

THE PEACE AND HUMAN RIGHTS AGENDA DURING THE FIRST YEAR OF RODRIGO ROA DUTERTE'S PRESIDENCY

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On the day of Rodrigo Roa Duterte's inauguration as President of the Government of the Republic of the Philippines, victims of human rights violations and their families, human rights and peace advocates, leaders and members of people's organizations and communities forwarded an agenda on peace and human rights, containing the people's demands for substantial, comprehensive and meaningful reforms to address the oppressive and repressive environment borne out of State policies of past regimes.

This agenda highlights the people's demand to rescind the US-directed and anti-people counterinsurgency programs implemented throughout past administrations which resulted to extrajudicial killings, enforced disappearances, illegal arrests, torture, forced evacuation and other rights violations committed by State security forces with impunity; to stop extrajudicial killings in line with the war on drugs and implement comprehensive social and economic reforms to solve the root causes of the problem; the aspirations for just and lasting peace through the resumption of the peace talks between the GRP and the National Democratic Front of the Philippines (NDFP), the adherence to previously signed agreements including that on human rights and international humanitarian law including the unconditional release of all political prisoners, and by addressing the root causes of the armed conflict in the Philippines through the crafting of socio-economic and political reforms; and to do away with the neo-liberal framework and policies that subjugate our patrimony, economy and people's interests to foreign governments, which impact on human and people's rights.

A year into the Duterte administration, we are faced with greater challenges. Fascist attacks on people's rights brought about by increasingly militarist policies of Pres. Duterte, the Armed Forces of the Philippines, Philippine National Police and the United States government have plagued the country, violating the Government of the Republic of the Philippines' own laws and signed peace agreements, as well as international human rights instruments. Initial optimism on his promises and pronouncements to release political prisoners, to seriously address the roots of the armed conflict through the resumption of the formal peace talks with the National Democratic Front of the Philippines and Moro revolutionary groups, and to pull out US troops in Mindanao were dampened by the cases of extrajudicial killings in line with the war on drugs and the continuing counter-insurgency program, the intensified militarization of communities through all-out war, the imposition of martial law in Mindanao and the non-reversal of economic policies that continue to benefit landlords, oligarchs and imperialists. The spate of extrajudicial killings, in line with Duterte's war on drugs, that started even before he assumed his presidency has escalated to an unprecedented number in the succeeding weeks and months, earning national and international condemnation.

MARTIAL LAW IN MINDANAO AND INTENSIFYING HRVs MARK DUTERTE'S 1st YEAR

Repression: A State Policy

By and large, repressive and oppressive policies that inflict State terror have continued under the Duterte administration, contrary to his avowals that “change is coming.” Though Duterte made positive steps towards the resumption of the formal talks between the GRP and the NDFP, he has surrounded himself with military officials and oligarchs loyal to foreign interests who hinder significant progress in the peace talks.

Duterte also implemented policies and released pronouncements that run contrary to the many proposals and demands in the Peoples' Agenda for Change. These actions, which substantiate sentiments of his rightist tendencies, have outweighed the positive developments achieved during his one year in office.

Duterte has obstinately stuck with his drug war campaign despite criticisms. Duterte's war on drugs, concretized through Oplan Tokhang and Oplan Double Barrel, has claimed the lives of thousands, mostly from urban poor communities. This deliberate disregard for the right to due process and against torture, illegal arrest and detention has spiraled into an ineffective campaign which has merely enabled police brutality and impunity. Duterte's drug war campaign lacks a rehabilitative component and discounts the socioeconomic roots of illegal drug use and trade. Criticisms to his militarist approach have resulted to human rights advocates and peoples' organizations receiving a barrage of verbal assault and threats.

During the start of the Duterte administration, Aquino's counterinsurgency program Oplan Bayanihan remained operative. By the start of 2017, Duterte put into motion the same counterinsurgency program patterned after the US Counter-Insurgency Guide, which enabled the continued targeting of activists and members of progressive organizations. The adaptation of the same national security framework similar to past regimes have yielded the same forms of fascist attacks against the people, exponentially worsened by other declarations such as Duterte's all-out-war pronouncement on February 2017, and the imposition of martial law in Mindanao on May 23, 2017.

The continued militarization of communities during the ceasefire period in the guise of peace and development teams (PDTs) and community organizing for peace and development (COPD), in compliance with Oplan Bayanihan, has resulted to the harassment and intimidation of residents, as well as military occupation of public places and residents' houses. The cumulative effect of the militarization of communities proved to be detrimental to the peace talks, and was among the major factors which made the unilateral ceasefire untenable.

Duterte's all-out-war declaration on February 2017 has translated to the intensification of rights abuses, legitimization of aerial strikes in communities, and forcible evacuation of thousands. This was followed by other tactless pronouncements such as ‘flatten the hills’, among others.

Likewise, Duterte’s martial law declaration in Mindanao on May 23, 2017 has merely aggravated the already worsening human rights situation, as the military was given more power to bomb and harass communities, kill and arrest civilians and members of progressive groups, and commit human rights violations with impunity. Martial rule, which included the suspension of the writ of habeas corpus, is now being used as a legitimate pass by soldiers to violate peoples’ rights and target leaders and members of peoples’ organizations.

**TABLE 1:
VIOLATION OF CIVIL & POLITICAL RIGHTS
UNDER THE RODRIGO DUTERTE GOVERNMENT
(JULY 2016 TO MAY 2017)
DOCUMENTED BY KARAPATAN**

Violations	No. of Victims
Extrajudicial killing	64
Enforced Disappearance	3
Torture	49
Frustrated Extrajudicial Killing	105
Illegal Arrest without Detention	816
Illegal Arrest and Detention	111
Illegal Search and Seizure	54
Physical Assault and Injury	112
Demolition	114
Violation of Domicile	172
Destruction of Property	3,428
Divestment of Property	94
Forced Evacuation	20,428
Threat/Harassment/Intimidation	35,370
Indiscriminate Firing	23,466
Forced/Fake Surrender	75
Forced Labor/Involuntary Servitude	16
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	35
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	20,686
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	1,800

Along with the martial law declaration in the midst of the Marawi crisis is the furthering of US intervention through forms of military assistance. The crisis has been made to make US intervention more palatable to the people, even after Duterte said on numerous occasions that it does not need US aid. This opens up the country to more interventionist maneuvers by the US, facilitated by US lapdogs Lorenzana, Esperon and Año.

Alongside the expansion of military power through the declaration of martial law, Duterte has also militarized the bureaucracy. The appointment of retired General Roy

Cimatu as head of the Department of Environment and Natural Resources (DENR), AFP chief Eduardo Ano as head of the Department of Interior and Local Government (DILG), and ex-AFP chief Ricardo Visaya as National Irrigation Administration (NIA) head not only demonstrates the prevailing impunity in the country, but poses the danger of civilian institutions being used for counterinsurgency programs. It further enables the militarization of the bureaucracy which seeks to undermine civilian processes that safeguard the welfare of the Filipino people from military abuses.

As a result of unabated rights violations, activists and members of progressive organizations continue to be targeted using trumped-up charges that aim to put them behind bars. As of May 15, 2017, Karapatan puts the figure of political prisoners to 402 -- 39 of them arrested under the Duterte administration, including four (4) NDFP consultants. Moreover, the administration's commitment to release all political prisoners, prioritizing those on humanitarian grounds remain unfulfilled.

Furthermore, repressive legislation in Congress, including the death penalty bill, the national ID system, the lowering of the minimum age of criminal responsibility, and the reinstatement of mandatory military training for high school and college students, are in the pipeline, while legislative proposals that uphold people's rights continue to gather dust. Laws that were pushed for by social movements have also remained largely unimplemented.

Climate of Impunity Worsens

Duterte, in a show of political accommodation for the Marcoses, allowed the burial of the late dictator Ferdinand Marcos at the Libingan ng mga Bayani (LNMB) on November 18, 2016, which was further legitimized by the Supreme Court. This has exposed Duterte's hand in consenting to the political rehabilitation of the Marcoses.

It was also within a year of Duterte's term that the dismissal of plunder and human rights cases against Gloria Macapagal Arroyo, the release of former Senate President Juan Ponce Enrile, the downgrading of charges against Janet Napoles and those involved in the rub-out incident involving Albuera Mayor Rolando Espinosa Sr. and his companion were facilitated. The release of these personalities juxtaposed with political prisoners remaining behind bars are not only a barometer of the justice system in the country but are strong indications of prevailing impunity.

Meanwhile, justice remains elusive for victims of rights abuses by the AFP and paramilitary groups during the Arroyo and Aquino regimes. Murderers of the Lianga massacre, as well as other State security forces responsible for extrajudicial killings of peasants and indigenous peoples, remain free from arrest and prosecution, even with a standing warrant of arrest. Human rights violations under the Aquino administration are being prosecuted in the courts, yet not a single perpetrator has been convicted, such as the killing of Fernando Baldomero, Fr. Pops Tentorio, the Capión massacre, among many others. Perpetrators of the Tampakan, Paquibato and Pantukan massacres, the Kidapawan carnage, and the disappearance of Jonas Burgos have not been held to account, in spite of the struggle to obtain justice by the victims and their families. Desaparecidos remain missing, while the Butcher, Ret. Maj. Gen. Jovito Palparan, continues to enjoy army custody instead of civilian detention.

A particular predicament prevalent in this administration is the deliberate and flagrant use of fake news. The continued and intended spread of misinformation from government officials, agencies and institutions, including the AFP, also reveal a continuing scheme to expend public funds to confuse and purposely misinform the public. The AFP, for example, reports misencounters and tags civilian casualties as members of the New People's Army (NPA) to elude accountability.

Continuing Neglect of Peoples' Economic, Social and Cultural Rights

The Philippines is among the signatory to the Covenant on Economic, Social and Cultural Rights which recognizes the inherent dignity and inalienable rights of all members of society to freedom, justice, and peace. Such international instruments oblige States to create conditions whereby economic, social and cultural rights, as well as civil and political rights are enjoyed and strengthened. However, given the unchanging neoliberal framework adopted by the Duterte administration, resolutely advocated by the triumvirate composed of the Department of Finance, Department of Budget Management and the National Economic and Development Authority, the provision and fulfillment of such rights become increasingly unattainable.

In the first year of the Duterte presidency, his administration's promise to end contractualization quickly dissipated as the Department of Labor and Employment implemented instead a department order (DO No. 30) which merely legitimized the already widespread practice of labor contractualization in the country. Apart from the disappointing conclusion of the administration's promise to end contractualization, efforts from progressive partylists such as the campaign to increase the pension of senior citizens enrolled in the Social Security System (SSS) were hampered by neoliberal representatives in the cabinet.

Efforts by Agrarian Reform Secretary Rafael Mariano to institute policy reforms to put a moratorium on land use conversion, which has been used by oligarchs and landlords to justify landgrabbing, were countered by Cabinet members who pursue neoliberal policies and benefit from the dire inequality in the country.

The replacement of Gina Lopez, who strongly came out against large-scale mining, by Roy Cimatu not only speaks of militarization of the Duterte cabinet. It also indicates that big trans-national and domestic mining interests remain dominant in government.

GREATER CHALLENGES UNDER THE DUTERTE ADMINISTRATION

On the other hand, peoples' campaigns and mass struggles, with the support of progressives in the Cabinet, have intensified and are unwavering, resulting to some positive developments on the promotion and defense of human and people's rights.

While President Duterte has expressed openness for thoughtful and productive discussions on peace and peace talks, the mass movement of workers, peasants, youth, women, indigenous and Moro peoples, migrants, educators, health professionals, church and human rights workers, and peace advocates have significantly weighed in on the resumption and pursuit of formal peace talks with the National Democratic Front of the Philippines (NDFP) and to a substantial and meaningful peace process with the Moro revolutionary groups.

The mass struggles and campaigns against fascist attacks of State security forces in the past regimes have impacted on the GRP's reaffirmation of previously signed agreements with the NDFP, including the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL); reconstitution of the *Joint Agreement on Security and Immunity Guarantees (JASIG)* list of persons immune from arrest and other rights violations in connection to their roles in the peace process; the revitalization of the Joint Monitoring Committee on the *Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL)*; and the conditional release of twenty one detained peace consultants and two other political prisoners on humanitarian grounds. The talks also gave way to exhaustive discussions on the Comprehensive Agreement on Socio-Economic Reforms (CASER) which has resulted to the commitment on both parties to realize free land distribution as among the primary measures to solve landlessness.

These peace processes, however, are facing precarious challenges with the continuing effort of militarists in Duterte's cabinet. Led by National Security Adviser Hermogenes Esperon, Defense Secretary Delfin Lorenzana, AFP Chief Gen. Eduardo Ano, and the US government, peace efforts have been furtively sabotaged through the non-release of all political prisoners and continuing militarization and all-out war against the people, and to derail the possibilities of important socio-economic and political reform agreements.

Strong international and national support for the campaign for justice were key to the decision of our internally displaced Lumad brothers and sisters to return home in Lianga, Surigao del Sur. The massacre of their leaders and teacher, Datu Juvello Sinzo, Dionel Campos and Lumad school executive Emerito Samarca, resulted to the massive evacuation of Lumad residents to the Tandag Sports complex in September 2015. A year after the evacuation, progressive organizations secured the Lumad's trek back to their ruined homes and schools to rebuild their communities and livelihood. However, they continue to be red-tagged and threatened by military operations. Recently, trumped-up charges of trafficking were lodged against their teachers and community leaders. On the other hand, perpetrators of the Lianga massacre which traumatized an entire community and forced them to evacuate remain free from arrest.

The partial indemnification of martial law victims was also made possible largely by their tenacious struggle for justice. The Human Rights Victims Claims Board has unreasonably delayed the compensation and recognition process, adding to the immeasurable suffering of the victims. Through continuing campaigns of the victims and their families, and the NDFP's consistent position on the issue, Duterte has ordered for the initial and partial indemnification of at least 3,000 victims. Despite this partial victory, thousands more are still left unrecognized and without indemnification.

Executive Order No. 2 (series of 2016) on the freedom of information was among the first issuances of the Duterte administration. It remains to be seen if this policy will ensure transparency and accountability in governance, as national security issues, including those that affect civil liberties and human rights, remain exempt from public disclosure. The said order covers only the executive branch and cannot substitute for the enactment of an effective and genuine legislation on the freedom of information.

Pres. Duterte's pronouncements on US intervention, US hypocrisy on human rights issues, and an end to joint military exercises were initially encouraging. His rhetoric, however, has not yet resulted to foreign policy amendments with regard to US military presence in the Philippines. He has not nullified various unequal treaties and agreements and instead, has chosen to continue with the US-driven counter-insurgency program which has spawned human rights violations during the Aquino regime.

It is imperative that the Filipino people continue to challenge Duterte and engage him regarding the direction of his administration, to expose militarists in the Duterte administration seeking to maintain the repressive and oppressive status quo, and educate and unite the broader public to catalyze genuine change and meaningful, substantial reforms.

We should continue to press for the respect, promotion and protection of people's rights and forward the struggle for just and lasting peace. We should heighten the call for the continuation of the GRP peacetalks with the NDFP, alongside a substantial and meaningful peace platform with the Moro revolutionary groups. The GRP should fully adhere to peace agreements such as the CARHRIHL and JASIG, including its commitment to release political prisoners. Fascist and anti-people policies such as Oplan Kapayapaan, the all-out war against the people, martial law in Mindanao and the war on drugs should be halted, and comprehensive and relevant socioeconomic and political reforms for the people should be undertaken.

The assessment of the Peace and Human Rights situation under the Duterte administration was led by Karapatan, Promotion for Church People's Response, Hustisya and Pilgrims for Peace.