

Dangerous Regime, Defiant People

THE YEAR 2007 is a dangerous time for the Filipino people as state terror, impunity in human rights violations and general lawlessness grip the nation. The government of Gloria Macapagal-Arroyo has done little to stop the political killings and disappearances except take token steps to assuage local and international outcry. On the other hand, the year also signals victories in the people's relentless struggle against political repression and state terrorism as the victims' clamor for justice and democracy is echoed here and abroad.

There is no clearer picture of the Arroyo government's iron-fist mindset and utter disregard for human rights than the sight of full-battle-gearred policemen and an armored personnel carrier smashing into a tear-gassed hotel lobby to "serve an arrest warrant" to a handful of rebel soldiers and civilians, and afterwards, police herding in the journalists and broadcasters covering the incident, their wrists strapped, like suspected criminals.

So alarming is the Arroyo government's propensity for political repression that Philip Alston, United Nations Special Rapporteur (UNSR) for extra-judicial, summary or arbitrary executions, in his November report on the Philippines admonished that "As Commander-in-Chief of the Armed Forces, the President (GMA) must take concrete steps to put an end to those aspects of counter-insurgency operations which have led to the targeting and execution of many individuals working with civil society organizations." He strongly recommended that, "Extra-judicial executions must be eliminated from counter-insurgency operations."

In Congress, GMA is besieged with impeachment complaints on the basis of her involvement in scandalous billion-peso government contracts, million-peso bribery of legislators and local government officials right inside Malacañang Palace and gross violations of human rights.

It is no surprise that results of police and military investigations of the bombings in the Glorietta mall and the Batasan (House of Representatives) complex are met with public skepticism and mistrust. Many still believe that the incidents were instigated by the military or the national security watchdogs to deflect public attention from Arroyo's wrongdoings and the political crisis which her questioned presidency is mired in.

Instead of pursuing genuine reforms to get the country out of the economic and political crises, the Arroyo government persists in bandying about positive economic statistics which do not reflect the extreme poverty that the majority of the people suffer. To ensure sustained backing from the George W. Bush administration, GMA assiduously follows Bush's lead in his global war of terror and imperialist globalization. She continues to be the Commander-in-Chief of the Armed Forces of the Philippines (AFP) which violates human rights and suppresses people's dissent with impunity to keep her regime in power.

The Arroyo government launched Oplan Bantay Laya (OBL) or Oplan "Freedom Watch" in 2002 as its five-year national counter-insurgency blueprint. It failed to meet its targets in 2006 and was extended as OBL II in 2007. What OBL accomplished are the extra-judicial killings and enforced disappearances of hundreds of men and women from among political activists, peasants, workers, journalists, church people, lawyers and other civilians from various sectors of Philippine society. OBL II aims to decimate the revolutionary forces of the Communist Party of the Philippines, the New People's Army and the National Democratic Front of the Philippines (CPP-NPA-NDFP) by 2010, the end of GMA's current term.

Karapatan's documentation of OBL II's record of violations from January to October 2007 shows the continuing state violence that the U.S.-Arroyo regime commits not only against the insurgent forces but also against civilians, especially those involved in the legal democratic movement.

Violations by the Gloria Macapagal-Arroyo Government

[January 1 to October 31, 2007]

Based on reports gathered by Karapatan

<u>Violation of Civil and Political Rights</u>	Number of Incidents	Number of Victims	
Extra-judicial, summary or arbitrary execution	51	68	68 were victims of extra-judicial, summary or arbitrary execution
Frustrated political killing	12	35	
Enforced or involuntary disappearance	19	26	
Abduction	7	8	
Torture	18	29	
Illegal arrest	33	129	
Illegal detention	28	116	
Held incommunicado	2	7	
Denial of counsel	2	3	
Criminalization of political offense	4	7	
Physical assault	19	55	
Threat, harassment and intimidation	49	300	
Illegal search and seizure	11	26	
Restriction or violent dispersal of people's action, public assembly and gathering	2	300	
Violation of domicile	9	72	
Forcible evacuation or displacement	7	7,542	
Hamletting	1	3,600	
Illegal checkpoint	1	49	
Use of school, medical, religious and other public places for military purposes	2	1,980	
Violation of children's right to participation	1	5	
Violation of children's right to protection or safety to be provided by the state or its agents	10	20	
Violation of children's right to survival	5	7	
Sub-Total	293	14,384	
Violation of Economic, Cultural and Social Rights			29 were tortured
Demolition of place of residence	1	450	
Destruction of property	11	1,267	
Divestment of property	10	115	
Landgrabbing and reconcentration of land	1	55	
Sub-Total	23	1,887	116 were illegally detained
Violation of International Humanitarian Law			
Against hors d' combat	1	1	
Forced/fake surrender	7	28	
Forced labor/involuntary servitude	2	2	
Use of civilians as military guide or shield	4	5	
Sub-Total	14	36	7,542 were forcibly evacuated or displaced
Total	330	16,307	

One gruesome case of abduction, torture and summary execution was that of **Alano Clerigo** last October 10. Witnesses saw him being forcibly taken by elements of the Scout Rangers Company led by a certain Lt. Esguerra under the 1st Scout Ranger Battalion. Clerigo, 34, was buried alive after he was burned, slashed, mauled and castrated. He was a member of a local peasant organization.

What can one say to a daughter who, in a span of 10 months, almost lost both her parents because of enforced disappearance? Lorena's father, **Leo Velasco**, was abducted in Cagayan de Oro on February 19 by six heavily armed men who introduced themselves as government agents to bystanders. The search that Lorena and members of Desaparecidos undertook has failed so far, thus Velasco is now among the desaparecidos. On November 28, Lorena's mother, **Elizabeth Prinsipe**, was abducted by several armed men in Cubao, Quezon City. Custody has been admitted by the military. Velasco and Prinsipe are both consultants in the GRP-NDFP peace negotiations. They were among the more than fifty accused of rebellion, which case has been dismissed by the Makati Regional Trial Court based on a Supreme Court decision which found insufficient evidence to support the charge.

Jonas Joseph Burgos, 38, was having lunch in a restaurant inside a Quezon City Mall on April 28 when he was abducted by four burly men who introduced themselves as policemen. Witnesses said the abductors handcuffed Jonas and forcibly dragged him out of the restaurant and into a maroon Toyota Revo. The Army's 56th IB was implicated in Jonas's disappearance after the license plate (TAB-194) of his abductors' vehicle was traced to a vehicle impounded at the Philippine Army headquarters in Norzagaray, Bulacan.

Jonas, an agriculture graduate of the Benguet State University, has been giving agri-technology trainings since 1998 to members of the Alyansa ng Magbubukid sa Bulacan, a chapter of the KMP (Peasant Movement of the Philippines). He is the son of the late Jose "Joe" Burgos Jr., press freedom icon and pioneer of the alternative press during Marcos's martial rule.

On several occasions, Edita Burgos, Jonas's mother, castigated AFP Chief of Staff Hermogenes Esperon for his refusal to follow the court order for her to be furnished a copy of the Provost Marshal's investigation report on the license plate. In November, the AFP grudgingly released the report but Mrs. Burgos said it was "incomplete." She has asked her lawyers to appeal for the release of the affidavits of the 16 officers and men who were investigated. The military continues to deny involvement in the abduction and claims the license plate was stolen from their camp.

To divert public attention from the military, the Philippine National Police (PNP) presented three alleged NPA rebels who purportedly claimed that the young Burgos was "punished" upon orders of a certain Delfin de Guzman, an alleged NPA officer. But it turned out that Delfin de Guzman was arrested in 2006 and in military custody since then. When this was exposed to the media, the police announced that there were actually two Delfin de Guzmans!

One of the PNP's supposed NPA members-turned government witness, Emerito Lipio, was actually a transport sector leader who was abducted, tortured and disappeared in 2005. His former colleagues in PISTON (Pinag-isang Samahan ng mga Tsuper at Opereytor Nationwide) believed that he and his family were threatened and that he testified under duress.

Mrs. Burgos's ordeal continues. The Commission on Human Rights (CHR) dismissed the Burgos case filed with them. Commissioner Dominador Calamba,

who is assigned to the case, alleged that Mrs. Burgos refused to participate in the proceedings. She countered that instead of acceding to her request to testify after General Delfin Bangit, Calamba called on Bangit first then failed to call Mrs. Burgos to the stand.

Pastor Berlin Guerrero of the United Church of Christ in the Philippines (UCCP), 46, remains in detention at Camp Pantaleon Garcia, Imus, Cavite. He was abducted on May 27. Guerrero was Secretary General of Bayan (New Patriotic Alliance) in Southern Tagalog.

Region Where Detained	Total No. of PPs	Women	Minors	Arrested Under GMA
Cagayan Valley	1	0	0	1
Central Luzon	7	0	0	7
Southern Tagalog	17	1	0	17
NCR	103	1	6	78
Bicol	16	1	0	16
Western Visayas	8	0	0	8
Central Visayas	20	3	0	20
Eastern Visayas	11	7	1	11
Southern Mindanao	28	1	1	27
Socskargen	2	0	0	2
Western Mindanao	19	5	0	17
Far South Mindanao	2	0	0	0
Caraga	1	0	0	0
Total	235	19	8	204

“They brought me to a place unknown to me. Here, still handcuffed, men took turns interrogating me while hitting my head with their fists and blunt objects. Layers of plastic bags were put on my head. My torturers would tighten the bag until I could no longer breathe. I passed out twice and pissed in my pants.” (From Guerrero’s account of his interrogation)

He said that his captors accused him of being a CPP official. They threatened that if he did not cooperate, they would abduct his wife and daughter and rape them in front of him. They forced him to give the passwords to his laptop computer and his e-mail, then proceeded to erase his “church, school and personal files and replace(d) them with documents that belong to the so-called underground Left.”

“After about 12 hours, they put me back in the van still handcuffed and blindfolded. They threatened to kill me, burn or bury me.” He said his captors called him “pastor-impostor.”

He was brought to Camp Pantaleon Garcia, the PNP Provincial Headquarters, at around 11:00 a.m. the following day. He was told that he was implicated in a 17-year-old murder case. It was evening when he was allowed to see his family, his lawyer and the Quick Reaction Team of Karapatan.

Angie Ipong has been detained two years and eight months in a Western Mindanao jail despite appeals for her release. She is 63 years old and suffers from hypertension. She was subjected to sexual molestation during tactical interrogation.

Year	Total	Organized	Women
2001	99	35	11
2002	118	44	13
2003	123	32	14
2004	83	41	9
2005	187	101	14
2006	209	108	25
2007 (Jan-Oct)	68	34	11
Total	887	395	97

Certainly, there are many more victims of violations of human rights and international humanitarian law (IHL) because many more cases were either unreported to Karapatan or reported but remain undocumented, particularly in remote areas not reached by human rights workers.

The political killings peaked in 2005 and 2006 while the disappearances peaked in 2006, OBL I’s final year and deadline of its targets.

But no amount of state terrorism could paralyze a people who have thrown out of the presidential palace two abusive presidents. The national and international campaigns against extra-judicial killings and enforced disappearances

Year	Total	Organized	Women
2001	7	1	2
2002	9	3	2
2003	11	2	1
2004	26	10	5
2005	28	6	0
2006	78	26	16
2007 (Jan-Oct)	26	14	5
Total	185	62	31

Region	KILLINGS		DISAPPEARANCES	
	2007	2006	2007	2006
CAR	9	3	0	0
Cagayan Valley	4	6	2	0
Ilocos	1	2	0	1
Central Luzon	1	36	4	38
Southern Tagalog	6	16	2	6
Bicol	10	26	0	4
NCR	0	2	2	1
Eastern Visayas	10	13	1	2
Central Visayas	2	5	0	0
Western Visayas	3	3	3	2
Northern Mindanao	0	1	0	1
Caraga	5	6	4	0
Socskargen	1	7	0	0
Western Mindanao	3	4	3	2
Southern Mindanao	7	13	1	2
ARMM	1	0	0	1
Total	63	143	22	60
Women	10	18	5	11
Total Organized	29	72	10	19

gathered broad support which put pressure on the U.S.-Arroyo regime. The campaign *Stop the Killings!* took off in the second half of 2004, gained strength in 2005 and reaped strong support in 2006.

THE U.S.-ARROYO REGIME has been put on the defensive since 2006 and more so in 2007 as international censure forced it to account for its human rights record. Karapatan attributes the decrease in the political killings and disappearances in 2007 as compared to 2006 to the continuing protests and calls for justice by victims of human rights violations, people's organizations and individual human rights defenders.

In addition, the Philippine government is under pressure to make an accounting of its compliance with international human rights covenants because it will undergo the Universal Periodic Review (UPR) by the United Nations Human Rights Council (UNHRC) working group in April 2008.

Non-government organizations like Karapatan and victims' associations like Hustisya (HRV victims under GMA), Desaparecidos (families of the disappeared) and Selda (former political prisoners), may submit a shadow report, attend a session of the working group and comment on the result of the UNHRC working group's review before its adoption by the plenary session. Karapatan, Bayan, Ibon and the Cordillera People's Alliance have submitted their position papers for the UPR.

Another pressure point for the government is the set of conditions tied to U.S. military aid for 2008. The Arroyo government is required to make a show of its adherence to human rights covenants, while at the same time sustain its full support to Bush's "war on terror," which is actually a war of terror.

But will the political killings and disappearances ever stop?

ARROYO'S UNDECLARED MARTIAL LAW CONTINUES

The killings and disappearances continue, along with other gross and systematic human rights and IHL violations, with the continued implementation of OBL II. The passage of the Anti-Terrorism Law (ATL), without doubt, compounds the problem.

Oplan Bantay Laya

Oplan Bantay Laya I and II took off from previous counter-insurgency programs implemented by the AFP under past administrations, and is patterned after Operation Phoenix which the U.S. used in Vietnam. While previous operational plans counted the number of cleared up villages suspected to be communist strongholds, OBL tallied dead bodies as its measure of success.

OBL targets not only the CPP-NPA-NDFP but also those identified with the legal Left, or what the AFP calls “sectoral front organizations.” OBL equates various people’s organizations with communist “front organizations,” and are thus targets of intelligence operations and “neutralization” with corresponding deadlines. AFP intelligence operations include “target research” or data gathering on target personalities i.e., leaders of mass organizations and alliances.

	Extra-Judicial, Summary or Arbitrary Execution	Enforced or Involuntary Disappearance
CAR	30	1
Cagayan Valley	28	4
Ilocos	7	1
Central Luzon	137	62
Southern Tagalog	162	28
Bicol	125	12
NCR	39	6
Eastern Visayas	88	21
Central Visayas	21	0
Western Visayas	23	6
Northern Mindanao	7	1
Caraga	32	8
Soccksargen	22	4
Western Mindanao	34	10
Southern Mindanao	76	13
ARMM	56	8
Total	887	185
Women	97	31
Organized	395	62

Intelligence officers pass on the data to a tactical combat unit that makes the “order of battle” – a list of priority targets for execution. This explains the continuing rise in the number of victims of gross human rights violations among members of progressive people’s organizations and party-list groups.

One of GMA’s highly placed and praised general, Jovito Palparan, Jr., played a significant role in implementing OBL. The whole campaign is under the supervision of the Oversight Committee on Internal Security of the President’s Cabinet.

Military Operations in the Countryside

Men, women and children suffer from trauma brought about by militarization. This was among the findings of the peace and medical mission that went to the municipality of Baggao, Cagayan province from October 19 to 21, 2007. The heavy and brutal presence in the municipalities of Cagayan of military personnel, specifically soldiers of the 17th and 5th IB-PA, have ruined the lives and livelihood of the people in these communities and have inflicted fear on some of them.

The case of Baggao mirrors the situation in all the severely militarized villages all over the country. Here, one witnesses grave threat, coercion and intimidation, “fake surrender” and forced recruitment into paramilitary units, physical injury, looting, disappearances and killings. Military men brought back

the Marcos-style “fake surrender,” as they gathered people in the communities, forced them to sign documents stating their surrender, or to carry placards with the words “we surrender” after which their photographs were taken and distributed to the media.

Forced evacuations, which were extensive during the early years of OBL I, are back in the northern Negros island, particularly the ESTOCASA area (Escalante, Toboso, Calatrava, San Carlos). The mayor of one of the towns acknowledged that around 586 families or a total of 2,931 individuals from three mountain villages were forced to leave their homes after Army troops launched massive operations against units of the NPA.

On 21 November 2007, initial reports reached Karapatan that around 2,000 indigenous people or 300 families walked some 15 kilometers from the mountain villages to the evacuation centers in Diatagon, Lianga and Buhisan in Surigao del Sur due to military operations. Deployment of military forces in the area started in the first week of November. Aside from illegal arrests, some residents were forced to act as guides in the military pursuit of NPA units. The military occupied villagers’ homes and the physical structures of the Lumad literacy school set up by the Tribal Filipino Program, a non-government organization. These were the same communities subjected to military operations, including bombings, in 2005.

Urban Militarization

Military presence in urban communities in the national capital region started as early as June 2006. They became very visible in November 2006, six months prior to the May 2007 mid-term elections.

In a media interview, AFP Public Information Officer Lt. Col. Bartolome Bacarro announced that “the AFP is dispatching for poll duties two Army infantry divisions, one Joint Special Operations Task Force, 11 Army infantry brigades, 29 Army infantry battalions, three Marine brigades and eight Marine Battalion Landing Teams, all of which could number more than 20,000 soldiers.”

The arbitrariness and brutishness of urban militarization are evidenced by the torture of 18 urban poor teenagers last September 2. They were rounded up, interrogated and repeatedly hit with wooden sticks. To cover up the brutality, which actual aim is to sow terror in organized urban poor communities, they were accused of being members of out-of-school gangs, a menace to the community. They were released the next day with no charges. A 21-year old woman who was with them was detained for three days.

Aside from deployment of troops in the communities, CCTVs (closed circuit televisions) are being installed along some main streets of the National Capital Region (NCR). First bared in public during the ASEAN Summit in Cebu City, CCTVs were supposed to aid crime prevention and solution, but in Cebu they were used to monitor people massing up for protest actions.

CCTVs and activities by army troops in urban communities like dredging canals, feeding children and patrolling streets may all seem harmless. But taken in the over-all OBL framework, they add up to what the AFP book *Knowing the Enemy* states, “The current set up of the whole insurgency suggests that the military pressure has to be applied in all fronts and against all personalities simultaneously in order to create an impact.”

Sectoral & Multi-Sectoral Organizations	Extra-Judicial, Summary or Arbitrary Execution	Enforced or Involuntary Disappearance
Bayan		
KMP	104	11
KMU	21	3
Anakbayan	13	3
Pamalakaya	7	2
Kadamay	7	0
LFS	5	1
Courage	3	0
PCPR	2	0
SCMP	1	0
Kalikasan	1	0
Piston	0	1
Secretariat	3	1
Karapatan		
Selda	1	2
Kasimbayan	1	0
Chapters	20	1
Other Organizations	21	3
Party-List Groups		
Bayan Muna	131	13
Anakpawis	49	8
Gabriela WP	2	0
Kabataan	2	0
Suara Bangsa Moro	1	2
Anak ng Bayan	0	1
NDF Consultants/Staff	0	10
Total	395	62

Legal Offensive Against Leaders of the Democratic Movement

As a feature of OBL, the government employs “legal offensive” against those it considers as enemies of the state. The Inter-Agency Legal Action Group (IALAG) supervises the systematic use of laws and the courts against leaders of militant organizations and party-list groups. IALAG also works to protect and defend military personnel from complaints and court cases lodged against them by survivors and families of victims of human rights abuses.

Batasan 6

Rep. Crispin Beltran was finally released from arbitrary detention after the Supreme Court (SC) issued its decision on June 1. The SC dismissed the charge of rebellion against the **Batasan 6** - Representatives **Beltran** and **Rafael Mariano** of Anakpawis (AP- Toiling Masses); **Satur Ocampo**, **Teddy Casino** and **Joel Virador**

of Bayan Muna (BM-People First); and **Liza Maza** of the Gabriela Women's Party (GWP). Charged with them were six other leaders of the democratic movement and scores of other social activists. Justice Secretary Raul Gonzalez was chided by the Supreme Court for the politically-motivated filing of the case.

In the midst of the 2007 election campaign in March, the PNP arrested Ocampo. He was in the Supreme Court to file a Petition for Certiorari and Prohibition that sought to nullify the fabricated murder charges and the warrant of arrest issued against him and others. The warrant was issued on March 6, 2007 for allegedly committing multiple murders in the province of Leyte in 1984, or 23 years ago.

In the early morning of March 19 the police dragged Ocampo out of the Manila Police District Headquarters (MPD-HQ), where he was temporarily detained, to board a private plane to Leyte. This was despite the judge's permission for Ocampo to be detained in Metro Manila pending a decision from the Supreme Court on his case. The police brought him back to the MPD-HQ in mid-afternoon after the flight turned back midway to Leyte. Ocampo was released on April 3 on orders of the Supreme Court and after posting a P100,000 cash bond. He had been detained for 18 days.

In a related case, two residents of Nueva Ecija who claimed to be members of the Akbayan party-list group filed simultaneously on February 16, two separate "complaints/petitions" with the Comelec against the party-list groups Bayan Muna, Anakpawis, and Gabriela Women's Party. The "complaints/petitions for special action" sought to disqualify the three progressive party-list groups from running in the May elections because they were "advocating violence." They likewise filed murder charges against Maza, Mariano, Ocampo and Casiño, whom they accused of having ordered their husbands' murders. There seems to be no end to the harassment of the three party-list organizations.

Prof. Jose Maria Sison

The U.S.-Arroyo regime had to cut short its rejoicing on the arrest of **Prof. Jose Maria Sison** in The Netherlands, when the District Court in The Hague on September 13 ordered his release from incommunicado detention. He had been detained for 17 days after he was arrested on charges of inciting to murder. The court ruled on the ground that there was no sufficient evidence to support the charge. It was categorical in its statement that there is no direct evidence to link Sison to the killing of Romulo Kintanar and Arturo Tabara in 2003 and 2004, respectively.

Subsequently, on October 3, the Court of Appeals in The Hague dismissed the petition of the Public Prosecutor's Office to put Sison back in prison, upholding the lower court's decision and rejecting the appeal by the public prosecutor to detain Sison pending further investigation of the said killings.

The Dutch Court of Appeals further noted that the charge against Sison must be "seen in their political context and that the statements given by the various witnesses cannot be simply accepted as reliable." On its November 21 decision, C. M. Derijks, the Judge Commissioner of the Court of The Hague, formally closed the preliminary investigation of Sison on the charge of inciting to murder.

Sector and Special Groups	Extra-Judicial, Summary or Arbitrary Execution	Enforced or Involuntary Disappearance
Peasant	416	108
Moro	56	9
Indigenous People	85	7
Worker	55	16
Children	59	4
Unborn	10	0
Urban Poor	40	7
Church	22	1
Youth & Students	23	10
Fisherfolk	21	3
HR worker	21	1
Gov't. Employees	9	1
Entrepreneur	15	7
Teacher	9	0
Media	6	0
Lawyer	5	0
Others	23	6
Unclassified	12	5
Total	887	185

The U.S.-Arroyo regime's move against Sison constitutes another impediment that GMA has thrown at the resumption of peace negotiations between the GRP (Government of the Republic of the Philippines) and the NDFP. It should also be noted that to date, 10 NDFP consultants and staff have been victims of enforced disappearance, with Leo Velasco as the latest to be abducted with no news of his whereabouts.

Anti-Terrorism Law or Human Security Act of 2007

Despite widespread criticism and moves to defer implementation, the new law – Anti-Terrorism Law hiding behind the benign sounding Human Security Act or HSA – took effect on July 15, two months after the May mid-term elections. From being a political jargon, “terrorism” has now become a legal ambiguity.

Various groups have questioned the law before the Supreme Court, and filed petitions for a temporary restraining order (TRO). In Congress, progressive party-list groups BM, GWP and AP have also filed a bill seeking to repeal the HSA.

Under ATL, common crimes already covered by the Revised Penal Code are defined as “terrorism.” ATL adds that a terrorist act seeks “to sow and create conditions of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand.” The vague definition may be expanded to other acts that can cover just anybody questioning or criticizing a policy, program or action of the Arroyo administration. ATL took effect even without the required implementing rules and regulations. Its ambiguity gives the government undue advantage over its perceived political dissenters.

Those adjudged guilty will be meted 40 years of imprisonment, the equivalent of a life sentence, without the benefit of parole.

Among the dangerous features of the Anti-Terrorism Law are:

Surveillance. The ATL gives the state expanded rights to conduct surveillance against so-called “terrorist” organizations, suspected “terrorists” and those suspected of providing aid or support to suspected “terrorists.”

Warrantless arrest and indefinite detention. The ATL allows warrantless arrests. While detention for only up to three days without charges is allowed, it can be extended indefinitely in case of “actual or imminent terrorist attack.”

House arrest. Even in cases where evidence of guilt is weak, suspects may be placed under “house arrest.” Their right to travel may be restricted within a city or municipality. A court may also ban suspects from using a telephone, fax, internet, computer or any other means of communication.

Looking into and controlling bank deposits, accounts and records. The ATL allows the police/military to look into and control bank deposits, accounts and financial records of “suspected terrorists.” Such accounts may also be frozen or sequestered.

Martin Scheinin, the UNSR on the promotion and protection of human rights and fundamental freedoms while countering terrorism, cautioned in a statement issued on March 12:

“... I encourage the legislative branch of Government in the Philippines to reconsider this new counter-terrorism law which was approved by Congress in a Special Session of Parliament on

19 February 2007. It is my hope that there will be further debate which may result in the introduction of specific amendments or repeal of the entire Act by the new Congress elected this spring, since implementation of this law could have a negative impact on human rights in the country and undermines the rule of law."

He specifically referred to the definition of "terrorism" as "an overly broad definition which is seen to be at variance with the principle of legality and thus incompatible with Article 15 of the International Covenant on Civil and Political Rights (ICCPR)."

INCREASING INTERNATIONAL PRESSURE

Since it assumed power in 2001, the Arroyo government and its military arm have addressed extra-judicial, summary or arbitrary executions in the country in two ways. On one hand, they refused to acknowledge the gravity of the abuses, insisting on referring to extra-judicial executions as "unexplained killings." On the other hand, they blamed everything on "communist purging."

Expectedly, they accused Karapatan's documentation and testimonies of survivors and victims' kin as "malicious" pro-leftist propaganda meant to destabilize Arroyo's rule. Karapatan's reports have been validated by significant investigation reports both at local and international levels. These reports point to government accountability and military/police culpability.

This year, the Alston Report, the U.S. Senate hearing and the Permanent People's Tribunal underscored the fact that the Arroyo government is the no. 1 violator of human rights in the Philippines.

UN Special Rapporteur on extra-judicial, summary or arbitrary executions

Professor Philip Alston, UN Special Rapporteur on extra-judicial, summary or arbitrary executions, directly attributed the extra-judicial killings on the AFP and its counter-insurgency program. "The necessary measures should be taken to ensure that the principle of command responsibility, as it is understood in international law, is a basis for criminal liability within the domestic legal order," Alston said.

Alston had issued two partial reports following his 10-day visit to the country in February wherein he met with the Arroyo government's cabinet secretaries, legislators, senior officers of the AFP and PNP and other officials of agencies like the CHR, Task Force Usig and Melo Commission. He also met with representatives of human rights organizations and families of victims, including witnesses and relatives of some 20 victims, whose cases were documented by Karapatan.

At the end of his visit in February, Alston concluded that the military was in "a state of denial" concerning its involvement in the killings. In his report in August, Alston said that even the military's "purge theory (by CPP-NPA) can only be viewed as a cynical attempt to displace responsibility."

Among Alston's recommendations in his November report is to abolish the IALAG, to "refocus" the criminal justice system which he said in an earlier report to be "distorted," being more "focused on prosecuting civil society leaders rather than

their killers.” Towards reaching convictions in the cases in the courts, he proposed transparency in the actions by the CHR, Task Force Usig and the Supreme Court through the issuance of monthly reports.

He also called on the Philippine government to order all military officials to stop linking people’s organizations to the armed groups, saying this “public vilification” had been “accompanied by operational measures.” Alston called for transparency in the AFP’s “Order of Battle,” its purpose and who qualify to be included in such list.

The UNSR also stressed that human rights must be taken in the context of the peace process. He recommended the operationalization of the Joint Monitoring Committee of the GRP and the NDFP with its mandate under the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL).

In a bid to ease pressure from the international community, Mrs. Arroyo, in the midst of the pay-off scandal that haunted her recently, dispatched her Executive Secretary Eduardo Ermita to New York to personally update UN officials on the government’s so-called efforts to address the extra-judicial killings in the country. Ermita, a retired general, chairs the Presidential Human Rights Committee (PHRC).

Alston, an Australian law professor, was appointed UN Special Rapporteur in 2004, and had served in various capacities in the UN, including chairing the Committee of and being a Special Rapporteur on the Economic, Cultural and Social Rights. He had also worked on the drafting of the Convention against Torture in the 1980s.

U.S. Senate Committee on Foreign Relations, Sub-Committee on East Asian and Pacific Affairs

A U.S. Senate hearing this year further increased the pressure on the Arroyo government, as it threatened to hold back U.S. aid if the Philippine government does nothing about gross human rights violations.

The U.S. Senate hearing, which was called in March by Senator Barbara Boxer,¹ Chair of the Sub-Committee on East Asian and Pacific Affairs of the Senate Committee on Foreign Relations, aimed to examine strategies to end the violence, specifically extra-judicial killings, in the Philippines.

Sen. Boxer, in her opening statement said, “It is important we (Americans) do not have blood on our hands. . . . If we are training the (Philippine) military with our hard-earned tax dollars, our concern about the military cannot be discounted . . . the war on terror cannot be used as an excuse to kill innocent civilians.” The

¹ Other witnesses and resource persons who attended the hearing were: Eric John, Deputy Assistant Secretary of State for East Asian and Pacific Affairs; Jonathan Farrar, Principal Deputy Assistant Secretary of State for Democracy, Human Rights and Labor Department; T. Kumar, Advocacy Director for Asia and Pacific of Amnesty International – U.S.A.; and G. Eugene Martin, Executive Director of the Philippine Facilitation Project of the U.S. Institute of Peace, Chair of the Sub-Committee on East Asian and Pacific Affairs of the Senate Committee on Foreign Relations.

Democrat senator from California, whose constituents included a great number of Filipinos, proposed that the Senate should “tie some strings around military aid.”

In addition, Deputy Assistant Secretary of State Eric John said, “As friends and allies, we are concerned about such killings, whoever is responsible, but particularly about allegations that members of the security forces have been involved. There is disagreement about the numbers of victims, but of course even one such killing is too many.”

At the March 14 U.S. Senate hearing, those who testified, among others were human rights advocates Marie Hilao-Enriquez of Karapatan and Bishop Eliezer Pascua, UCCP General Secretary. Also present in the hearing was Amnesty International – U.S.A.’s T. Kumar who opined, “It is a mystery why the government of the Philippines failed to address this disturbing trend of political killings for all these years despite the fact that hundreds were killed for political reasons.”

Bishop Pascua and Enriquez were with a nine-member ecumenical delegation² that went to the U.S. to present a report on the series of politically motivated killings in the Philippines. The delegation urged the U.S. Congress and church leaders in the U.S. to exert pressure on the Arroyo government to stop the killings. It also met with the House Committee on Foreign Affairs represented by senior staff members of Rep. Tom Lantos (D-California) who heads the committee.

Both the Senate hearing and the House briefing were secured by the concerted efforts of church and ecumenical bodies led by the Rev. Bob Edgar, General Secretary of the National Council of Churches of Christ in the U.S.A. and a former member of Congress. Edgar and grassroots organizations in the U.S. lobbied before their respective congresspersons to have the committees of Sen. Boxer and Rep. Lantos hold the meetings when the high-level church delegation from the Philippines would be in Washington, DC.

Congressmen James L. Oberstar (Minnesota, 8th) and Joe Pitts (Pennsylvania, 16th), with 49 other U.S. congresspersons, presented a bipartisan letter addressed to Mrs. Arroyo on August 1. The letter expressed concern about the current human rights violations in the Philippines, “The Philippines is our friend and ally, but we cannot tolerate the unacceptable human rights conditions in the Philippines. Just this year, it is estimated that pre-election violence claimed at least 110 victims before the May 14th mid-term congressional elections.”

Permanent Peoples’ Tribunal: The Philippines in the UNHRC is an “intolerable offense to the victims”

Victims, their families and people’s organizations scored a key victory in March this year when the Permanent People’s Tribunal issued a historic verdict finding President Gloria Macapagal-Arroyo and U.S. President George W. Bush, Jr. and their respective governments guilty of gross and systematic violations of human rights, economic plunder and transgression of the Filipino people’s sovereignty.

²The Boxer Senate hearing is the culmination of the Stop the Killings! Campaign in the U.S. The ecumenical delegation formed the Ecumenical Voice for Peace and Human Rights in the Philippines (EcuVoice). They traveled to Canada, the United States and Europe in March 2007 to seek audience with churches, government bodies and UN agencies. EcuVoice was supported by the World Council of Churches, Lutheran World Federation, National Council of Christian Churches in the U.S.A. and United Church of Canada.

Hustisya (Victims of the Arroyo Regime United for Justice), Desaparecidos (Families of Desaparecidos for Justice) and Bayan charged Gloria Macapagal-Arroyo, George W. Bush and their governments before the Permanent People's Tribunal (PPT) held in the Hague in the Netherlands:

Gross and systematic violation of civil and political rights: extra-judicial killings, abduction and disappearances, massacre, torture;

Gross and systematic violation of economic, social and cultural rights;

Gross and systematic violation of the rights to national self-determination and liberation."

"The Arroyo government may have prevented the truth from coming out when it blocked two impeachment trials, but it cannot deny the glaring evidences against her in an international court," Evangeline Hernandez, Hustisya Convenor, pointed out.

The PPT issued its guilty verdict after a three-day hearing, when testimonies from victim-witnesses, victims' kin and expert witnesses were presented either in person or through video conferencing.

The PPT concluded that the violations against the Filipino people are "crimes against humanity" and are committed by the government of Arroyo "with the support and full awareness of the government of George W. Bush."

The PPT went as far as to denounce the inclusion of the Philippine government in the UN Human Rights Council, saying that it "undermines the credibility of the UN, it is an intolerable offense to the victims," and is "a denial of the many well-documented denunciations of the dramatic violations of human rights" in the country.

PPT Session President François Houtart clarified that although the verdict may be legally non-binding, it is nevertheless "morally binding." The judgment was transmitted to the United Nations, International Court of Justice, European Parliament and various foreign governments to add more pressure on the U.S.-backed Arroyo government to stop the killings and other gross human rights violations.

As an international tribunal, the PPT examines cases of violations of human rights and rights of peoples, independent from any State authority. The PPT's first session on the Philippines, which was held in 1980 in Antwerp, Belgium, tried the Marcos Dictatorship and found it guilty of political suppression, abuse of power and of violating the rights of the Filipino people.

GMA'S TOKEN MOVES TO ADDRESS THE KILLINGS

Pushed by extensive case documentations and the loud outcry here and abroad into admitting that there are killings going on, Arroyo tries to wriggle out of the situation by making token moves which she and her apologists pass about as adequate ways by which the state addresses the human rights violations (HRVs). They repeat over and over again like a mantra the creation of Task Force (TF) Usig, Melo Commission, special courts and sufficiency of the witness protection program hoping that the public will believe their empty boast.

The two bodies created by the Arroyo government to investigate rights abuses – the Task Force Usig of the Philippine National Police and the Melo Commission – proved to be consistent with the public perception of being Malacanang’s whitewash mechanisms. Arroyo formed these bodies and, almost right after, cleared and absolved the military from any involvement in the series of extra-judicial killings and other gross human rights violations. After more than a year, not a soldier or policeman has been convicted of the killings and disappearances documented by Karapatan.

Task Force Usig

TF Usig only ended up blaming the NPA or classifying the violations as “unexplained killings.” It went to the extent of producing victims who gave “testimonies,” obviously under duress, in support of PNP claims.

TF Usig only succeeded in taking on the role as the AFP’s “janitors,” covering up the military’s human rights violations, cleaning up after the perpetrators, not running after them.

To TF Usig a case is solved when a suspect is arrested and charges are filed. It does not matter if the charges are proven correct or wrong. Fall guys can always take the blame. No serious nor comprehensive investigation is conducted. Instead, the TF issues statements obfuscating the reasons why activists and government critics are being killed and forcibly disappeared.

The TF was good only at relentlessly destroying the credibility of Karapatan’s data on HRV. It tries to reduce the number of extra-judicial, summary or arbitrary killings by alleging that Karapatan includes in its count those killed in encounters between government troops and the NPA guerillas or Moro fighters. It also uses the difference between media and Karapatan counts. Karapatan reiterates that IHL violations are not included in the recorded cases of EJK. Also, each of the cases counted by Karapatan is accompanied by a factsheet, without which a case is held pending until verified. Media counts are less in number because their list is based only on the news stories covered in their reportage. Karapatan’s documentation comes from a nationwide network of human rights workers who specifically gathers data on HRV.

Melo Commission

The Melo Commission did not earn the trust of the victims and their relatives because it had among its members the National Bureau of Investigation Director and the Chief State Prosecutor. Both have been involved in repressive acts and neither one has done anything for the victims and their relatives. The commission’s initial act of interviewing the military generals first, its inability to guarantee the protection of witnesses and its initial pronouncements drove victims and witnesses away from fully participating in the commission’s investigation. In addition, the commission ignored the guidelines on investigation proposed by Amnesty International.

The victims and their families welcomed the commission’s report implicating the notorious retired Maj. Gen. Jovito Palparan, Jr. in the killings by command responsibility. However, they in the least were disappointed that the report deflected liability from Pres. Arroyo by stating that there is no national policy to which the killings and disappearances may be attributed. The commission also defined the chain of command as limited to AFP, disregarding the fact that Arroyo is its Commander-in-Chief.

The Melo Commission criticized Karapatan for not participating in its investigation despite the fact that the latter is a source of the data and information that the commission used. The commission could not understand why Karapatan took the side of the victims and their families who refused to attend the hearings without being assured of their safety and protection and an impartial investigation.

PRESIDENT ARROYO has been outspoken in her rebuke of Myanmar's military rule. But the human rights record of her government and her undeclared martial law are no better than those of the Burmese military dictatorship.

As a lawyer pointed out, if she really wants to stop the killings, she can easily issue a directive as AFP's Commander-in-Chief that the killings should stop once and for all, and that any provincial and battalion commander will be dismissed if a political killing occurs on his watch. Instead, the GMA government has taken no action against Palparan. The special courts created have also failed to convict any perpetrator. One case filed by a victim's family against the military was considered resolved by a special court. Actually it dismissed the case due to "lack of evidence." What it did not consider was the difficulty of getting people to testify for fear of military and police reprisal.

SUPREME COURT "UNSHEATHES" ITS "UNUSED POWER"

"They who seek to remain in the safety of the sidelines when human rights are under assault shall be condemned by history into irrelevance." – Chief Justice Reynato S. Puno

The Supreme Court (SC) led by Chief Justice Reynato S. Puno, in contrast to GMA's Malacanang and Raul Gonzalez's Department of Justice, took three significant steps in 2007 to address the dismal human rights situation in the country and, in particular, the extra-judicial killings.

SC Ruling on the Rebellion Case Against the Batasan 6 et al

The Supreme Court instructed the Regional Trial Court to dismiss the rebellion case against the Batasan 6 and other leaders of the legal democratic movement including Prof. Jose Maria Sison. The SC decision, penned by Justice Antonio Carpio, states:

"We find merit in petitioners' doubt on respondent prosecutors' impartiality. Respondent Secretary of Justice, who exercises supervision and control over the panel of prosecutors, stated in an interview on 13 March 2006, the day of the preliminary investigation, that, **"We [the DOJ] will just declare probable cause, then it's up to the [C]ourt to decide x x x."** Petitioners raised this issue in their petition, but respondents never disputed the veracity of this statement. This clearly shows pre-judgment, a determination to file the Information even in the absence of probable cause.

A Final Word

"The obvious involvement of political considerations in the actuations of respondent Secretary of Justice and respondent prosecutors brings to mind an observation we made in another equally politically charged

case. We reiterate what we stated then, if only to emphasize the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular, thus:

[W]e cannot emphasize too strongly that prosecutors should not allow, and should avoid, giving the impression that their noble office is being used or prostituted, wittingly or unwittingly, for political ends, or other purposes alien to, or subversive of, the basic and fundamental objective of observing the interest of justice evenhandedly, without fear or favor to any and all litigants alike, whether rich or poor, weak or strong, powerless or mighty. Only by strict adherence to the established procedure may the public's perception of the impartiality of the prosecutor be enhanced."

National Consultative Summit on Killings and Disappearances

In July, Chief Justice Puno convened the National Consultative Summit on Extra-Judicial Killings and Enforced Disappearance, which was attended by other SC Justices, government leaders, officers of the AFP and PNP, as well as representatives of the church, academe, human rights organizations and other non-governmental organizations.

In his keynote speech, the Chief Justice lamented "the frailties of our freedom, the inadequacy of our laws if not the inutility of our system of justice" shown up by the extra-judicial killings and enforced disappearances. He pointed out that it was time for the judiciary to "unsheath its unused power to enact rules to protect the constitutional rights of our people, the first and foremost of which is the right to life itself."

The workshops in the Summit came up with recommendations on judicial reforms in the areas of preliminary investigation, powers of the public prosecutor, writ of habeas corpus and modes of discoveries, among others.

Writ of Amparo

As a direct result of the summit, the High Court issued the Rules on the Writ of Amparo on September 25. SC Justice Adolfo Azcuña said in a forum on the writ that "for the first time in 20 years, the Court felt the need to implement and enforce" the writ, because legal remedies to protect human rights were no longer sufficient, in the wake of killings and disappearances. The writ of Amparo could provide a special remedy through the issuance of orders either for temporary protection, inspection, production of documents and witness protection.

Six out of nine habeas corpus petitions for victims of enforced disappearances have been denied by the courts this year. The most prominent case, the habeas petition for UP students Sherlyn Cadapan and Karen Empeño and peasant Manuel Merino, was denied by the Court of Appeals (CA) in June, a year after their abduction in Bulacan by suspected military men. The CA decision said the petition failed to prove that the military has custody of the victims. It proposed an investigation of the cases by the CHR or other agencies.

On October 24, the writ's effectivity date, the Cadapan and Empeño families filed a petition for writ of amparo asking for the release of the two victims, inspection of military camps and production of documents. The respondents included no less than President Arroyo, AFP Chief Hermogenes Esperon, Jr., and several Army officers. However, Assistant Solicitor General Amparo Tang had already opposed the inspection order sought by the families cautioning that it would jeopardize national security.

The military, through the writ of amparo, was compelled to surface and eventually release Ruel Muñasque on November 7 and Luicito Bustamante on November 14 by virtue of two separate petitions for their protection.

On October 30, the Muñasque family, through Attys. Tirsendo Poloyapoy and Emiliano Deleverio, filed a petition for writ of amparo. Judge Abraham Ramas of Regional Trial Court (RTC) Branch 18, at a November 7 hearing, ordered the military to produce the victim in court. Muñasque was released from military custody on the same day.

Muñasque, 33, is a UCCP leader based in Mindanao. He and Roger Morales were abducted on October 24, 2007 at a checkpoint manned by elements of the 53rd IBPA in Dumalinao, Zamboanga del Sur. They were blindfolded, handcuffed and were brought to a camp where they were physically tortured. The military released Morales at dawn the following day but kept Muñasque in detention until the court order was issued.

Bustamante, a 21-year old peasant, was accosted with two other young men while distributing campaign leaflets on October 27 by a paramilitary group task force, led by a Noli Obat at a checkpoint in Paquibato District, Davao City. Obat accused Bustamante of being an NPA member and detained him. Physical examination upon his release showed cigarette burns and other torture marks on Bustamante's body. He narrated how his captors beat him up, wrapped a plastic bag on his head and made him eat his feces.

Since November 9, five petitions for the writ of amparo have been filed in court.³

However, the writ is only remedial, and may not prove to be preventive. Also, it might be taken lightly since the penalty for defiance is mere contempt. In addition, the writ has been amended to extend to 10 days the period by which a respondent military or police agency may respond.

This early, the Executive Branch of the Arroyo government has countered the Supreme Court's measures when GMA issued Administrative Order 197, which provides for safeguards of military secrets and against interference in military operations. This is what is now being invoked by the military in the writ of amparo hearings. Arroyo wants Congress to pass a legislation to institutionalize AO 197.

CRY FOR JUSTICE HEARD AND ECHOED AROUND THE WORLD

Even as the Philippine horizon remains shrouded with impunity for human rights violations, victims of rights abuses and people's organizations are able to clear a bit of blue sky as they gain small victories in the struggle to seek justice.

HUSTISYA AND DESAPARECIDOS: Thorns on the Side of a Repressive State

Victims' organizations like Hustisya and Desaparecidos have made their mark as they wage the campaign to stop the political killings and disappearances.

³These include the cases of missing UP students Karen Empeño and Sherlyn Cadapan, brothers Raymond and Reynaldo Manalo, who escaped from military custody and sought court protection against further military harassment. Writs have also been issued for urban poor leader Lourdes Rubrico, who had been abducted by the military and later released; for Romulos Robiño and Ryan Supan, both missing after being abducted in Pampanga; as well as for Romulos' sister Leny and his mother Lolita, who both fear military violence. The Supreme Court started hearing the Robiños case this November before the Court of Appeals.

Formed on September 15 last year, **Hustisya!** gathers the victims of various human rights violations, especially families of those killed, from the time Gloria Macapagal-Arroyo became president in 2001 to the present. “Tragedy maybe what brought us together, but being aware that we are not alone gives us a sense of power, a sense of certainty that we will attain justice,” declared a victim’s kin in one of Hustisya’s gatherings.

The monthly gathering in Metro Manila average 50 to 100 in attendance, mostly victims and relatives who are based in the National Capital Region (NCR) and nearby towns. Similar activities are also held by victims’ groups in some of the provinces.

It is in these gatherings that martyrs and desaparecidos are given tribute and remembered, in songs and cultural performances, flower offerings and candle-lighting. As to be expected, Hustisya assemblies turn into tearful, emotion-charged gatherings where the families express their pain in testimonies. Erlinda Mañano, mother of slain Anakpawis coordinator, Isaias, once lamented: “It’s sometimes sad to see new faces in our every gathering, because it means new victims.”

Still, the activity serves as a venue for a collective pledge to carry on the struggle for justice. Coming from different regions and having different backgrounds, they find strength and inspiration in each other as they share a common goal to bring human rights violators to face the bar of Justice. They can also laugh together when telling one another stories recalling the good, happy and “crazy” times they had with the victims and one another.

Hustisya also tries to raise resources to help meet part of the material needs of the victims and families especially the children and those who have just been victimized.

“They may have the guns, but we have the numbers,” said Aldos Ramento, son of Iglesia Filipina Independiente (IFI) Bishop Alberto Ramento, whose first death anniversary was commemorated in the Hustisya gathering in October.

For its part, **Desaparecidos** brought back to public consciousness the phenomenon of enforced or involuntary disappearance, as it called for the opening of military camps and safehouses to surface the disappeared.

Formed in 1995, Desaparecidos unites the kin of the disappeared or those who have been missing since the martial law era, the succeeding regimes and up to the present. Desaparecidos supports families in their efforts to search for their missing kin, and helps deepen their commitment to pursue justice, not just for their relatives, but for all the desaparecidos.

Desaparecidos’s call for a stop to enforced disappearances got another boost from the campaign to surface Jonas Burgos. Mass actions led by the Burgos family and the Free Jonas Burgos Movement became a new rallying point for families of desaparecidos and those from other sectors calling for a stop to enforced disappearances and for the victims to be surfaced.

At the August 30 commemoration of the UN Day for the Disappeared, Mrs. Burgos said: “We shall continue to be a thorn on the side of this government until my son is found.”

International Solidarity: Igniting Global Outrage on RP Rights Abuses

Solidarity with peoples from different countries was the key to the worldwide outrage created by the campaign to stop the killings and enforced disappearances

in the Philippines. The International Campaign to Stop the Political Killings in the Philippines or **Stop the Killings!** culminated in the Permanent Peoples' Tribunal in Europe and the EcuVoice Events and the U.S. Senate Hearing in Washington DC.

Karapatan credits the various organizations and solidarity groups abroad with the remarkable response to the national and international campaign it launched to stop the killings and enforced disappearances in the Philippines. The compatriot organizations abroad, Philippine support groups, solidarity networks and members of Bayan International organized, coordinated and participated in fact-finding and solidarity missions to the Philippines. The missions visited areas where most of the violations occurred and talked to survivors and families of victims. Certainly, these missions played a significant role in opening the eyes of the international community to the harsh realities in the Philippines.

Their voices, along with those of the Filipino people, shattered the U.S.-Arroyo regime's illusion that it can eliminate the so-called enemies of the state through killings and repression without people's resistance and public outcry.

The groups informed the international community of their findings, disseminated information for the people to raise their voices and act as one against these violations. They likewise lobbied with their respective governments.

The people's protests worldwide echoed in the halls of international institutions that even the United Nations and the U.S. Senate could not fail to notice.

Karapatan Secretary General Marie Hilao-Enriquez, who is among those who testified in various international missions and hearings, describes the usual reaction of foreigners, "They could not imagine the impunity, and they could not imagine the power of the military. More so, they could not imagine why these violations remain unresolved cases."

IMPUNITY AND LAWLESSNESS UNDER ARROYO'S REPRESSIVE REGIME

Gloria Macapagal-Arroyo's creation of an "investigative" commission and one task force after another, successfully deflected responsibility from her but failed to make anyone accountable, let alone be convicted for the human rights violation. From the execution, investigation up to the prosecution, state security forces who perpetrated the killings and disappearances seemed untouchable.

This impunity and the overall failure of the criminal justice system had also engendered lawless elements to commit crimes with wanton disregard for human lives.

In the countryside, wide scale and massive military deployment and operations wreak havoc on the lives and livelihood of the village folk. Counterinsurgency operations were brought to Metro Manila and other urban areas, with soldiers taking over barangay (village) halls, as their detachments. Military presence has been felt through harassments and intimidation of organizers and members of progressive people's organizations. Village officials can cooperate, or face the fate of those who defy the military.

The UN Human Rights Council should never have approved the membership of the Government of the Republic of the Philippines (GRP). How can such a human rights violator be in a body of nations supposed to protect human rights worldwide?

The political strife, the resulting breakdown of law and order, and assault on human rights will persist under this corrupt and fascist regime. Karapatan maintains that, to end impunity and improve the human rights situation in the country, the only recourse is to replace the Philippine president.

Demands

Despite national and international outcry, the extra-judicial killings, enforced disappearances, intense militarization and other violations of human rights continue in the Philippines. An unpopular president whose mandate is under question continues to choose military might over genuine reforms. An avid ally of George W. Bush in the Asean, she is as eager as before to carry out the U.S.'s "war on terror," which in reality is a blueprint for state terrorism.

The people, on the other hand, persist in advancing their political, economic, social and cultural rights. They are relentless in asserting their sovereignty, unwavering in protecting their patrimony and defending whatever is left of democracy in their land.

The people's demands are clear. There should be a stop to the extra-judicial killings. The disappeared should be surfaced and political prisoners freed. The national policy Oplan Bantay Laya, which embodies the U.S.-Arroyo regime's state terrorism, should be junked immediately.

The Arroyo government and the military should cease from blocking indemnification to the victims of human rights violations by the Marcos dictatorship. The corrupt President should keep her hands off the recovered Marcos dollars which have been granted by courts to the victims of Marcos's martial rule.

Foreign governments are called upon to stop all military aid to the Philippines since it is used to stifle and crush legitimate dissent. The corrupt GMA central government should be stripped of other forms of aid and cooperation by redirecting them to people's and other non-governmental organizations and the local government units. This will ensure that such aid will reach its real beneficiaries and not the pockets of corrupt national government leaders and traditional politicians.

Global campaigns to stop the state terrorism of the Arroyo and Bush regimes, especially those being waged by activists in the U.S. and the Philippines, should be supported by internationalists from all parts of the world. Such campaigns are part of the anti-imperialist struggles against globalization and war.

After suffering through more than six years of Gloria Macapagal-Arroyo's reign, the people cannot take three more years of abuse. GMA has to go. If necessary, she should be driven out of Malacanang by another exercise of people power. Only then can headway be made in achieving meaningful changes in the interest of the majority of the Filipino people.

Concern and Support Continue to Broaden

The Filipino's perseverance in defending their rights and seeking fundamental changes to improve their condition continues to gain positive international response. The year 2007 is witness to the overwhelming support the Filipino people received from the international community.

In November, the U.S. Senate Appropriations Committee's proposed additional USD 2M military aid to the Philippines was set on three conditions, largely based on Alston's report to the UN:

The Philippine government is implementing the recommendations of the United Nations Special Rapporteur on extra-judicial, summary or arbitrary executions.

The Philippine government is implementing a policy of promoting military personnel who demonstrate professionalism and respect for human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have committed extra-judicial executions or other violations of human rights.

The Philippine military is not engaging in acts of intimidation or violence against members of legal organizations who advocate for human rights.

However, while the conditions set are an indirect recognition of the Philippine government's grim human rights record, the proposed funding is almost three-fold higher, from USD11M to USD30M for 2008.

Leaders and members of faith-based, Filipino-American, labor and human rights organizations¹ wrote the U.S. Senate to reconsider its proposal. The group said that increasing the amount of aid to the Philippines would indicate U.S. support to the "Philippine military's counter-insurgency strategy cited by the UN Rapporteur as the cause of many serious human rights abuses."

¹ The letter was signed by James E. Winkler (General Secretary, Church & Society United Methodist Church); Rev. Dr. Clifton Kirpatrick (Stated Clerk, General Assembly Presbyterian Church U.S.A.); Rev. Ben Larson-Wolbrink (Campus Minister Presbyterian Campus Ministry); Rev. Michael Yoshii (Buena Vista UMC & Co-Coordinator Philippine Task Force of UMC California-Nevada Annual Conference); Rev. Ruth Cortez (UMC California-Nevada Annual Conference, Co-Coordinator Philippine Task Force); Galatea King (Co-Chair, Filipino/American Coalition for Environmental Solidarity); Rev. Dennis Duhaylongsod (Filipino-American United Church of Christ, Fremont); Barbara Farley (Moderator, Presbytery of Sacramento PCUSA); Rev. Dr. David Thompson & Rev. Gary Cox (Westminster Presbyterian Church (PCUSA)); Sally Hinchman (General Executive Presbyter, Presbyteries of Sacramento, Stockton & Nevada, Presbyterian Church U.S.A.); Rev. Larry Emery (Community Presbyterian Church & Chairperson, Philippine Partnership Committee, Presbytery of Sacramento); Bama Athreya, (Executive Director, International Labor Rights Forum, Washington DC); Emira Woods (Co-Director, Foreign Policy in Focus, Washington DC); Rev. Kathryn Johnson (Executive Director, Methodist Federation for Social Action, Washington, D.C.); Rev. Richard Williams (Agape House, University of Illinois); Rev. Lisl Heymans (Campus Minister & Elder in the UMC Agape House, University of Illinois & Co-Coordinator, Northern Illinois Chapter of the Methodist Federation for Social Action); Rev. Matthew Lang (First Presbyterian Church of Des Plaines); Shelley Milosevich (Philippine Solidarity Project, Chicago); Rev. Jenny Gleichauf (Winnetka Congregational Church); Meg Layese (Coordinator, Philippine Study Group of Minnesota); Rev. RUSTy Eidmann-Hicks (Holmdel Community UCC)

The **Hong Kong Mission for Human Rights and Peace in the Philippines** conducted a follow-up mission last October 16-22, 2007. It was composed of 11 delegates including Hong Kong Legislator Leung Kwok-Hung.²

The mission concluded that while the frequency of extra-judicial killings has decreased, there was no single conviction of a perpetrator. The non-conviction of those guilty, the mission observed, “adds to the culture of impunity that allows the killings and the disappearances to continue.”

The HK mission members met with families of victims and a number of government agencies. In their meetings with the families of victims, the mission noted that the latter did not believe that the police and the authorities could solve the cases.

The **Public Services International (PSI)**, an international federation of public sector trade unions representing more than 20 million members from over 150 countries worldwide, sent in February an international delegation of trade union representatives to look into the human rights situation of workers in the Philippines. The group, along with local union leaders, had a chance to dialogue with UNSR Philip Alston who was in the Philippines at that time.

PSI, which has special consultative status in the UN, submitted a written statement to the Fourth Session of the UNHRC in March in which it “condemns in the strongest possible terms the spate of extra-judicial killings in the Philippines, which left over 800 people killed, including among them about 80 trade union activists.”

Human Rights Now (HRN), a Tokyo-based international human rights organization, conducted in April its own investigation of the extra-judicial killings and enforced disappearances in the Philippines. HRN is the first Japanese international human rights NGO of experienced legal professionals dedicated to protect and promote human rights around the world, with a special focus on Asia.

The HRN fact-finding mission was significant because it reminded the Japanese government, the largest donor of Overseas Development Aid (ODA) to the Philippines, to live by the principles stated in Japan’s ODA Charter, “full attention should be paid to efforts for promoting democratization . . . and the situation regarding the protection of basic human rights and freedoms to the recipient country.”

The mission called on the Japanese government:

To suspend the Yen loan agreement up until it recognizes the human rights situation and accountability mechanism have clearly improved.

To keep monitoring human rights situation and accountability mechanism in the Philippines, as well as conducting constructive dialogue on human rights with the Philippine government.

To raise the international community’s awareness of the issue through the UN Human Rights Council.

² The delegation included representatives from the Asian Human Rights Commission, Justice and Peace Commission of the Hong Kong Catholic Diocese, HK Federation of Catholic Students, Asia-Pacific Mission for Migrants, Asian Centre for Progress of Peoples, Asian Students Association and Asian Monitor Resource Centre.

Various reports of EJK and enforced disappearances here and abroad alarmed the **European Union** that it sent a Needs Assessment Mission, which stayed ten days in June. The six-person team of experts clarified that the mission's focus was needs assessment not an investigation into the killings. They made sure that their visit did not become as controversial in the eyes of the Arroyo government as that of UNSR Philip Alston's.

Karapatan SecGen Marie Hilao-Enriquez, in the EU mission's dialogue with representatives of Philippine HR organizations implored the team to "ask the Philippine government to immediately stop the extra-judicial killings, abductions and forced disappearances, torture and other forms of human rights violations, including the revocation of all hit lists that target civilians and progressive people's organizations." She also appealed to the mission to support the call for the resumption of peace negotiations between the GRP and the NDFP.

The **International Federation of Human Rights Leagues (FIDH)**, a non-governmental organization with special consultative status in the UN, sent a mission in August. The mission was composed of Frederic Ceuppens (Belgium), Mouloud Boumghar (France) and Nabeel Tajab (Bahrain).

Before its FFM to the Philippines, FIDH submitted a written statement to the UN Secretary General in February, parts of which read:

"Human rights defenders face huge risks in order to document the violations and assist the victims. The tribute they paid in 2006 is particularly heavy. The Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and OMCT (World Organization against Torture), recorded 23 cases of extra-judicial killings of human rights defenders in 2006 alone..."

FIDH called on the UNHRC to urge the government of the Philippines to:

Ensure that a fully independent body be in charge of the investigation of the cases of extra-judicial killings;

Put in place a meaningful programme of protection of victims and witnesses before, during and after the inquiry and the judicial procedures;

Drop the charges of rebellion filed against civilians belonging to the opposition in the absence of meaningful evidence against them, and free Congressman Crispin Beltran;

Publicly and unambiguously denounce attacks on legal Left groups, and put an end to allegations of collusion between peaceful opposition groups and illegal armed groups;

Ensure that there is no intrusion of the military into civil administration;

Adopt the Bill on Torture implementing the UN Convention Against Torture, ratified by the Philippines;

Ratify the newly adopted UN Convention on Enforced Disappearances and adopt an implementing legislation.

SPECIFIC CASES OF HRV'S IN 2007

The following are only a few of the many cases this year, which illustrate how much the Arroyo government disregards human rights. For the past six years, the worsening human rights situation had shown the absence of this government's respect for basic rights and fundamental freedoms.

Extra-judicial Killings

This year, the brazenness by which extra-judicial killings were committed continues. The perpetrators have no fear of being caught, much less brought to face the bar of justice. Although there was a decrease in the activities by "death squads," extra-judicial killings by Army units in full battle gear in the far-flung villages were more blatant.

Probably as contemptuous as the slayings were the lies peddled by the military, which even maligned the victims to support their claims that the victims were "punished" by the NPA.

Professor **Jose Ma. Cui**, 53, was shot dead on January 19 inside his classroom at the College of Engineering, University of Eastern Philippines, Northern Samar. Two armed men in ski masks entered the classroom at around 3:30 pm, and shot Prof. Cui in the head and chest in front of his students who were taking their mid-term examination. He died on the spot.

After the shooting, the gunmen were seen escaping on a motorcycle towards the direction of a military camp two kilometers from the university campus. Prof. Cui had three children and was the Chairperson of the Employees' Association of the University of Eastern Philippines, the Confederation for Unity, Recognition and Advancement of Government Employees-Northern Samar (COURAGE-NS) and the Anti-Corruption Network (ActNow!). He was Secretary General of Katungod-Eastern Visayas, a regional chapter of Karapatan. He was also a founding member of the Bayan Muna party-list group in Northern Samar. In 2004, Cui was charged with libel by the former Commanding Officer of the 63rd Infantry Battalion, Colonel Manuelito Usi.

On March 10, barely a month after **Siche Bustamante-Gandinao**, 56, testified before UN Special Rapporteur Philip Alston on the killing of her father-in-law **Dalmacio Gandinao**, she was shot dead near an Army detachment, in Guinalaban, Salay, Misamis Oriental.

Siche was walking home from the farm with her daughter and husband and had passed by the detachment of the 9th Infantry Battalion of the Philippine Army. When they were 50 meters away from the detachment, a gunman ran out and grabbed Siche's daughter, then turned and shot Siche in the forearms and chest. The assassin ran back towards the detachment. As Siche's husband and daughter vainly sought help from other people on the road, two men on a motorcycle approached the family coming from the detachment. Siche's daughter identified one of the men as the assassin, and the motorcycle as the one they had earlier seen parked in front of the detachment.

Siche's father-in-law Dalmacio Gandinao, 73, Bayan Muna Provincial Chairperson in Misamis Oriental and a local peasant leader, was killed in front of Siche and other family

members on February 8, the day before Alston arrived in the Philippines. Like Dalmacio, Siche was a member of the Misamis Oriental Farmers' Association and Bayan Muna.

Maj. Gen. Jose Barbieta, 4th ID commander claimed that Siche was a government "mole in the communist movement," and that she was punished by the NPA.

Peasant leaders **Arthur Orpilla** and **Dionisio Battad** were summarily executed. They were last seen alive on March 27, on their way to "report" to the 17th IB detachment in Bagunot, Baggao, Cagayan province. Orpilla's body was recovered the next day, March 28, near Magapit Bridge in Lallo town, while Battad's decomposing remains was recovered on April 3 near the same spot. Orpilla's remains bore multiple stab wounds, while Battad had a gunshot wound on the head.

The two victims, both in their mid-50's, were active leaders of Kagimungan, the local KMP chapter, and members of Anakpawis partylist. They helped manage socio-economic projects in their village. Earlier, Battad was required by the military to report to the detachment daily.

The families of the two men attested that soldiers tried to intimidate the victims because they were Kagimungan leaders. The widows of Orpilla and Battad are reportedly being harassed by soldiers based in their village.

Violation of the rights of the child

The counterinsurgency program does not spare children. Aside from being orphaned by the killings and disappearances, children are affected by the harassment against their parents. They are among the tens of thousands displaced by military operations. In several cases, they were directly targeted by soldiers who disregarded their rights.

Hoping to boost their line that the NPA recruits minors, the military claimed nine-year-old **Gracel Buya Galacio** was an NPA "child warrior" whom soldiers were forced to shoot because she was shooting at them with an armalite rifle. Gracel was shot dead on March 31 during an encounter between the 8th IB soldiers and the NPA in Barangay Kahayag, New Bataan, Compostela Valley. She was about to take a bath in the river with a sibling when they were caught in the firefight.

Gracel finished 2nd grade with honors. She wanted to be a nurse. Brig. Gen. Carlos Holganza, 101st Brigade Commander, who had shown to media a photo of Gracel with an M16 rifle beside her, had to retract his statement that she was a child combatant after strong protest from her family and community. A CHR investigation confirmed that Gracel was a child killed in the crossfire. Holganza, however, turned to Gracel's father Gregorio, insisting he is the actual NPA member. On April 18, the Galacio family filed charges with the Ombudsman against 2nd Lt. Francis John Gabawa and the rest of his platoon.

On October 17, in Brgy. Gaang, Tuburan town, Cebu province, soldiers of the 78th IB interrogated an **eight-year-old girl** (name withheld) inside her classroom on the whereabouts of her parents who were suspected NPA rebels.

When the soldiers found out that the child lived with a couple who were not her relatives, they forced the latter to sign a document giving them custody of the child. The soldiers forcibly took the child and put her in the care of a rebel returnee. The girl was eventually rescued on October 31 by an aunt along with a human rights lawyer, church activists and journalists.

In Agdangan town, Quezon province, a **two-month-old baby boy** (name withheld) was among those abducted by soldiers of the 1st Special Forces of the 76th IB. On the evening of October 28, the soldiers swooped down on sitio Slow and forcibly took the suspected NPA rebel Edwin Malapote, his daughter Edwinalyn Malapote-Reduta, son-in-law Primo Reduta and the baby, Malapote's grandson. The soldiers also illegally arrested four of Malapote's neighbours, accusing them of being NPA sympathizers, but released them the next day. Malapote and his family were surfaced by the PA 76th Infantry Battalion on November 29 to preempt a writ of Amparo filed by Edwin's father.

Enforced Disappearances

Enforced or involuntary disappearance is deemed as one of the cruelest of human rights violations.

Luisa Posa-Dominado and **Nilo Arado** were abducted by unidentified members of the military on April 12 in Oton, Iloilo. Posa, 52, is the Regional Spokesperson of Selda, an organization of former political detainees. Arado, 39, is the Regional Coordinator of Anakpawis, Chairperson of Bayan - Panay and a KMP National Council member.

Also with the two victims was **Jose Ely Garachico**, 50, Vice-Chair of Panay Alliance - Karapatan. Garachico survived a gunshot wound which entered through his neck and lodged bullet fragments in the upper lobe of his left lung.

The three were on board a pick-up truck when a green Mitsubishi van overtook them and forced Garachico, who was driving, to immediately pull off the road. A man from the green van smashed the front window of the pick-up truck and another man shot Garachico. Dominado was dragged into the green van while Arado into a maroon Starex sedan. A third man boarded Garachico's pickup truck and drove off.

Several court hearings on the writ of habeas corpus filed by the relatives of Dominado and Arado were often postponed. In a hearing that finally pushed through, the military denied that Dominado and Arado were in their custody. One of the respondents, Col. Mariano Perez from military intelligence, did not appear in court because, according to his lawyer, he has been reassigned to Manila.

Leo Velasco, 55, a consultant to the peace negotiations between the GRP and the NDFP, was taken by six heavily armed men in broad daylight on February 19 in Cagayan de Oro City.

Velasco was a respondent in the 2006 controversial rebellion case lodged against 51 individuals, including Batasan 6 and another six leaders of the legal democratic movement, after GMA declared a state of emergency in February 2006. He was manhandled and abducted by men who introduced themselves as government agents.

Witnesses said Velasco was forced into a gray Mitsubishi L300 van with license plate LCV-513. The abductors used a black Toyota Revo back-up vehicle with a license plate

number ending in "692." Witnesses also said one of the armed men wore a sleeveless jacket with the marking "CIDG." The Criminal Investigation and Detection Group (CIDG) denied involvement of any of its agents. The military, specifically the 4th Infantry Division, continues to deny the incident.

Velasco's case, along with eight other NDFP members who have been abducted since 2006, was filed with the United Nations Working Group on Enforced or Involuntary Disappearance (UNWGEID). The other NDFP regional consultants who are still missing are **Rogelio Calubad**, **Philip Limjoco**, **Prudencio Calubid** and **Leopoldo Ancheta**. Their security and protection are guaranteed and respected under the "Joint Agreement on Safety and Immunity Guarantees" (JASIG) entered into by the GRP and the NDFP.

Abduction, illegal arrest, torture and arbitrary detention

Survivors have come forward to tell of their ordeal in the hands of military abductors, in the hope that the perpetrators will be exposed, and maybe even some of the victims will be saved. Their testimonies have shown a pattern used by state forces, in which an abducted victim is brought to a safehouse or headquarters where the former try to extract information through interrogation, physical and mental torture. When the captors feel that they have broken the victim's spirit, they try to convert him/her to their side, offering money in exchange for the capture of another leader or organizer.

Desaparecidos hailed one of the surviving victims **Lourdes "Nay Ude" Rubrico** for having the courage to get back at her captors by filing criminal and administrative charges with the Ombudsman.

Nay Ude, 63, chair of Ugnayan ng Maralita sa Gawa at Adhika (Urban Poor Association for Action and Aspiration, UMAGA Federation) was abducted by armed men who identified themselves as agents of the NBI (National Bureau of Investigation) on April 3, a Holy Tuesday, and was released April 10 after she signed a paper agreeing to become a military asset.

The vehicle used by her abductors was a brown van with license plate XRR 428 which was traced to Army Major Darwin Sy. Nay Ude identified one of her abductors as Jimmy Santana, a military intelligence agent who frequents the provincial capitol. She was detained and interrogated for a week in an office of the 301st Air Intelligence and Security Squadron inside the Basa Air Base. Some 20 men took turns interrogating her, accusing her of being an NPA member. In protest, Nay Ude refused to take any food, and subsisted only on water. Inside the office where she was detained, Nay Ude was able to pilfer a "mission order" document which bore the name Capt. Angelo Cuaresma, of the 301st Air Intelligence and Security Squadron.

After she agreed to spy on her colleagues in the organization, Jimmy Santana gave her a SIM card, and after that she was taken out of detention and dropped off in a mall in Pala-Pala, Cavite. She had since filed criminal and civil charges against several AFP officers before the Ombudsman.

The same mode was employed by suspected state security forces who abducted 27 year-old **Gilbert Rey "Jing" Cardino**, Bayan Muna's Chairperson for South Cotabato and Regional Coordinator for the South Cotabato-Sultan Kudarat-Sarangani-General Santos provinces (SoCSKSarGen).

Cardiño was abducted on June 6 by five armed men who blocked the tricycle he was riding on and dragged him into an L300 van. Cardiño said his captors tortured him, threatened to harm his family, at the same time tried to force him to become a military asset, saying they will file charges against him if he refused. He was detained for three days, after which his abductors dropped him off along the Gen. Santos City-Marbel National Highway where commuters found him barefoot and dazed. Not long after he was freed, the CIDG included Cardiño among the activists they charged with rebellion.

On April 12 in Cebu, state forces abducted and tortured Bayan Muna Coordinator **Preciosa Daño**, 48, and Kabataan party-list's **Beethoven Avila**, 28. The military later turned them over to the Regional Intelligence Investigation Division in Toledo City, which in turn released them after activists picketed the PNP Cebu Central Command headquarters.

The abduction of **Pastor Berlin Guerrero** took place two months after a similar incident occurred on March 29 along the Aguinaldo Highway in Dasmariñas, Cavite. **Pastor Caloy Dela Cruz**, also of the UCCP, and his companion, a certain **Dodong**, were abducted while they were outside the seminary premises. Both were tortured and released the next day.

Legal Offensive Against Leaders of the Democratic Movement

The so-called legal offensive is coupled with psychological warfare (psywar) tactics, resulting into trumped up charges against personalities identified with the Left. One such case is that of the Batasan 6: Representatives Crispin Beltran, Satur Ocampo, Liza Maza, Teddy Casino, Rafael Mariano and Joel Virador.

The 117th Assembly of the Inter-parliamentary Union (IPU) in Geneva, Switzerland in October expressed concern about the rebellion charges filed by the Arroyo government against the six progressive representatives from Bayan Muna, Anakpawis and Gabriela Women's Party. The concluded IPU investigation urged "the prosecution and judicial authorities not to proceed with any case on the basis of mere political consideration." The IPU likewise sought clarification from the government on Rep. Crispin Beltran's sedition case.

Among the resolutions of the IPU was to guarantee close monitoring of the murder charges against Satur Ocampo which were filed before the courts of Leyte and Nueva Ecija provinces. As part of the monitoring, the IPU tasked its Committee on Human Rights of Parliamentarians (CHRP) to report the proceedings of Ocampo's case to the IPU's 118th Assembly in Cape Town, South Africa in April 2008.

Representatives Ocampo and Maza attended the IPU assembly and responded to questions from the CHRP, headed by Senator Sharon Carstairs of Canada with five other members from Algeria, Chile, France and the United Kingdom.¹ The CHRP took into account the cases of political repression against Leftist party-list groups, which includes extra-judicial killings and enforced disappearances of its local leaders and supporters.

The IPU took up the case of Batasan 6 in July 2006. In April, it sent a fact-finding mission to the Philippines led by Senator Sharon Carstairs, Anders Johnson, IPU Secretary-General and Ingeborg Schwarz, IPU Secretary. The mission's statement said, "The delegation was unable to dispel the IPU's concern that the charges, which were broad and unsubstantiated and based on questionable evidence ... tend to demonstrate that non-legal motives may underlie the prosecution of the parliamentarians concerned."

Dutch authorities used deception when they arrested **Prof. Jose Maria Sison** on August 27, inviting him to the police station supposedly to give new information about a complaint he filed in 2001. Instead, the police arrested Sison and whisked him away without the knowledge of his lawyer. In the first week of his detention, Dutch authorities kept Sison incommunicado, denying him visits from his family and doctor, access to newspapers, television or radio, medication and warm clothing. Sison was detained for more than two weeks.

On the day of Sison's arrest, the police raided several Filipino residences and the NDFP International Information Office. The police broke down the doors of the residences/office and pushed away its occupants. They ransacked the apartments and confiscated computers, flashdisks, diskettes, CDs and hard files.

Ironically, the arrest came after the European Court of First Instance in Luxemburg annulled, on July 11, the inclusion of Sison in the European Council's 'terrorist' listing.

Prof. Sison is NDFP Chief Political Consultant in the peace negotiations with the GRP. He is also the Chairperson of the International League of Peoples' Struggles (ILPS). Members of the ILPS and progressive Filipino organizations in the Philippines and in different countries protested and demanded the release of Sison. They said Sison's arrest is an attack on peoples' struggles worldwide.

Military Operations in the Countryside

Baggao, Cagayan Province. The situation in Baggao, Cagayan province is a typical scene in most of the villages in the different parts of the Philippines where people continue to struggle amidst the reign of terror.

Since July 2006, military operations were uninterrupted in Cagayan. Joint forces from the 21st and 17th Infantry Battalions, the 51st and 53rd Reconnaissance Companies, the 5th ID's Separate Rifle Company, PNP Regional Mobile Group and elements from CAFGU (a paramilitary group) zeroed in on the towns of Baggao, Gattaran, Lasam, Rizal, Piat, Gonzaga, Sta. Ana, Sta. Teresita, Sto. Nino, and Allacapan. Hard hit in these operations are members and officers of Kagimungan, a province-wide peasant organization in Cagayan.

Killings

Killings in the town of Baggao, among others, clearly targeted the officers and members of Kagimungan.

Joey Javier, Kagimungan Chairperson was shot dead by men on motorcycles in November 2006, in the vicinity of the

¹The CHRP is composed of seven members plus three alternates elected by the IP U assembly.

17th IB detachment. (In May 2003, a soldier hacked Javier's left arm with a bolo. The latter was on his way home after working on the construction of their community radio station. The radio station Radyo Cagayano was burned by the military in July 2006.)

Two weeks later, Anthony Licyayo, who succeeded Javier as chairperson was killed by men in ski masks on his way to his farm. He was carrying his two-month old son when the incident happened.

In less than a week, Licyayo's successor, Pedro France, survived an attempted assassination.

After a month, Nelson Azucena was gunned down in front of his house in Rizal town by soldiers led by Sgt. Marcelino Pascua.

Fake Surrenders and Forced Recruitment to CAFGU

Some 217 peasants were gathered by soldiers and ordered to "surrender" as NPA members. Residents who went to the gathering saw a list with names written and identified as NPA members. They were ordered to sign the attendance sheet which turned out to be a "proof that they have surrendered to the authorities."

Apart from the "surrender," the residents were also forced to take an oath signifying their withdrawal of membership or support from Kagimungan. Or they were required to rescind their right to vote for the party-list of their choice lest they lose their lives or those of their family members.

As of September, some 120 Kagimungan members were also forced to enlist as CAFGU elements. Those who were recruited were promised the amount of P1,700 monthly salary, roughly USD 38.

Worse, some residents were ordered to build without any compensation a detachment for the 17th IBPA in Barangay Bonugan.

Northern Negros. Initial reports that reached Karapatan indicate massive evacuation of residents from three hinterland villages of the town of Calatrava as military operations against the NPA continue.

Mass evacuation

Some 586 families or 2,931 individuals have fled their homes since the last week of October. The evacuation was a result of heavy military deployments in the ESTOCASA area (towns of Escalante, Toboso, Calatrava, San Carlos). In recent months, the 303rd Brigade, through the Task Force North², has deployed 12 Army Special Operation Teams in the mountain villages of ESTOCASA as part of its counter-insurgency operations.

Expectedly, the presence of the military in these areas has resulted in the reign of terror in the communities and human rights violations. Aside from the evacuation, killings have occurred.

Killings

On October 13, Antonio Mercado was killed by men believed to be members of a military death squad. Mercado was a member of the National Federation of Sugar Workers (NFSW).

Earlier in August, another farmer, Rodrigo Siacor of Sitio Macatagal, Barangay Cambayubo, Calatrava was killed on Aug. 8 allegedly by military elements.

In Negros Occidental, three farmers, including a 72 year old, were killed in May. The commanding officer of the 11th IB, Lt. Col. Jess Managquil, claimed the peasants were NPA members killed in an encounter. The victims were Bobby Quilo, 20 years old, Richard Sarillo, 28, and Benjamin Gelongga, 72. All were civilians from the border towns of Isabela and Moises Padilla. They were rounded up by elements of the 11th IB and were massacred. Later, their bodies were presented as NPA casualties.

Surigao del Sur. Indigenous groups in more than 12 mountain communities in Diatagon, Lianga and San Agustin in Surigao del Sur feared for their safety and lives as military troops started coming in on November 1. Around 500 soldiers from the 58th IBPA, stationed themselves in the communities, sleeping in the residents' houses and in the Lumad literacy schools.

The military brought with them two 6x6 military trucks, two armored personnel carrier (APC) and two 105 howitzer cannons.

A teenager, Ritchie Enot, was arrested by the military last November 12 while he was harvesting rattan in the forest. He was detained for four days. Enot was ordered to accompany the soldiers and serve as their guide in pursuit of members of the NPA.

Classes in seven primary Lumad literacy schools and in the Lumad High School in the villages of Diatagon, Lianga and San Agustin have become irregular and may be suspended because of ongoing massive military operation. The schools have more than 500 grade school pupils, 177 high school students and 27 teachers. The cluster of Lumad literacy schools was a two-time recipient of the National Literacy Award of the Department of Education and Culture.

The soldiers have put up checkpoints, interrogated residents, demanded residence certificates and identification cards and imposed food blockade, among others.

Victims of militarization in Baggao, Cagayan Province, in the ESTOCASA area and in Surigao del Sur are peasants and indigenous people who have asserted their right to land and a decent life.

Urban Militarization

During the elections, a team of foreign observers from the People's International Observers' Mission (People's IOM 2007) visited Tondo, Manila. The observers noted that:

"The military played an extraordinarily active role in the elections, overstepping its proper role in a democratic society. Military elements not only made their presence felt and

² Task Force North is under Lt. Col. Felicisimo Budiongan. It supervises the operations of the 12th Infantry Battalion, (known as the handler of the CAFGU), the 32nd Reconnaissance Company, some units of the 11th Infantry Battalion, and some units of the 2nd Scout Rangers Company.

caused fear among the residents but actively intervened in the conduct of voting.

“Prior to the campaign period and up to the days before the elections, the presence of military troops increased in certain provinces. They were also deployed in vote-rich urban poor communities of Metro Manila, a situation never before seen since the Marcos dictatorship was ousted.

“In many areas visited and months before the campaign period, the military conducted house-to-house visits ... The people were warned, with threat of reprisal, not to vote for these party-list groups, in the process sowing fear and terror.”

Despite announcements from military authorities that troops will pull out a week before the elections, the soldiers remained in the communities, albeit, discreetly. They shed off the military uniforms but residents recognized them as they roamed around polling precincts during election day.

Military presence in urban poor communities

Military presence in the NCR was highly visible in Pandacan, Sta. Mesa and Tondo (Manila); Bgy. Holy Spirit, Payatas, Batasan Hills, Bagong Silangan and Commonwealth (Quezon City); Bagong Silang, Camarin, Tala (Caloocan). There were also reports of military presence in Valenzuela and Marikina cities, towns of Rodriguez and Montalban in Rizal and in other urban centers outside NCR.

Hard pressed for justification of the military's presence in the urban centers, the Arroyo government and the AFP dished out several reasons, all of which were hardly believable. The Philippine Daily Inquirer (PDI) in an editorial stated: “...First, the AFP said the troops were doing civic action work like conducting medical and dental missions and repairing canals, roads and sidewalks. Then the AFP said that the deployment of troops was intended to counteract the move of the communist rebels to establish a foothold in the country's urban centers. Later it said that it was responding to requests for help from the barangays to fight criminality and maintain peace and order. Still later, it said the deployment was meant to train soldiers in case they are chosen for peacekeeping missions abroad.”

But obviously the soldiers, in squad and platoon formations, campaigned against progressive party-list groups during elections. The residents in the communities, where the military were, are organized and active in anti-demolition and anti-poverty campaigns. These communities are also bailiwicks of the progressive party-list groups Bayan Muna, Anakpawis and Gabriela Women's Party.

The military occupied barangay halls and other civilian structures for temporary detachments. They imposed formal and informal curfews, made rounds of the villages in full battle gear. They visited every house, took census to gather information on the leaders and members of community organizations and progressive party-list groups. They held meetings and showed video of “Knowing the Enemy”, where legitimate organizations in the democratic movement are tagged as fronts of the CPP-NPA. The military accosted, arrested and interrogated residents and kept them in short-term detention. Residents were required to give their addresses and names of organizations they belonged to. The military accused a number of the residents as members or supporters of the NPA.

Three solidarity missions by human rights advocates and church people were held prior to the elections to investigate and to support the demand of the people for the troops to pull out of the communities.

Military presence in schools and universities

Like those in the communities, soldiers held forum in colleges supposedly to raise student awareness on the so-called dangers of communism. In these forums, speakers from the military branded people's organizations as communist fronts, including youth and student organizations accredited in universities.

Affidavits submitted to Karapatan by students from the Philippine Normal University complained of how their organizations like Kabataan party-list organization were maligned by soldiers in front of the students. Military harassment on campus went as far as writing parents of student leaders to warn them of their children's involvement in “communist front organizations.”

After the elections, the Civil Military Operations group of the Philippine Army was allowed by the Department of Education and the Commission on Higher Education to approach the Deans of Student Affairs of various schools in Metro Manila.

In a letter, for example, sent last July 2007 to the Dean of Student Affairs of Arellano University, Commanding Officer Ricardo Visaya of the Philippine Army sought partnership with school authorities “to exhort students to help the government in its campaign against insurgency.”

Student organizations have monitored the so-called “educational” forum by AFP in schools like Pamantasan ng Lunsod ng Maynila (PLM) and the Philippine Women's University (PWU).

Meanwhile, troops were “sent back” (although they never left) to the communities as a response to the “request of local government units,” or, in the case of the PNP, as part of its “community integration” program.

At present, military and police are again visible in the different barangays in Metro Manila. Aside from the previously occupied communities, they are also present in the cities of Taguig, Paranaque, Marikina and Las Pinas. However that there are no definite and formal declaration as to the exact number of troops deployed. It is certain though that the deployment of 300 soldiers announced by the AFP in August is way below than those seen in the communities.

The military organized the Special Operations Team - White Area to implement programs similar to those in the countryside like ACCORD (Army Concern on Community Organizing for Development) and CARES (Community Assistance and Rural Empowerment). These programs are part of civil affairs, one of the pillars of AFP's Civilian Military Operations. The two other pillars are psychological operations and public affairs. Psychological operations focus on destroying the supposed enemy's determination to fight while public affairs aim to maintain relations especially with members of the mass media to ensure the AFP's good public image.