	1,010
Illegal Arrest	138	1,464
Illegal Detention	98	1,214
Physical Assault and Injuries	207	29,976
Threat, Harassment and Intimidation	9,781	79,755
Indiscriminate Firing	112,920	534,717
Illegal Search and Seizure	427	52,240
Forcible Evacuation and Displacement	139,717	868,096
Hamletting	2,290	34,592
Violation of Children's Right to Protection By the state or its agents	468	7,749
Food and Other Economic Blockade	5,670	79,840

Consolidated number of violations of human rights under the Arroyo government (Jan 21, 2001 – Oct 31, 2008)

THE KILLINGS AND DISAPPEARANCES CONTINUE

The killing of Tildo Rebamonte and Ronald Sendrijas in two separate incidents in the middle of January marked the beginning of another bloody year under the Arroyo government. Rebamonte, a carpenter from Claveria, Masbate, was forcibly abducted from his house at 5:00 in the morning of January 12 by about 20

elements of the PNP. He was reportedly taken to a ranch allegedly owned by the mayor of Claveria. Four days later, Rebamonte surfaced dead, with the police claiming he was killed during an encounter with the NPA.

Sendrijas, on the other hand, was shot twice on the nape while buying medicine at a pharmacy along Gallares Street in Tagbilaran City, Bohol, on January 17. He was an environmental activist and a member of the Samahan ng mga Ex-Detainees Laban sa Detensyon at para sa Amnestiya (Selda). Before the incident, he was reported to have turned down offers to work as an informant of the military.

Almost half of the extrajudicial killings (21 out of 50) recorded so far in 2008 happened in Mindanao from July to September. Among those gunned down by assailants believed to be military agents are Maximo Baranda and Roel Doratot, both from Compostela Valley. Baranda is the former chairman of the KMU affiliate Compostela Workers Association while Doratot is a municipal electoral staff of Bayan Muna in Monkayo.

Enforced Disappearances

This year, the first case of enforced disappearance was that of Flaviano Arante, a council member of Nagkahiusang Mag-uuma sa Sta. Catalina (United Farmers of Sta. Catalina) in Negros Oriental. Arante was forcibly taken from his home, in front of his pleading wife, by elements of the Bravo Company of the 61st Infantry Battalion on January 25. Two weeks later, Major Nathaniel Villasor of the 303rd Infantry Brigade declared, during an interview with radio station RMN, that Arante was indeed in the custody of Bravo Company. However, Arante's whereabouts remain undisclosed despite the *writ of amparo* filed by his family in February.

Arante is one of seven persons who were forcibly abducted and thereafter went missing till the time of writing of this report. The other six include Florencia Espiritu and Nelson Balmania, members of the KMP in Dinalupihan, Bataan; James Balao, a member of the Cordillera People's Alliance in La Trinidad, Benguet; and Elmer dela Cruz, a peace talks consultant of the NDF who is based in Bataan.

Illegal Arrests and Detention

While human rights defender Axel Pinpin and other colleagues in the so-called Tagaytay 5 were freed in August of this year, the number of people victimized by the legal machinations of IALAG is still rising. From January to October, the police and military have illegally arrested 124 persons and illegally detained 84 of them. This numbers do not include yet 72 persons from all over the Southern Tagalog region, including Atty. Remegio Saladero of KMU and Doris Cuario, General Secretary of Karapatan for Region IV, who were ridiculously charged in October with conspiracy to commit arson and murder.

Among those illegally arrested this year are KMP officer Randal Echanis, Randy Felix Malayao, Pastor Mel Abesamis of Karapatan in Mindoro Occidental, and 13 members of the KMP in Negros Occidental.

On January 28, Echanis, KMP's Deputy Secretary General for External Affairs, came from a meeting with leaders of the Unyon ng mga Manggagawa sa Agrikultura (UMA) and the National Federation of Sugar Workers (NFSW) in Bacolod City when he was arrested by heavily armed men wearing ski masks. He is presently detained at the Manila City Jail.

Malayao was forcibly taken by elements of the AFP Military Intelligence Group (AFP-MIG) on the evening of May 15. For five days he went missing until the PNP-CIDG presented him to the



Atty. Remegio Saladero was illegally arrested on October 23, 2008, by elements of the Antipolo police on false charges of arson and murder. (source: <http://www.arkibongbayan.org>)

media at Camp Melchor in Gamu, Isabela. Malayao, a former student leader, is a peace talks consultant of the NDF who is based in Cagayan Valley. He is presently detained at the Cagayan provincial jail on fabricated charges of murder.

Abesamis, on the other hand, was abducted on March 15 in San Jose, Mindoro Occidental. He went missing for two days before he reappeared, imprisoned at the provincial jail on trumped up charges of murder and theft. Abesamis is a pastor of the United Methodist Church (UMC) and is the General Secretary of Karapatan in Mindoro Occidental.

On July 5, at about 6:00 in the morning, 13 farmers belonging to Paghiusa sang Mangunguma sa Caduhaan (PAMACAD), an affiliate of KMP in Cadiz City, were collectively arrested by members of the Revolutionary Proletarian Army (RPA) on orders of the AFP. The farmers were told to line up atop a pile of logs while their photographs were taken. Afterwards, they were taken to the Cadiz PNP station where they were later charged with illegal logging. An inquest letter they signed under the guidance of the Public Attorney's Office promised their immediate release. However, four of the 13 farmers remain in detention.

Torture

This year, a total of 48 persons were subjected to cruel and inhumane forms of treatment by police and military authorities. Among those tortured are Malayao, Pastor Rodel Canja of the UCCP, and eight land reform advocates belonging to the Kalipunan ng mga Magsasaka sa Kabite (KAMAGSASAKA-KA).

Malayao was blindfolded when he was "arrested" by the AFP MIG on May 15 and taken to an undisclosed place where, according to him, he could hear the sound of airplanes. Here, a plastic bag was placed over his head before interrogators began hitting different parts of his body. For five days straight, Malayao was held



UCCP Pastor Berlin Guerrero and his wife Mylene call for the release of all illegally detained prisoners of conscience. (source: <http://www.arkibongbayan.org>)

blindfolded. His blindfold was removed only when he was presented to the media as a criminal suspect.

Canja was on his way to a UCCP Conference when he was forcibly abducted on the morning of May 2 in Pililia, Rizal. His interrogators questioned him about his relationship with another UCCP pastor, Berlin Guerrero. During his detention, his guards kept on cocking pistols to scare him. At one point, one of the guards grabbed him by the hair and forced a gun in his mouth. Canja heard a gunshot and thought he was dead. He was later released by his captors with a warning not to speak to anyone about what happened to him.

In August, eight rural community organizers from KAMAGSASAKA-KA, along with their driver, were abducted by still unknown assailants while on their way home from a consultation. Their hands were all bound with packaging tape, and so were their eyes and mouths. They were then taken to an undisclosed place where they were tortured and interrogated. A day after, eight of them were detained at Camp Vicente Lim in Canlubang, Laguna, while another was detained at the office of the PNP-CIDG on false charges of illegal possession of firearms. All were eventually released after the court found no evidence of their alleged crime.

Militarization and Internal Displacement

After more than four years of peace negotiations facilitated by the government of Malaysia and the US Institute of Peace, the Arroyo government reneged on its commitment to the peace pact with the Moro Islamic Liberation Front (MILF). Deceit and treachery marked the preliminary agreement on the memorandum concerning the Moro people's ancestral domain rights over certain provinces of Southern Mindanao. A day before the scheduled signing of the memorandum on August 5, the Supreme Court issued a temporary restraining order. On October 14, the Supreme

Court, with a vote of 8-7, declared this memorandum on ancestral domain to be “contrary to law and the Constitution”.

The abrupt scrapping of the peace agreement exploded into renewed fightings in Maguindanao and North Cotabato. These provinces had been the sites of earlier skirmishes between elements of the AFP and the MILF from June to July. In August, the conflict arising from the failed peace talks intensified military operations, with the AFP launching full-scale artillery attacks and aerial bombardments in its pursuit operations against the MILF.



Children sign a poster calling for an end to the war in Central Mindanao during the October 2008 interfaith mission led by Kalinaw Mindanaw. (source: <http://www.arkibongbayan.org>)

This increased use of military firepower resulted in displacement and fatalities among the civilian populace. During the September 8 air strike in Datu Piang, Maguindanao, six members of the family of Mohalidin Mama, including four children, were killed after AFP planes fired on a convoy of refugees evacuating Sitio Dagading. The military called those killed during the air strike as “collateral damage”.

Pursuit operations against the MILF also resulted in the forced evacuation of more than 200,000 civilians in the provinces of Maguindanao, Lanao, and North Cotabato.

The Arroyo government's shift from a supposed policy of comprehensive political settlement through peace negotiations to a narrower framework of disarmament, demobilization and reintegration (DDR) indicates a return to the militarist approach of resolving the Moro conflict. This escalation of the war in Mindanao is more likely to lead to increased incidences of human rights violations rather than genuine peace in the troubled South.

Intensified military operations also occurred in the provinces of Abra and Negros Oriental. In March, soldiers from the 50th Infantry Battalion descended on Tubo, Abra, and began search and destroy operations against suspected NPA targets. Villagers were prevented from tending their farms and leaving their homes. From March 22-27, aerial bombardments, followed by mortar attacks, destroyed wide swathes of forests and rice fields. During the second quarter of the year, soldiers from the 11th and 79th Infantry Battalions went all over Guihulngan, Negros Oriental. Checkpoints were set up and villagers were told to either "surrender" or come to the army barracks for identification and questioning. The soldiers ordered barangay councils to arrange assemblies where the military threatened residents for supporting the CPP and NPA.

SMOKE AND MIRRORS IN THE WRIT OF AMPARO

Justice remains elusive for the victims and families of extrajudicial killings and other human rights violations. Whatever little gain or remedy that may have been achieved in our largely ineffectual justice system, through the introduction of the *writ of amparo* and *habeas data*, are now systematically undermined by the very institutions tasked to act judiciously on these incidents.

Whatever little gain or remedy that may have been achieved in our largely ineffectual justice system, through the introduction of the *writ of amparo* and *habeas data*, are now systematically undermined by the very institutions tasked to act judiciously...

The Office of the Solicitor General (OSG), while designated by law to appear in behalf of the government in litigations and legal proceedings, is likewise required by law to desist in committing “any act which may tend to obstruct, pervert or impede and degrade the administration of justice.”¹ However, many of the actions taken by the OSG to defend the AFP are obviously contrary to the rules of fair play and justice.

In the petition for the *writ of amparo* filed by Leny Robiños and Lolita Robiños against Gen. Hermogenes Esperon, Jr. et.al., the OSG tried to block a court order calling for the inspection of military camps to ascertain the whereabouts of Romulos Robiños, a desaparecido. Assistant Solicitor General Amparo Cabotaje-Tang insisted that there is no basis to search the camps. When the court quashed her motion, she contended that participants to the site inspection be limited to certain individuals and that JAGO personnel should be present.

In the Berlin Guerrero case, when Justice Martin Villarama Jr. asked if the OSG believed that its motion against Guerrero is valid despite irregularities in the conduct of preliminary investigation, such as faulty affidavits and the absence of its witness, the OSG categorically replied in the affirmative.

In the petition for *habeas corpus* filed by Elizabeth Calubad against Lt. Gen. Alexander Yano, et.al., the court ordered the respondents to produce the after-operations report at the time of abduction of Calubad’s husband Rogelio and son Gabriel. The OSG registered strong opposition to the court order by invoking national security.

¹ 205 SCRA 816: Another role of the Solicitor General is as an officer of the Court, in which case he is called upon “to share in the task and responsibility of dispensing justice and resolving disputes;” therefore, he may be enjoined in the same manner that a special prosecutor was so enjoined by this Court from committing any act which may tend to “obstruct, pervert or impede and degrade the administration of justice.”

These actions of the OSG, coupled with successive setbacks in the *writ of amparo*, only prove how ineffective our justice system is in holding government security forces accountable for acts of criminal violence against ordinary citizens.

The *Rules on the Writ of Amparo* was issued by the Supreme Court in September 2007. It allowed courts to order the temporary protection, inspection, and production of documents in cases where an individual's life, liberty or security have been violated or are under threat. Karapatan and the families of victims of human rights violations, particularly those involving desaparecidos, took advantage of opportunities offered by the *writ of amparo*. However, Karapatan observed the following pattern in its experience with the new writ:

1. The courts dismiss the petition citing insufficiency of evidence despite the adequacy of evidence presented in cases where "extraordinary remedy" is sought.

In July, the consolidated petition for habeas corpus and writ of amparo filed by Editha Burgos, mother of disappeared activist Jonas Burgos, was dismissed by the Court of Appeals due to alleged insufficiency of evidence. Ironically, the court ordered the police and the military to continue their investigation and make available certain documents.

During proceedings, the petitioner presented evidence to show that the vehicle used in kidnapping Burgos was under the custody of the military. An officer of the AFP however suppressed the presentation of the Provost Marshall Findings as the content of the reports may not be favorable to the respondents.

In another case, the Court of Appeals again dismissed the petition for writ of amparo filed by urban poor leader Lourdes Rubrico on the ground of insufficiency of evidence. Rubrico



Mothers of victims of human rights violations file petitions for the *writ of amparo*.
(source: <http://www.pinoyweekly.org>)

claimed she was abducted on April 3, 2007, by armed men identifying themselves as government agents.

During proceedings, Rubrico and her children were cross-examined while the respondents never presented any witness or counter-evidence. The court, however, did not include in the trial several key persons who were not served notices either because they have been transferred or could not be located.

2. When the court orders are favorable to the victims, these orders are ignored, questioned, or not followed to the letter by respondents.

The Court of Appeals granted the habeas corpus petition for missing activists Sherlyn Cadapan, Karen Empeno and Manuel Merino on September 17, reversing its decision made the previous year. The court said that “the testimony of Raymond Manalo can no longer be ignored and brushed aside” and that “his narration and those of the earlier witnesses, taken together, constitute more than substantial evidence warranting an order that the three be released”. The court, however, denied inspection of places and production of documents that could shed further light on the whereabouts of the missing. The military still refused to admit having the three under their custody.

3. The AFP resorts to pressuring victims to claim that they are being detained voluntarily.

On July 3, Rose Ann Gumanoy, 21, and her sister Fatima, 17, were taken into custody by the AFP. At first, the military denied having taken the sisters into custody. But after being pressured by human rights groups, the military later admitted that the sisters are with them because the two sought “voluntary custody” with the AFP.



Linda Cadapan, mother of desaparecido Sherlyn Cadapan, speaks out during an ecumenical prayer gathering in Manila in October 2007. (source: <http://www.arkibongbayan.org>)

Maria Gumanoy, the mother of the two, filed a petition for writ of habeas corpus on July 16 demanding the release of her daughters. However, Justices Sasinando Villon, Jose Catral Mendoza and Andres Reyes ruled in favor of military custody for the two. The decision dismayed Gumanoy, insisting to the court that: "Ako ang nanay. Ako ang may karapatan sa mga anak ko." (I am the mother. I have the right of custody over my daughters.) The court also refused the motion to provide Gumanoy and her family the chance to talk with her daughters without undue pressure from their captors

On October 7, Kabankalan City RTC Judge Henry Arles acted on a petition filed by parents of two alleged women members of the NPA whom authorities claimed to have been captured during a gun battle in Negros Occidental on September 24. Judge Arles said he issued the writ because it appeared that the right to life, liberty and security of Rubelyn Aba Gelacio, 22, six months pregnant, and Rosbie Estoque Fundador, 19, may have been violated.

Three days later, however, Judge Arles refused to grant the privileges of a writ of amparo to Gelacio and Fundador when both later told the court that they were "not detained and were free to go where they wanted". Ben Ramos, counsel for the Gelacio and Fundador families, said it was Sipalay City social welfare personnel and the military who brought the women to court. Judge Arles then asked what the two women wanted. When both said they wanted to go home, he immediately ordered their release.

4. The AFP files similar cases against leaders of legal democratic organizations in an attempt to turn the tables against the intended beneficiaries of the new writ.

A petition for the writ of amparo for Elizer Orlina was filed against members of Karapatan in the Southern Tagalog

region. It alleged that Orlina was abducted by Karapatan. However, this petition was recently dismissed by the Sixth Division of the Court of Appeals thru Justice Jose L. Sabio

Before the petition, Orlina was assisted by the staff of Karapatan-Southern Tagalog in the filing of a petition for a writ of habeas corpus against soldiers belonging to 79th Infantry Battalion of the Philippine Army. The soldiers were identified as the alleged abductors of Orlina's son Rodel.

SAVING THE SKINS OF ITS BELOVED GENERALS

It is truly saddening to note that no one has been credibly convicted even if we are presented the false illusion that extrajudicial killings and enforced disappearances are on the downtrend. A delegation of the European Union to the Philippines early this year echoed the same lament, saying: "While the incidence of these killings has declined, it is regrettable that as yet there have been no convictions in relation to the killings of political activists."

In his report on the Philippines human rights situation in November 2007, Alston pointed out that the reason behind this zero prosecution is that:

"In multiple instances in which the PNP has 'resolved' a case, others following that case have raised serious doubts as to whether the evidence points to the suspect identified. xxx The Government's progress in achieving justice for these killings cannot be measured by anything less than convictions following fair trials."²

Amnesty International added that it is "concerned at persistent reports that the majority of investigations do not meet international



Prof. Philip Alston, UN High Commission on Human Rights Special Rapporteur on extrajudicial killings, during a House of Representatives hearing in February 2007. (source: <http://www.daylife.com>; photo by AFP/Getty Images)

² Alston, Philip. "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Mission to the Philippines, November 27, 2007". pp.46-47.

standards as set forth in the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, as supplemented by UN Manual Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.”³

These explain why many of the so-called investigations, particularly those undertaken by state authorities, have not led to the conviction of any of the perpetrators for the hundreds of extrajudicial killings and disappearances of political activists since 2001. Not even the generals and other military officers identified by the 2007 Melo Commission report for probable culpability in the atrocities have been adequately probed. What is worse is that they are coddled and rewarded by the Arroyo regime.

Jovito Palparan Jr., the most notorious general consistently linked to numerous killings, for example, has still not been hailed to court for his alleged role in spawning violent attacks against progressives in Mindoro, Central Luzon, and Samar. Former AFP Chief of Staff Hermogenes Esperon, on the other hand, was even appointed by Arroyo to the Office of the Presidential Adviser on the Peace Process after his retirement on May 12.

The issuance of executive clemency to convicted killer Claudio Teehankee Jr. by Arroyo likewise exposed the folly of the Philippine criminal justice system which grants pardon to heinous crime offenders while keeping prisoners of conscience in jail. Teehankee was released from prison in the dead of night on October 8 after having spent only 13 years in jail for the brutal murder of two young people and the wounding of another.

False attribution, or passing the buck on the bulk of killings and disappearances to imagined purges within the local communist movement, in the absence of incontrovertible evidence, shows

³ Amnesty International. "Philippines: Political Killings, Human Rights and the Peace Process, August 2006". p.10.

how desperate the Arroyo government is in covering up its own culpability and in saving the skins of its favored generals. The Philippine UPR Watch noted that “peremptory and unsupported attribution of the killings and disappearances by the government to the rebel movement has added to these serious and lingering doubts. The findings and reports by Task Force Usig are not only incredible and unacceptable to the victims, the public, and the international community but also engender impunity.”⁴

Technical and financial assistance given by various foreign governments to help authorities investigate and prosecute cases of extrajudicial killings and enforced disappearances appear to be getting nowhere as the Arroyo government continues to resist even the slightest notion that state security forces are responsible for the atrocities. In its report to the Universal Periodic Review (UPR) of the UN Human Rights Council on April 11, 2008, the government merely recited a litany of laws and commitments that ostensibly address the pressing human rights situation in the Philippines. Executive Secretary Eduardo Ermita even had the gall to state that “there is an open and vibrant democracy in the Philippines”, that the Arroyo government is “a human rights defender”.

Such is the height of perversion. This only sends a chilling indication that impunity and the continued violation of human rights remain to be the policy of the Arroyo regime.



Human rights advocates thumb down the Philippine Government Report presented by Executive Secretary Eduardo Ermita to the UN Human Rights Council in Geneva in April 2008. (source: <http://www.arkibongbayan.org>)

⁴ Philippine UPR Watch. “Review and critique of the Philippine National Report for the Universal Periodic Review, April 11, 1008, No. 14”. p.4.



Families of victims of human rights violations hold the Arroyo government responsible for the death and disappearance of their kin during a gathering in April 2008. (source: <http://www.arkibongbayan.org>)

Conclusion

Sometime in July, a group of Karapatan workers accompanied Lolita Robinos in her search for her missing son, Romulus Robinos, who was abducted by suspected military agents in Angeles, Pampanga on November 16, 2006. Armed with a court order, Karapatan, together with representatives of the Commission on Human Rights (CHR), inspected the detachment of the 24th Infantry Battalion of the Philippine Army, Alpha Company, located in Brgy. Duale, Limay, Bataan. The detachment was one of four military camps in Central Luzon ordered to be inspected by Justice Villarama.

During and before the inspection, the military claimed that they have occupied said detachment since 2001 and that they maintained no other camp anywhere else in Limay. However, the

camp in Brgy. Duale fell short of the description provided by Raymond Manalo, a farmer who was himself abducted and kept incommunicado for 18 months by the military but was able to escape. Manalo bravely testified in court that he last saw students Sherlyn Cadapan and Karen Empeno in a military camp in Limay. On this camp, Manalo said, he witnessed the killing and immolation of about six-to-eight people, including Manuel Merino, the farmer abducted together with the two missing UP students.

Karapatan earnestly studied Manalo's affidavit and proceeded to look for another camp that closely matches that which has been described by the witness. Eventually, they found a military camp in Brgy. Bliss, Limay, which, according to Manalo's testimony, is near a public cemetery. The site gave the impression of a vacant lot as it has been reportedly abandoned by the army for about a year, right after Manalo's escape.

A week after this discovery, Karapatan again sought the help of the CHR. In September, Karapatan also sought the assistance of the Senate Committee on Justice and Human Rights for a fact-finding mission in the former military camp in Brgy. Bliss. On October 13, Manalo led Karapatan's fact-finding mission team to the site, where, after two days of digging, burnt fragments of human bones were found at the site where Manalo alleged he saw Merino's body was burned.

This breakthrough in the investigative work of Karapatan provided solid evidence that indisputably links the military to the murderous brutalities over the last eight years of the Arroyo regime. This breakthrough is also a solid proof that perseverance in the pursuit of justice, notwithstanding the intimidation and violence, eventually pays off.

Manalo has now filed administrative, civil and criminal charges against soldiers of the AFP after more than a year of silence and torment. He, too, was abducted, detained and tortured, along with



Raymond Manalo leads Karapatan fact-finding mission to the site in Limay, Bataan, where he said he witnessed the killing of several people, including Manuel Merino.

Cadapan, Empeno and Merino, in different military camps in Central Luzon. He filed his case before the Office of the Ombudsman and the Quezon City Regional Trial Court on September 12. Manalo's lawsuits are not merely cases that put to trial alleged AFP perpetrators, but more importantly, these cases put to trial fairness in the Philippine judicial system itself.

The legal battle of Manalo and his supporters have just begun. The recent victory in the indictment of the Arroyo government by the UN Human Rights Committee on the Eden Marcellana and Eddie Gumanoy case shows hope that justice has not completely turned its back to those who are poor and powerless, especially if it is asserted with firmness and dedication.

Previous struggles in different forms, waged by the people not cowed by repression and violence, have shown that only through perseverance, determination and strong organization can we be able to assert our rights effectively.

As we observe 60 years of the UDHR, these breakthroughs solidly confirm that the bravery and resoluteness of victims of human rights violations and their families, together with human rights organizations and alliances like Karapatan and people's organizations, will one day, without doubt, bring light during these dark times. Those who continue to hide in the shadows are fairly warned.



As we observe 60 years of the UDHR, these breakthroughs solidly confirm that the bravery and resoluteness of victims of human rights violations and their families, together with human rights organizations and alliances like Karapatan and people's organizations, will one day, without doubt, bring light during these dark times.

ABOUT THE NUMBERS ON THIS REPORT

Each case of rights violation counted by Karapatan is accompanied by a fact sheet, without which a case is considered pending until verified and does not form part of Karapatan's statistics. Numbers that make its way in Karapatan's reports are supported by authenticated names and other information contained in the verified fact sheet.

Karapatan counts only cases reported to its offices/desks or to its volunteers in the field. Given limits on resources, Karapatan selectively investigates rights violations reported in the press. Rights violations counted by press groups are based on stories included in their reportage and are therefore expectedly less than what Karapatan has on record.

Numbers of rights violations released by the PNP, AFP, or any other state agency are not to be trusted. These numbers are, at all times, not surprisingly lesser than those of Karapatan or the press groups. Aside from the use of definitions of rights violations that do not conform to international standards, these numbers are always significantly low because majority of the victims of rights violation, or their families, do not report their cases to state authorities due to fear or lack of trust. In most of these cases, rights violations are suspected to have been committed by the police or the military.

Definitions of rights violations adopted by Karapatan are based on various international legal standards, specifically those executed by the human rights bodies of the United Nations (UN).

The classification of extrajudicial killing and enforced disappearance is also guided by UN definitions as reflected in the mandate of the UN Special Rapporteurs on extrajudicial, summary and arbitrary executions, and on enforced and involuntary disappearance. Violations of International Humanitarian Law (IHL) are excluded from this classification.

ABOUT KARAPATAN

Karapatan is an alliance of human rights organizations and programs, human rights desks and committees of people's organizations, and individual advocates committed to the defense and promotion of people's rights and civil liberties.

Karapatan believes that the people's basic rights to life, liberty, humane treatment and due process should be guaranteed by the state and preserved at all times; and that people have the right to be free from all forms of exploitation and oppression. As such, Karapatan is predisposed toward the human rights of the majority who are poor and marginalized.

Karapatan maintains its national office in Metro Manila and has 15 regional offices from Ilocos to Southern Mindanao. Member organizations of Karapatan include, among others, the Ecumenical Movement for Justice and Peace (EMJP), Samahan ng mga Ex-Detainee Laban sa Detensyon at para sa Amnestiya (SELDA), and DESAPARECIDOS.

2/F Erythrina Building, No.1 Maaralin cor. Matatag Streets
Central District, Quezon City, 1100 Philippines
Tele/Fax +63.2.435.4146 / 434.2837 | E-mail docu_krptn@yahoo.com

<http://www.karapatan.org>