

Not a numbers game: The truth about extrajudicial killings in the philippines



AP PHOTO

By Lovella de Castro

On the early morning of November 21, 2005, soldiers of the 19th Infantry Battalion of the Philippine Army (19th IBPA) surrounded and then started shooting and lobbing hand grenades at some fifty (50) farmers of the San Agustin Farmer Beneficiaries Multi-purpose Cooperative (SFBMC) who were having breakfast prior to planting rice. The incident happened in Bgy. San Agustin, Palo, Leyte.

The assault killed nine (9) persons all belonging to the farmer's group. Ten (10) other farmers were seriously wounded. Eight (8) were subsequently arrested, detained and charged with illegal possession of firearms while fifteen (15) were charged with illegal assembly.

Not one of the soldiers suffered even a scratch.

The Philippine Army insisted that the incident was a "legitimate encounter" between NPA rebels and government soldiers. But Karapatan's investigation showed that it was a massacre of unarmed farmers, many of whom were members of the progressive party list group Bayan Muna.

Karapatan's findings were later supported by the Commission on Human Rights (CHR). In its Resolution No. A2004-086 released March 20, 2006, the CHR concludes that: "The theory that the victims were members of the NPA and other underground movements does not hold water. The victims are legitimate farmers."

The CHR resolution further asserted that the military committed a blatant and gross violation of International

Humanitarian Law and, in accordance with the provision of the Revised Penal Code, probably committed multiple murders and multiple frustrated murders.

Two years after the incident, Karapatan's findings were further confirmed when the local court dismissed the cases filed by the military against the farmers. The court said there was no evidence to show that the farmers were communist rebels, had firearms or were involved in any illegal activity.

But for Task Force Usig (*Ed's note: usig means persecute*), the police body formed by President Gloria Arroyo to investigate such cases of extrajudicial killings, the Palo massacre was a "legitimate encounter" between the NPA and government troops and therefore not within its jurisdiction.

Task Force Usig and the grand cover up

Reacting to intense local and international pressure, the Arroyo administration created the Philippine National Police's Task Force Usig in May, 2006 supposedly to inves-

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FHR
FOR HUMAN RIGHTS

Vol. 4 No. 1, January - March 2008

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Mother of a desaparecido rallies American people's help on rights abuses in the Philippines

by Ruth Cervantes

Mrs. Edita Burgos, mother of disappeared Jonas Burgos, conducted a seven-city speaking tour in the U.S beginning 1 March 2008 to seek the help of the American people and Filipino-American communities in ending the wanton human rights abuses in the Philippines.

Ten months after the abduction of her son Jonas, Edith flew to the US to rally support for her son and other victims of human rights violations of the Arroyo administration. "I've come to the US to speak about Jonas in the hope that it will help me find him in the Philippines," Burgos said.

Her speaking tour started in New York in a community benefit dinner entitled, "Kapayapaan, A Call for Peace," sponsored by the NY Committee on Human Rights in the Philippines (NYCHRP). More than a hundred people crowded the Bayanihan Filipino Community Center on a Sunday night to welcome her. From there, Burgos spoke before audiences in Minneapolis, Washington DC, Seattle, San Francisco, Sacramento and Los Angeles before returning to the Philippines at the end of March.

The main sponsor of the speaking tour is GMA Watch (Philippine Human Rights Monitoring Network in the US) with the support of the Committee for Human Rights in the Philippines, Center for Political Education, National Alliance for Filipino Concerns, Asian Pacific American Labor Alliance, Central American Resource Center, and Amnesty International – USA.

Burgos spoke about her family's plight since Jonas Burgos, 36 and an agriculturalist working with the Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines), was abducted by identified elements of the Philippine military in broad daylight from a Quezon City mall on 28 April 2007.

"This is the culture of impunity in the Philippines today, meaning the military can do this in broad daylight because they know there will be no consequences for their actions, and the people live in fear of them," Burgos explained to the packed, standing room audience.

Mrs. Burgos was accompanied by Mr. Mervin Toquero, a staff member of the National Council of Churches in the Philippines. "We believe Arroyo's drive to stay in power is the real reason there are human rights violations in the Philippines today," Toquero emphasized.

US people respond

"We may not be in the Philippines, but we are not helpless. We still have a role to play," stated Attorney

Merit Salud, Advocacy Director for Region I of the National Federation of Filipino - American Associations.

Bernadette Ellorin of the NYCHRP said,

"We formed GMA WATCH precisely to lift US participation on the human rights crisis in the Philippines, on the basis that as US tax-payers, our dollars are funneled to the Philippine military as US military aid." She further stressed that the Arroyo administration is the fourth largest recipient of US monetary aid in the world.

Rev. Larry Emery, Presbyterian Pastor and an associate of the Ecumenical Advocate Network on the Philippines, stated that there is a need for the United States government to reassess its support for the Philippine military. "They are using the funding they receive from the US to fight legal progressive organizations and their leaders rather than legitimate military targets. This must stop." Rev. Emery went on to encourage Filipinos across the US to make their views known to their congressional representatives who continue to vote for funding of the Philippine military.

Meeting, visits with policy makers

Mrs. Burgos had the opportunity to meet with UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Prof. Philip Alston during the dinner tended for her in New York. In Capitol Hill, she visited the Congressional offices of Senator Barack Obama, Senator John McCain, Sen. Richard Lugar, Sen. Barbara Boxer, Representative Adam Smith, Rep. Ellen Tauscher, Doris Matsui, Joseph R. Pitts, Jerry McNerney and the majority staff of the House Foreign Relations Committee. She discussed with the lawmakers' representatives how they could help her in her search for her son and other victims of involuntary disappearance in the Philippines.

"These visits have brought me so much hope. I did not expect the heartwarming reception I received," said Burgos. **FHR**



Mrs. Edita Burgos, speaks about her son and the disappeared, in Los Angeles. Photo courtesy of Habi Arts

tigate the killings and other crimes committed against members of activist groups and the media.

Ironically, while it has yet to get a single perpetrator of the killings tried and sentenced, the task force has taken extra effort to exonerate the AFP and discredit Karapatan by labeling the latter as a “front organization of the CPP-NPA.” The objective of the task force, it seems, is not to investigate the killings but to disprove the painstaking work of human rights defenders in documenting the atrocities of the Arroyo regime.

Citing its self-imposed limitation, TF Usig subsequently narrowed down its definition of extrajudicial killings and with one stroke reduced the number of “valid” cases of slain members of militant groups to only 116 since 2001. By Karapatan’s count, the killings have victimized an alarming 889 people from January 2001 until the end of December 2007.

Furthermore, the task force deems a case “solved” upon the police’s filing of charges against any suspect, even if it does not result to a finding of probable cause. This is again another way of window dressing the government’s record in “solving” the killings. As per Karapatan’s count, not one of the perpetrators of the 889 killings have been tried and punished for their crimes.

TF Usig claims, without basis, that Karapatan has evidence in only 10 of 826 cases of killings. The organization contends that it conscientiously documents each and every case it reports. While evidences gathered in many incidents might not be enough to fulfill the strict requirements for a court conviction, they are certainly enough to establish the circumstances surrounding the killings and the role played in it by state security forces.

In fact, in many cases, it is the PNP and AFP that makes it difficult for human rights groups to document incidents of extrajudicial killings.

Former PNP Chief Oscar Calderon has taken advantage of every occasion to malign Karapatan and claim that the human rights group’s data are bloated and misleading.

In his report to the Supreme Court Summit on July 2007, Calderon said TF Usig excluded 529 of the 836 victims listed by Karapatan as of November 2006 including “five (5) alleged victims found to be alive, twenty-three (23) Abu Syyaf Group members who died during the foiled jail break in Bicutan, eight (8) killings linked to labor disputes, eighty-five (85) killed in encounters between government troops and the CPP/NPA, two (2) cases of suicide, one (1) killed by mentally-ill uncle, ten (10) killings linked to land disputes/agrarian related problems, nineteen (19) victims killed for personal motives, seventeen (17) fictitious victims, forty-one (41) other victims killed but were not reported and three hundred eighteen (318) other victims.”



HADJI Ahmad Upao, a bed-ridden detainee was shot while being transferred to another cell.

The real score

Task Force Usig claims that the Camp Bagong Diwa detainees killed on the March 15, 2005 siege were Abu Syyaf members and excludes them as victims of extrajudicial killings.

Karapatan maintains that the 23 detainees were not Abu Syyaf members or even if they were, should not have been killed in cold blood. In fact, the 23 were Muslim civilians arrested, illegally detained and tortured in 2001 at the height of the AFP’s so-called campaign against the Abu Syyaf in Basilan. At the time of their killing, the said detainees were still undergoing trial for various offenses.

Karapatan was with the victims’ families during the police assault on 14 March 2005 and immediately organized a medical and fact-finding mission after the incident. It concluded that the police assault was a case of overkill or use of excessive force, with witnesses revealing that many of the detainees killed were still alive even after the clearing operations.

Hadji Ahmad Upao, a 75-year old bed-ridden detainee who was suffering from Alzheimer’s disease survived the attack but was shot later while being transferred to a second floor cell. He was supposed to have been released for humanitarian reasons as early as 2001 as part of the peace talks between the government and the National Democratic Front of the Philippines (NDFP).

Karapatan’s findings were later confirmed by the CHR which conducted its own investigation. A resolution issued by the CHR on March 15, 2006 stated that: “there was no life in danger or there was no real threat of life that can be considered to justify the use of police assault or the use of

excessive force.”

The CHR resolution corroborated Karapatan’s findings when it said that “there were inmates who aside from not having any involvement or participation on the failed escape attempt were summarily executed as they were killed without reason and were not given the chance to defend themselves.”

The CHR concluded that human rights violations were committed during the siege. But for TF Usig, the 23 victims were Abu Sanyaf members who deserved to die.

Legitimate encounters?

Also excluded by TF Usig from their list were 79 (Calderon earlier cited 85) persons classified to have been killed in ‘legitimate encounters,’ including the nine victims of the Palo massacre. In almost all of these cases, the AFP admitted to carrying out the killings because they allege the victims to be NPA rebels. In other cases in which the victims were unquestionably civilians, such as in the cases of children victims, the military claimed that they were killed by the NPAs.

In most cases, no serious police investigation was conducted. Worse, the police acted in connivance with the military to justify the military’s actions despite evidence proving that no other armed group was present at the killing site.

Such was the case in the killing of two children and wounding of two other siblings during a military operation in Brgy. Recto, Bulan, Sorsogon

on May 7, 2004. In that incident, the Goloso family’s home was strafed by government soldiers, as testified by the children and their mother Adelia, whose pleas to the soldiers to save one of her wounded daughters were ignored.

The soldiers later asked the village chief to certify that the incident was an encounter between the AFP and the NPA and that the latter killed the two children. Out of fear, the village chief agreed but later retracted his statement and, along with other village officials and residents, certified that no other armed group, aside from the military, was present in the area when the incident happened.

Despite the strong evidence against the military, this case did not merit a serious police investigation. Like most incidents of this nature, TF Usig swallowed hook, line and sinker the AFP line that the Goloso killings were a legitimate encounter.

Such cases indicate that the TF Usig intends to conceal the military’s accountability despite evidences proving otherwise.

The Rizza Concha “suicide”

Rizza Concha, a member of a farmer’s organization in Sogod, Cebu was found dead on Aug. 24, 2002 in a creek at Brgy. Ginabucan with stab wounds in her stomach, chest and neck. The military declared she committed suicide and confiscated the knife she allegedly used to kill herself. However, the circumstances of her death as well as the injuries on Rizza’s body easily refuted suicide.

Karapatan, through its regional chapter in Central Visayas, conducted a fact-finding mission in the area and was able to gather evidence disproving the suicide claim. The mission learned that a day before the incident, Rizza’s husband, Roel, was tortured inside their house by military elements belonging to the 78th IBPA headed by Lt. Jonas Sumagaysay. From Aug. 23 to 24, soldiers were forcing Roel to admit that he was a member of the NPA.

According to Roel’s testimonies, he last saw Rizza alive when she went out to fetch drinking water for soldiers who had slept in their house. While he was being interrogated and tortured by the soldiers, he heard his wife shouting for help from afar but he couldn’t do anything as he was held against his will.

The next time he saw Rizza was in the afternoon of August 24. She was already inside a coffin. Witnesses testified that they saw some soldiers standing around Rizza during the time she was supposedly “committing suicide”. No embalming or funeral service was available in the area, and Rizza’s body was buried the following morning.

The mission’s findings were made public and charges were filed at the Office of the Ombudsman against elements of the 78th IBPA led by Lt. Jonas Sumagaysay. As in similar cases, the police did not conduct an investigation despite clear circumstantial evidence that soldiers killed Rizza. The case was eventually dismissed.

Alive?

In April 2007, TF Usig “de-listed” five persons who were supposedly in Karapatan’s list of victims killed but turned out to be “very much alive” namely: Edwin Mascariñas, Renato Bugtong, Hilarion Faraon, Daniel Fajardo and Maritess dela Cruz.

Karapatan admitted an error in listing Mascariñas, Faraon and Bugtong as among those killed, but maintained that all three were victims of abduction and military abuse. Mascariñas and Bugtong were surfaced in 2006 and had been repeatedly presented to the media by the PNP. Karapatan believes that they are still being held under duress by their military handlers.

In most cases, no serious police investigation was conducted. Worse, the police acted in connivance with the military...

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TF Usig even went to the extent of looking for namesakes of victims of extrajudicial killings just to discredit Karapatan's records. A "living" Maritess de la Cruz of Cagayan Valley was presented to the media by TF Usig to belie Karapatan's list of victims of extrajudicial killings which has a Maritess dela Cruz from Brgy. Tala, Orani, Bataan.

According to the sworn statement of Maritess dela Cruz's husband, elements of the 24th IBPA barged into their house on February 18, 2006 while he and his wife and a seven-year old granddaughter were sleeping. He identified the assailants as 2nd Lt. Romeo Publico, Celso de la Peña and a certain PA de los Santos.

He escaped through the window and ran for help leaving behind Maritess and his grand daughter. Outside, the soldiers fired and a bullet grazed his head as he jumped over the gate. While escaping, he saw 2nd Lt. Romeo Publico behind a certain PA Valicod on a black motorcycle.

After asking for help from a barangay councilor, Maritess' husband returned to their house to find his wife dead. According to their grandchild, Maritess was helping her escape through the window when the military fired several shots at her. Four empty shells of M-16 were recovered from the room.

Prior to the incident, the couple had been subjected to several harassments by 2nd Lt. Romeo Publico.

Similarly, TF Usig presented a certain Daniel Fajardo, a namesake of Danilo Fajardo of Sapang Putik, San Idelfonso, Bulacan who was killed on February 19, 2006. According to Fajardo's death certificate obtained by Karapatan, he died of multiple gunshot wounds.

Presently, the TF Usig website announces that a sixth person, found in the Karapatan list of killed, is again found alive. Supposedly, this is Willy Antaran of Quezon, who, according to TF Usig, is now a CAGFU member. Karapatan has no Willy Antaran on its list.

Incredible claims

Claims by TF Usig and the AFP that the killings are a result of an internal purge within the CPP and NPA are baseless. Independent investigators and fact-finding groups did not give credence to the allegations.

The report of UN Special Rapporteur on extrajudicial, summary and arbitrary executions Philip Alston succinctly stated in his November 2007 final report that the evidence presented on this matter "were strikingly unconvincing."

He further said: "The military's insistence that the 'correct, accurate and truthful' reason for the recent rise in killings lies in CPP/NPA/NDF purges can only be viewed as a cynical attempt to displace responsibility."

Karapatan stands by its reports

Amidst so much difficulty, Karapatan workers have persistently documented and investigated cases of killings and other human rights violations, often at the risk of being victims themselves. They have gathered sufficient evidence in the form of physical evidence, documents and testimonies to prove that extrajudicial killings are deliberately being committed by state security forces and state-sponsored paramilitary groups as a matter of state policy.

UN Special Rapporteur Philip Alston also noted that: "Philippine civil society organizations are generally sophisticated and professional...I leave the Philippines with a wealth of information to be processed in the preparation of my final report."

Karapatan has also made submissions to the United Nations Human Rights Council and special procedures in Geneva, the Rome-based Permanent People's Tribunal, the US Senate and Philippine government agencies, the Congress and Senate, various embassies, foreign missions, multilateral agencies and non-government organizations. All of them acknowledge Karapatan's valuable work in defending human rights in the Philippines. **FHR**

Editor's Note:

The article is an abridged version of the presentation of the author to the Supreme Court's PHILJA Workshop Series on Extrajudicial Killings and Enforced Disappearance that ran from February to December 2008.

The author is the Head of Karapatan's Documentation Committee and has trained in the Workshop on the Treaty Monitoring Bodies in Geneva, Switzerland sponsored by the International Service for Human Rights (ISHR) and in the Training of Users Seminar on Investigation and Documentation of Torture according to the Istanbul Protocol in the Philippines.

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Appellate Court summons military officials for amparo hearing

CEBU CITY – The Cebu Station of the Court of Appeals (CA) summoned military officials on 28 February 2008 for the petition for the issuance of a writ of amparo on behalf of missing peasant leader Flaviano Arante and Reynold Yanoc, both residents of Sta. Catalina, Negros Oriental.

At around 10 a.m., 9th Division associate justices called the court to order on the first amparo hearing in the Visayas. Karapatan-Central Visayas, led by Rev. Rey Gelloagan held a "silent protest" outside the CA compound.

Carmen Arante (wife of Flaviano) and Rosalia Yanoc (mother of Reynold), through counsels Rex Fernandez and Noemi Truya, filed the case against the military for the enforced disappearance of their loved ones.

Carmen said operatives of the Bravo Company of the Army's 61st Infantry Battalion went to their house in Brgy. Nagbinlog, Sta. Catalina, Negros Oriental on 25 January and forcibly took her husband Flaviano when he refused to go with them in their combat operations.

Flaviano, 52, an official of local peasant group Nagkahiusang Mag-uuma sa Sta. Catalina (NAMASCA), was



Flaviano Arante

last seen by his family on 27 January 2008 at the Philippine Army detachment where he was able to disclose to his son that he was being tortured and forced to admit that he is a New People's Army (NPA) sympathizer.

Soldiers in the detachment told Carmen that her husband was "taken on patrol" on 29 January and was not seen or heard from ever since.

The military, represented by lawyers from the Office of the Solicitor General, denied having

custody of Flaviano.

Rosalia Yanoc's son, Reynold, was apprehended by soldiers on 7 December 2007 on suspicion that he was a member of the NPA. Rosalia said she last saw her son in Brgy. Talalac, Sta. Catalina on 25 January 2008, being escorted by soldiers to Barangay Talalac in Sta. Catalina town, Negros Oriental. The military later denies having custody of Reynold and he is missing up to this day. *(With a report from Vimarie Arcilla)* **FHR**

PHILJA holds series of confab on extrajudicial killing

By Ruth Cervantes

The Supreme Court's Philippine Judicial Academy or PHILJA, a "training school for justices, judges, court personnel, lawyers and aspirants to judicial posts," began a series of Multi-Sectoral and Skills-Building Seminar Workshops on Human Rights Issues: Extrajudicial Killings

and Enforced Disappearances in February 2008.

The Seminar Workshop was conducted in partnership with the Commission on Human Rights, United States Agency for International Development, and The Asia Foundation.

According to PHILJA, "The activity was designed to address the need of judges and other stakeholders in the criminal justice system in identified hotspot areas to properly address the spate of extralegal killings and enforced disappearances."

Judges and prosecutors, members of the Integrated Bar of the Philippines, representatives from the Public Attorneys Office, the Philippine National Police, the Armed Forces of the Philippines and the Ombudsman were participants to the workshop.

The areas covered by the workshop in the first quarter of 2008 include Central Luzon, Southern Tagalog and the Cordillera Autonomous Region. The organizers said that the series will run until December 2008 to cover the Judicial Regions in



UN called upon to heed victims of terror in its review of Arroyo's rights record

By Ruth Cervantes

In the observance of the International Women's Month, women relatives and friends of victims of human rights violations linked arms with other human rights defenders at the Welcome Rotonda in Quezon City, in a bid to call the attention of the United Nations to the human rights record of the Arroyo administration.

"Women are linking arms for justice and express our hope that the UN will consider our plight when the Philippine government undergoes the Universal Periodic Review (UPR) of the United Nations Human Rights Council (UNHRC)," said Evangeline Hernandez, convener of Hustisya, an organization of survivors and relatives of victims of human rights violations under the Arroyo regime.

Hernandez said, "We want the world to know that we are witnesses and survivors to the bloody record of the Arroyo government."

"We also hope that the Philippines' membership at the Human Rights Council will not in any way jeopardize the objectivity and open-mindedness of the other members of

the UN," she added.

To closely monitor the events, Hustisya joined the newly-formed Philippine UPR Watch, convened by NGOs that sent submissions to the Office of the High Commissioner for Human Rights (OHCHR) of the UN as stakeholders which presented alternative human rights reports to be considered at the UPR. KARAPATAN, the National Council of Churches in the Philippines (NCCP), BAYAN, Ibon Foundation, GMA Watch (US-based Filipino-American group) and Bayan Muna are among its conveners whose representatives are now in Geneva to attend and witness the proceedings.

"We expect that the Arroyo government will blatantly deny responsibility to all the human rights abuses it committed to present a good image in the international human rights community. We will not let this happen. The UN members deserve to know the truth. Thus we are behind the Philippine UPR Watch delegation that will serve as our ears, eyes and voice in the said event," Hernandez concluded. **FHR**

Indigenous people's community bombed

ABRA – The lives of villagers in Pananuman, Tubo, Abra were endangered as military operations subjected this indigenous community to aerial bombings and mortar shelling for five days (March 22-27, 2008), destroying forests and rice fields.

When the aerial bombings stopped, mortar cannons, which were stored on the school grounds adjacent residential houses, were fired from the edges of the community for almost 24 hours straight.

The community lived in fear for a month since the arrival of the Bravo and Charlie Company of the 50th Infantry Battalion of the Philippine Army on 12 March 2008. The soldiers are under the command of the 503rd Infantry Brigade headed by Lt. Dalven Abdul Rashid Avila and Lt. June Pedregoza.

Residents reportedly suffered from trauma. Their houses were illegally searched and their properties divested and destroyed. The church and dap-ay (a sacred gathering place of community elders) were desecrated. The military camped within the residential areas.

A resident said, "We were threatened

by soldiers that our community will be transformed into another Marag Valley and Tabbak. They told us that all of us were members of the New People's Army. They showed us pictures of community destruction. They even told us that they were going to bring in soldiers who were trained by Palparan."

The Cordillera Human Rights Alliance (CHRA) reported that the residents complained of being labelled by the government soldiers as members or sympathizers of the New Peoples Army (NPA), making them targets of military operations as laid down in the government's internal security plan, Oplan Bantay Laya.

According to the CHRA, "The military operations conducted are under the Arroyo government's counter-insurgency program Oplan Bantay Laya (OBL) II and are also intended to prepare the community for the entry of mining explorations." (With a report from Audrey Beltran of CHRA) **FHR**



Victim of enforced disappearance surfaced and released in India

INDIA - Eighteen year-old Abi Chiru, a resident of Uran Chiru Village in Senapati District, India was surfaced and released on 20 February 2008, after more than a month of involuntary disappearance. The Centre for Organisation Research & Education (CORE) of India broke the news to the World Organization against Torture (OMCT).

On 27 January 2008, Chiru was arrested along with his uncle, Nungshipa, by the 24th Battalion of Assam Rifles in Moreh, a town near the border of Burma on mere suspicion of being a member of an armed opposition group. Both had reportedly gone to Moreh for shopping and were trying to enter Gate No. 2 at the Indo-Myanmar border when they were arrested. Nungshipa was subsequently released after a brief interrogation.

He then informed Chiru's family of the arrest and the family searched for him, with the aid of a human rights group. The Moreh police and army officials concealed the whereabouts of Chiru from his family.

Chiru was tortured and his life was threatened. He was warned not to disclose any information about his detention and to report that he had been arrested by the Myanmar Army. The International Secretariat of OMCT in Geneva issued a statement welcoming the release of Chiru. They likewise expressed grave concern "for his physical and psychological integrity, in particular following the alleged death threats not to disclose any information." **FHR**

Daughter of desaparecido brings case to UN

GENEVA – Almost a year after Luisa Posa-Dominado disappeared, daughter May Wan met with members of the United Nations Working Group on Enforced or Involuntary Disappearance (WGEID) on 12 March 2008, to seek their help on the enforced disappearance of her mother.

Heavily armed men abducted May Wan's mother and fellow activist Nilo Arado in Oton town, 7 kilometers south of Iloilo City on 12 April 2007. Another companion, Karapatan human rights worker Jose Ely Garachico was shot and left for dead. Garachico survived with the help of residents who brought him to the hospital.

Since then the young Dominado and the family of Arado have trudged on the gruelling journey of searching for their disappeared loved ones. May Wan said, "We are doing anything possible to find them because we have nothing to lose now."

She came to the UN with human rights advocates to bring the cases of her mother, Luisa and other desaparecidos, to the 7th session of the Human Rights Council. The HRC will subject the Philippine government and 15 other countries in the first session of its Universal Periodic Review (UPR) in April. "We hope that this will put pressure on the government to produce Nanay and Tito Nilo (Arado)," said May Wan.

A prominent political detainee during the Marcos dictatorship, Dominado was the spokesperson of Samahan



TOP: Luisa Posa Dominado's daughter, May Wan (2nd from right) appeal her mother's case to the UN WGEID with Karapatan Sec. Gen Marie Hilao Enriquez (far right); BOTTOM: May Wan shows her mother's photo to the UN panel

ng mga Ex-Detainees Laban sa Detensyon at Amnestiya (Selda) - Panay at the time of her disappearance. Arado, on the other hand, was chairperson of the Bagong Alyansang Makabayan (New Patriotic Alliance) in Panay and a member of the National Council of the Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines). **FHR**

Filipino lawyer denounces attacks on rights defenders before UN body

GENEVA, Switzerland— Filipino human rights lawyer Edre Olalia delivered the oral intervention of the Belgium-based International Association of Democratic Lawyers (IADL) during the interactive dialogue after the report of the UN secretary general's Special Representative on Human Rights Defenders, Ms. Hina Jilani, at the 7th session of the UN Human Rights Council.

"We welcome Ms. Jilani's report particularly on the role of stakeholders in implementing its recommendations," said Olalia, who is an official of Filipino lawyers' groups National Union of Peoples' Lawyers (NUPL) and the Counsels for the Defense of Liberties (CODAL).

Atty. Olalia backed the recommendation of Jilani to examine the situation of human rights defenders in the Philippines in the UN's Universal Periodic Review (UPR).

The human rights lawyer said human rights violation cases raised questions about the Philippines' membership in the Council. "These cases are incompatible with the Philippines' pledges as a member of the Council," Olalia said. He said that the remark made by the Permanent Peoples' Tribunal (PPT) Second Session on the Philippines, echoes the lawyers' views.

PPT jurors find "unacceptable" the inclusion of the Philippine government as a member of the Council because "it undermines the credibility of the UN in this field; is an intolerable offense to the victims; and is a denial of the many well documented denunciations of the dramatic violations of human rights." The PPT Second Session on the Philippines was held at The Hague, the Netherlands on March 21-25, 2007.

Atty. Edre Olalia has likewise appealed for help from the United Nations Human Rights Council (UNHRC) to stop the extrajudicial killings and abductions in the Philippines, which has not spared lawyers and other human rights defenders.

Among the cases mentioned in the addendum of Ms. Jilani's report is the extrajudicial killing of human rights lawyer Gil Gojol of Sorsogon in the Bicol Region.

Olalia said, "These attacks are emblematic of the continuing attacks not only against lawyers - a significant



Peoples' Lawyer Edre Olalia, reads the IADL oral intervention at the UNHRC.

number of whom are involved directly in human rights lawyering and advocacy, that is occurring within the context of a militarist counter-insurgency approach ironically called Oplan Bantay Laya (Operation Plan Freedom Watch)."

The Special Representative pointed out in her report that the attacks may have been related to activities in the defense of human rights. She likewise said that the absence of any credible investigation and resolution of cases may indicate that "human rights defenders in the Philippines are unable to fully carry out their work due to fear of intimidation and reprisal."

The statement read by Atty. Olalia on 12 March 2008 before the 7th Session of the UNHRC is supported by the Commission of the Churches on International Affairs of the World Council of Churches, Lawyers Rights Watch of Canada, Asian Legal Resource Center, Asian Indigenous and Tribal Peoples Network, International Council of South America, North-South XXI, as well as the Dutch Lawyers for Lawyers Foundation. **FHR**

PHILJA holds series of confab... from page 7

Bicol, the Visayas (Central, Eastern and Western), and Mindanao.

PHILJA invited Karapatan to be a resource speaker on the workshop series opposite Prof. Sedfrey Candelaria, Head of PHILJA's Research, Publications and Linkages Office and current Chairperson of the Government of the Republic of the Philippines nominated-section of the Joint Monitoring Committee.

Lovella de Castro, Karapatan Documentation Committee Head, provided an in-depth analysis on why there is a spate of extrajudicial killings in the Philippines and who is responsible for it. To give the audience a better understanding of the culture on impunity that allows for wanton rights abuses such as extrajudicial killings to persist, De Castro shared information on the magnitude of killings

nationwide vis-à-vis the policy called Oplan Bantay Laya and its priority areas.

De Castro likewise shared with the magistrates the impediments to achieving remedy for victims of human rights violations. She said that by promulgating the Writ of Amparo, the Supreme Court opened a new door of hope for the victims and that it will be resorted to and tested.

She elicited applause from the judges when she said, "The point is, at last, the justice system is now responding to exhaust all means to search for the disappeared, protect the growing number of activists under threat and to combat the culture of impunity."

Speakers in the PHILJA Lecture Series include the eminent Dean Pacifico Agabin of the Lyceum College of Law, SC Justice Adolf Azcuna, Associate Justice Martin Villarama Jr of the Third Division of the Court of Appeals and UP College of Law Prof. Harry Roque. **FHR**

A tribute to ... from page 12

retired Philippine Navy Capt. Danilo Vizmanos and I were arrested and detained in various military stockades in Camp Crame, Fort Bonifacio and Bicutan. And it was only several years later, (in my case, after 2 and one-half years) that we were "temporarily" released through the intercession of friends in the churches, academe and Amnesty International who put pressure on the government of the dictator Marcos.

In the U.S., Dr. Prudente's family also worked with us in the human rights and anti-dictatorship movement. His wife Ruth was very active in the Church Coalition for Human Rights in the Philippines. Son Rudy and daughter Karen were also deeply involved in the anti-dictatorship movement in New York and in Washington, DC which worked for the termination of the military and economic support of the US to the dictatorship.

After his release, Dr. Prudente assumed his old position as President of the now PUP. I was able to visit him several times after martial law was lifted in the PUP campus. I told him that his dream of a university for the poor had been realized and I could still remember the satisfied smile in his face.

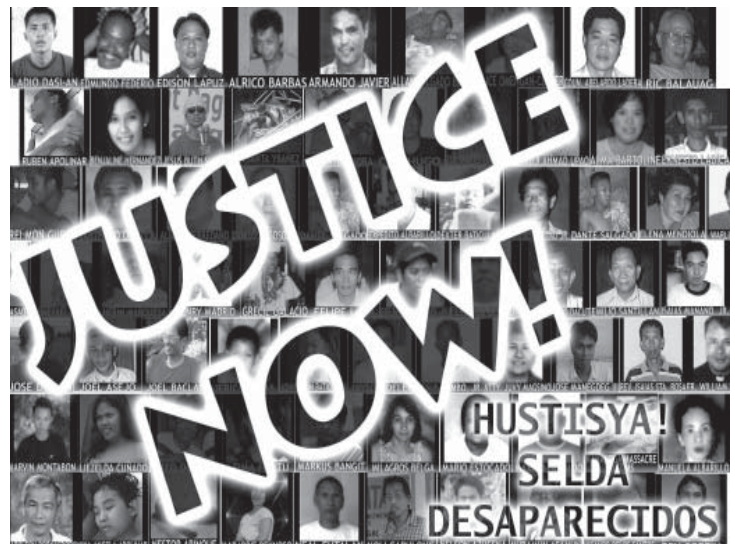
To Dr. Nemesio Prudente, a dear friend, colleague, a true and tested nationalist who loved our country and



Dr. Prudente at the Karapatan founding congress in 1995.

people, my salute to you. Goodbye, my friend. May you rest in peace and be assured that the ideals you fought for will always be alive in us and, especially in the youth in whom we all put our hopes in the struggle for a meaningful change in our country.

*** Dr. Nemesio Prudente died in the morning of March 28, 2008 at the age of 81. He succumbed to complications resulting in his prostate cancer operation at the De La Salle Medical Center in Dasmariñas, Cavite. His remains were cremated at 3 p.m. of the same day at the Loyola Memorial Park in Parañaque. Prudente is survived by his wife, Ruth Garcia, and children Felice Sta. Maria, Karen and Rudy. **FHR***



A Tribute to Dr. Nemesio Prudente, a Filipino patriot

From ten thousand miles away

Dr. Dante C. Simbulan
 Writing from Burke, Virginia, USA

Dear Friends and Colleagues,

I learned about the demise of my friend and colleague, Dr. Nemesio Prudente, several days ago from an e-mail of my son, Roland Simbulan.

I wish I were there with you today to pay my last respects to a dear friend and colleague. Although I am ten thousand miles away, I cannot let this occasion pass without paying tribute and saying goodbye to a man I greatly respect for his unswerving ideals and steadfastness in our common struggle to effect meaningful social change in our country.

I first met Dr. Prudente almost 40 years ago. I was then teaching in UP and Ateneo, when I was invited to address the faculty and students of the PCC (Philippine College of Commerce then, now the Polytechnic University of the Philippines or PUP). I had a long talk with him afterwards in his office, for he was then the President of PCC. I was impressed by the commonality of our ideals, his strong sense of patriotism, his concern for the poor and dispossessed and his enthusiasm to get involved in the movement for social and meaningful change in our society.

In 1971, during the growing protest movement against the corruption and abuses by the Marcos government, I became a victim of what student and faculty activists called Jesuit reaction and "clerico-fascism". For helping organize and convince key members of the faculty of Ateneo University to take a stand on the serious issues facing the nation and to support the growing student movement for reforms, I was arbitrarily eased out of my teaching position as an Associate Professor, despite the protests of many members of the faculty and students.

Suddenly without a job, I got worried about my family. How would I support my wife and my six children who were all in school? Suddenly, I got a call from Dr. Prudente who was then the president of PCC: "Dante", he said, "If the Jesuits don't like you, I am inviting you to join us at PCC. Our Dean of the College of Arts and Sciences had just retired and we are searching for a new Dean. We are offering the position to you and I hope you will accept." Of course, I accepted and that was the beginning of our close relationship in the academe.

The PCC, like UP, was the target of government repression because of the high level of social awareness and militancy of both their faculty and students in their opposition to corruption, wrong-doing in the government, monopoly and abuse of power by corrupt and greedy ruling elites. (Sounds like today, isn't it?)

During the suspension of the Writ of Habeas Corpus in 1971 and the actual declaration of Martial Law in 1972, many faculty members and students were arrested and detained in military stockades.

Dr. Prudente, his classmate at the US Merchant Marine Academy,

Dr. Dante C. Simbulan, Sr. is the Former Dean of the Philippine College of Commerce, now Polytechnic University of the Philippines, and a member of PMA Class '52. He served as Executive Director of the Church Coalition on Human Rights in the Philippines of NCCUSA in Washington D.C. from 1980-1987. He is the author of the book, The Modern Principalia: The Historical Evolution of the Ruling Oligarchy, UP Press 2007.



“ I told him that his dream of a university for the poor had been realized, and I could still remember the satisfied smile in his face. ”

Perspective on HR advocacy: Solidarity for the victims, options for the poor

By Bro. Robert John "RJ" Abada, OFM

Last summer, I took the chance of a lifetime. Part of our formation program as Franciscan friars is to have skills development training during the summer months of April and May. The other friars took driving lessons or computer lessons. I chose a road less traveled by. With the gracious help of Rev. Calvin Bugho, OFM, I was able to volunteer with Karapatan.

My experience in Karapatan was as pleasant as it was shocking. The people in Karapatan, battle-hardened human rights advocates, are a pleasure to be with. Everyone was friendly and accommodating. I was much edified by their simple lifestyle, down-to-earth manner, and selfless dedication to mission. All the traits that I as a disciple of Jesus Christ am supposed to have, I found in these human rights activists.

What shocked me was the extent, gravity, and frequency of human rights abuses perpetrated by agents of the state with official state sanction. I was able to leaf through hundreds of well-documented accounts of extrajudicial killings and enforced disappearances. Eyewitness accounts clearly point to the military or to the authorities as the perpetrators of these abuses.

Everyday I was able to interact with victims of human rights abuses or the close relatives of victims. It was definitely one thing to read articles about human rights abuses in the newspaper and quite another to meet these people and develop friendships with them. These friendships are strengthened by a common commitment to defending people's rights and welfare.

In Karapatan, I learned a lot about commitment. I learned that when you fight for people's rights, you get as compensation only harassment and death threats. I learned that you cannot and should not give up, for otherwise, the human rights violators win. Once I was able to accompany Nanay Linda Cadapan to the Court of Appeals. I learned from her never to give up even though the entire court system is tilted against her in favor of the military establishment.

In Karapatan, I learned about critical thinking. I learned not to believe a lot of what I see and hear in the media especially if it comes from the government, because these are biased in favor of the powers that be. I learned that the military can

Everyday I was able to interact with victims of human rights abuses... It was definitely one thing to read articles about human rights abuses in the newspaper and quite another to meet these people and develop friendships with them.

easily kill innocent civilians and then claim that they had a legitimate encounter with armed rebels. I learned that the police can easily declare that an extrajudicial killing is merely a case of robbery with homicide. Clearly, the authorities misuse media as a propaganda tool to cover-up its abuses and to vilify its critics.

It is in Karapatan that I learned concretely about having a "bias for the victims". The victims of human rights abuses that Karapatan serves are among the most marginalized in society. These people have no one else to turn to, especially since the abusers are very often in government or military service. The rich have the money to defend their rights. Government or military agents have the state apparatus to defend their rights. Karapatan serves the powerless and voiceless majority who do



Bro. RJ at one of the monthly gathering of victims' relatives. not have the money and who, from experience, do not and cannot expect justice to be served to them by the authorities.

I salute all the people I met in Karapatan. Thank you from the bottom of my heart for journeying with me and helping me deepen my commitment to serving the poor and the oppressed as a Franciscan friar. My experience in Karapatan was truly a watershed experience. As a member of a Church where the "option for the poor" remains largely an empty slogan, it is heartening to know that there is still a "remnant" faithful to God's idea of true religion:

"Is not this the sort of fast that pleases me: to break unjust fetters, to undo the thongs of the yoke, to let the oppressed go free, and to break all yokes?" (Isaiah 58:6) FHR

Editor's Note: The FREEDOM BAR is reserved the advocates' thoughts on justice, peace and human rights issues. Materials may be sent to karapatan.pid@gmail.com.

It's a fine thing that New Zealand is now officially involved in Philippine human rights. But The Proof Of the Pudding Is In The Eating

The Philippine Solidarity Network of Aotearoa (PSNA), which has lobbied the New Zealand government for years to get directly involved in helping to rectify the appalling human rights situation in the Philippines, congratulates it for actually doing so. This outcome is the result of that very lobbying by PSNA and numerous other NZ organisations and individuals gravely at concerned at the reign of State terror in the Philippines.

PSNA has been informed (through a letter from the Ministry of Foreign Affairs and Trade dated 2 July 2008) that there are proposals for the NZ Human Rights Commission to become involved with "human rights education and training programmes for the Philippines Police and Defence Forces. Furthermore, a project was launched on February 6 which supports the realisation of human rights for Indigenous People... In relation to all projects, it is envisaged that the training will take place in the Philippines...The overall outcomes sought will be the integration of human rights into the practices of the Police and Military in both the Philippines and New Zealand; and the realisation of human rights for Indigenous Peoples in the Philippines". The MFAT letter specifically details "an exploration of the applicability of New Zealand restorative justice programmes to the Philippines". It also mentions the possibility of Judge Eddie Durie, former Chair of both the Waitangi Tribunal and Maori Land Court, returning to the Philippines (he visited in 2006) to "share his experiences and perceptions in the area of historical land disputes with those involved in the settlement of ancestral domain claims in Mindanao".

The letter doesn't give concrete details on all the NZ Human Rights Commission projects but the project for indigenous people will take place in communities on each of the three main island groups – namely Luzon, Visayas and Mindanao, and will cost just around one million NZ dollars. Rosslyn Noonan, the NZ Human Rights Commissioner, was in the Philippines for the launch of that project on Waitangi Day.

These are all very positive but the proof of the pudding is in the eating. The Philippines under Gloria Macapagal-Arroyo has a well entrenched culture of impunity, meaning the military, and police, and their paramilitary death squads can murder, torture, abduct, and falsely imprison anyone who is deemed to be "an enemy of the State" (most of which come overwhelmingly from the Left -- real or imagined -- of the Philippine political spectrum). These soldiers, policemen and hired thugs can do their dirty work in the full knowledge that they will never be held accountable for it; that they have the backing of the highest level of the Philippine military and Government. They are simply carrying out State policy, one which has seen nearly 900 political activists murdered since the President came to power in 2001. Hundreds more have been

disappeared with their bodies never found. And hundreds of political prisoners tortured and held for years on trumped up charges. Gloria rules from a throne of blood.

The Philippines already has all the necessary human rights structures in place and the President and her Government all faithfully parrot the right phrases. The trouble is that one thing is said, but quite the opposite is done.

New Zealand must not get sucked into providing international respectability to this pariah regime, one which is desperate to appease foreign critics without actually doing anything about its murderous behaviour towards its own people. If our Government is serious, as it should be, about helping the long suffering Filipinos gain the basic human rights to which they are entitled, then it must ensure that NZ's involvement produces real results and helps to bring about systemic change to a country which is long overdue for it.

Reality must match appearances.

Murray Horton

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Moreu on Arroyo
The Press Editorial Cartoon, 29 May 2007
<http://www.stuff.co.nz/thepress/293795a21498.html>

People rising against a dictator

By Dee Ayroso

February 1986 was one of the shining moments in Philippine history.

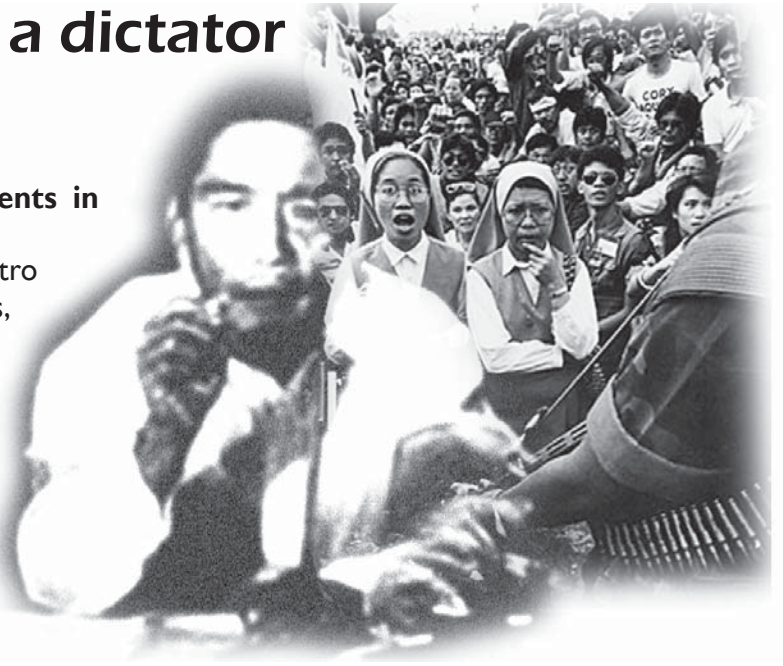
For three days, from February 23 to 25, people in Metro Manila left the comfort of their homes and faced tanks, prayed, chanted, and sang *Bayan Ko* in front of Camp Crame and Aguinaldo. All roads led to Epifanio delos Santos Avenue, where organized and unorganized workers, urban poor and students, businessmen, professionals – people of different classes – came for one common cause: *to oust the Marcos Dictatorship*.

It was Cardinal Sin of the Archdiocese of Manila of the Roman Catholic Church who went on national radio and called on the faithful to protect a handful of coup plotters who had been found out by then Pres. Ferdinand Marcos. The coup d'état was led by then Defense secretary Juan Ponce Enrile, who holed up inside Camp Aguinaldo, and Armed Forces Deputy Chief of Staff Fidel V. Ramos who stayed in Camp Crame. In a press conference, Enrile announced his group's withdrawal of support to the regime on the ground that Marcos cheated in the February 7 presidential snap elections. Marcos ordered an assault on the coup plotters, prompting Sin's call to the people to serve as buffer and protect the reformists.

People on EDSA served as blockade against Marcos' loyalist soldiers who came in armored personnel carriers and tanks. The soldiers were forced to back down as civilians refused to budge and instead prayed, offered flowers and food.

By the morning of February 25, the Supreme Court chief justice swore in Corazon Aquino, Marcos's rival in the elections, as President of the Republic. At almost the same time, an embattled Marcos took his oath at a Malacañang balcony, in front of flag-waving loyalists. The Marcos family was later whisked out of Malacañang by a helicopter from the US embassy, which transported the family to Guam and later to Hawaii.

Although the coup d'état was later revealed as the US government's machination to junk Marcos, EDSA I remains historically significant. Most people went out to EDSA not to lay their lives for an Enrile or Ramos. They were there to join an expression of collective outrage against an authoritarian rule.



The first EDSA uprising is likewise historically significant for it is a demonstration of the Filipino people's rejection of U.S. intervention. It will be recalled that five U.S. administrations, from Lyndon Johnson to Ronald Reagan propped up the Marcos dictatorship.

In the course of their US-backed rule between 1965 and 1986, the Marcos family salted away billions of dollars while leaving impoverished Filipinos to bear the brunt of national debt that has ballooned to \$30 billion. In 1979, the White House signed an agreement promising Marcos \$500 million even as the Carter administration called Marcos "soft dictator." In 1981, then Vice President George H.W. Bush praised Marcos in a visit to Manila for his "adherence to democratic principles and to the democratic processes."

But though the two EDSA uprisings had ousted two unjust regimes, these failed to effect fundamental changes in Philippine society, or to even make the ejected officials pay for their crimes against the people. So ironically, 22 years later, Gloria Macapagal Arroyo would have the gall to say that the world merely "tolerated" EDSA People Power 2 which actually put her in power, and that the world "will not forgive" another EDSA. **FHR**



Sources:

Autocrat With A Regal Manner, Marcos Ruled For 2 Decades, By Eric Pace, *The New York Times* (29 September 1989)

Did Carter fail on human rights? By Tamar Jacoby, *Washington Monthly* (June 1986)

[HR] GALLERY



Untitled

by **Iggy Rodriguez**

Oil on canvass

4' x 3'

About the Artist

Artists Iggy Rodriguez is a core member of TutoK (Tutok Karapatan), an art project on human rights. He is acting chairperson of the cultural group Sining Bugkos and co-founder of Ugat-Lahi Artists Collective. He had been part of a group exhibit in China on June 2008, and will be part of another group exhibit this november at Liverpool and London, England

Editor's note: We'll exhibit your artwork here. Please send us photos, illustrations, paintings, and other work of graphic art in digital image via e-mail. They should be on human rights.

LITERARY

Nostos

by Mark Angeles

This is a place for the lost.
In this place there are only pictures of them
as in a memorial for the dead.
Though they are not dead. Only presumed.
Since the last of them—eyes, arms, limb,
hairstrand, even the smoke of their breath—
had been snatched by rancorous shadows.
In these days, people don't die of old age
or cancer or mishap. People die of bullets
or are hauled from their ordinary places.
While they are eating lunch; waiting in line
for the next jeepney ride; while buying milk.
The shadows, silver-tongued and camouflaged,
execute their modus operandi at broad
daylight.

What amulet can bestow deceit
and efface the tracks of their stride?
What thunder bolt can strike witnesses blind?
In this place for the lost
pictures have ceased existing as souvenirs.
They are now as venerable as names;
now as invaluable as memories.
For in this place longing is juvenile
and tears fall not for the departed,
but neither for those who stayed behind.
It blows like a storm from the tumultuous
seas.

It calls on us like a strong gust of wind.
The candles we bade at their portraits
had flickered and christened
the last ounce of blood in the skulls:
It is Justice that needed to be found.

About the author

Mark Angeles was elected vice president for Luzon of the College Editors Guild of the Philippines 2000-2002. His poems and short stories saw print at the Sunday Inquirer Magazine, Philippine Graphic, and CCP Ani Literary Journal among others. He is a member of literary groups Kilometer 64, Pinoypoets, Guniguni, and Kamakatahan. Log on to <http://www.pinoypoets.com/viewpoet/103> to read more of his poetry.