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MIGRANTE INTERNATIONAL



RESULT OF THE FACT-FINDING MISSION ON THE SITUATION OF THE EVACUEES-DEPORTEES FROM SABAH

April 2-12, 2013

References (available for media interview):

Marie Hilao-Enriquez, Karapatan Chairperson
Tony Leongson, Moro-Christian People's Alliance Spokesperson
Gary Martinez, Migrante International Chairperson

While past fact-finding missions on the plight of Filipinos in Sabah have put forward recommendations in alleviating their lives and welfare, especially the undocumented, the Malaysian government continued to conduct rows of arrests, crackdowns and deportations. Maltreatment and other human rights violations in relation to these crackdowns have not only been reported in the media but were documented and submitted to higher authorities for immediate and strategic actions.

In light of the Sabah crisis, Malaysian police and authorities appear to be more emboldened, if not virtually given license, to intensify such crackdowns and human rights violations following the Aquino government's stance on the Sabah claim and its refusal to engage in a peaceful resolution to the dispute.

The state of Filipinos in Sabah, exacerbated by the Malaysian government's response to the Lahad Datu standoff, brought together a team of individuals from various organizations to hold a preliminary fact-finding mission in early April of 2013. Due to recent developments and reports from the mainstream media, the team aimed to document the human rights situation and general well-being of Filipinos working or residing in Sabah straight from accounts and interviews with evacuees and deportees who left Sabah after the Malaysian government intensified its crackdown against Filipinos.

It is in this context that the preliminary fact-finding investigation was conducted.

The team, organized by Migrante International, KARAPATAN Alliance for the Advancement of People's Rights, Moro-Christian People's Alliance and Kawagib Alliance for the Advancement of Moro Human Rights, held the preliminary investigation on April 2 to April 12, 2013. The objectives set for the preliminary investigation were:

1. Establish concrete facts on the human rights violations committed against Filipinos, evacuees, deportees and residents, given the limited information released by the governments of Malaysia and the Philippines prior to and during the Sabah stand-off, and until their evacuation;

2. Establish a network with groups, especially Moro organizations and advocates, for continued cooperation and monitoring of the rights and welfare of Filipinos in Sabah;
3. Set a stronger foundation for a sustained campaign given the trend of intensified crackdowns on Filipinos in Sabah;
4. Document and publish a preliminary report for submission to national, regional and international bodies (i.e. governments, NGOs, community representatives, Moro groups, international and regional human rights entities, among others) to push for a solution through various processes.
5. The preliminary report will determine succeeding actions and recommendations to address the plight of Filipinos in Sabah.

In brief, the preliminary investigation has obtained sufficient point to conclude that, indeed, human rights violations by the Malaysian police against Filipinos in Sabah continue to be rampant and, in fact, have intensified. Further, the team has reason to conclude that there is gross negligence on the part of the Philippine government in providing protection and much-needed assistance to evacuees and deportees prior to and during the stand-off and post-evacuation of the Filipinos.

The general conclusions presented thus far were drawn from information gathered, analyzed and processed from 10 days of interviews, meetings and engagements that the eight-people team conducted with evacuees and deportees, government institutions, organizations and community leaders from Zamboanga City, Basilan, Tawi-Tawi and Sulu.

In Zamboanga City, meetings were held by the national organizations together with local organizations during the first few days to determine target areas, scope and particular objectives per area of responsibility. After two consecutive meetings, contact persons and a general mapping of the locations of evacuees and deportees were determined. It was agreed that the team would be divided into two, to be dispatched to Tawi-Tawi and Basilan, Sulu and Zamboanga, respectively, for the remaining days of the preliminary investigation.

Majority of those interviewed are undocumented Filipinos who either forcibly evacuated themselves from Sabah out of fear or were deported months prior to the stand-off after having been detained in Sabah jails because of their status. Also interviewed were several personnel of the Department of Social Work and Development (DSWD) in Zamboanga, Tawi-Tawi and Sulu with the aim to document the Philippine government's steps and mechanisms for Filipino evacuees and deportees.

The teams were dispatched on the following dates to the following areas:

- April 5 to April 8 – Zamboanga to Bonggao, Tawi-Tawi
- April 5 to April 7 – Zamboanga to Sulu
- April 8 – Zamboanga and Basilan
- April 9 – Zamboanga

On April 10, the team collated and diagnosed which data will be relevant to the preliminary documentary report. Initial evaluation was presented at the Forum on the Human Rights Situation of Filipinos in Sabah held on April 11 in Zamboanga City, sponsored by Kawagib.

A group of four went to Tawi-Tawi where one of the naval ports disembarking evacuees from Sabah is located. They were able to interview freshly-disembarked evacuees from Taganak (Turtle Island). It is also in Tawi-Tawi where the 38 alleged members of the Royal Sultanate Army are detained. The four-person team first went to the Regional Trial Court in Bonggao, Tawi-Tawi to get updates on the status of the cases against the detainees. The team, however, did not get a chance to visit the detainees themselves due to security and technical restrictions.

The same team also went to Simunul, Tawi-Tawi, hometown of Rajah Muda Agbimuddin Kiram, to interview more evacuees and deportees.

Another group of four went to Sulu where they were able to interview evacuees and deportees, talked to local leaders and members of the academe.

The two teams regrouped and subsequently went to Basilan and Zamboanga to gather more information.

The eight-person team is composed of the following:

1. Bedette Libres of Karapatan who went to Tawi-Tawi, Basilan and Zamboanga
2. Tony Leongson of MCPA who went to Tawi-Tawi, Basilan and Zamboanga
3. Sarah Maramag of Migrante International who went to Tawi-Tawi and Zamboanga
4. Daylin Java of MCPA who went to Sulu and Zamboanga
5. Darwin Hernando of Migrante International who went to Sulu, Basilan and Zamboanga
6. Melgre Mellan of Kawagib-Zambasulta who went to Tawi-Tawi, Basilan and Zamboanga
7. Almira Paris of Kawagib-Zambasulta who went to Sulu, Basilan and Zamboanga
8. Ahmad Hamja of MCPA who went Sulu, Basilan and Zamboanga

I. FINDINGS

PROFILE OF INTERVIEWEES

Members of the documentation team were able to interview a total of 57 evacuees and deportees (*halaw*) from Sabah. Those interviewed were in the processing centers or were already in their homes, or relatives from the different parts of Zamboanga, Basilan, Sulu and Tawi-Tawi (ZamBaSulTa).

Most of them went to Sabah to work in plantations, logging and lumber companies, construction sites, computer companies and fishponds. All respondents said they went to Sabah because it was difficult to find a job in the Philippines and it is their view that Sabah provides such opportunities for them.

Most of them earn an equivalent of PhP300-350 a day, higher than the government mandated PhP 222-267 salary range in Zamboanga City; PhP130-175 in Basilan; PhP 150 in Tawi-Tawi and Sulu. Other interviewees said they earn as much as 500 myr a month or PhP6,800.00 (1 myr= P13.60). A fishpond caretaker receives 10% commission on top of his 500 myr a month when fish harvest is good.

The affinity of the people of ZamBaSulTa to Sabah is apparent. Sabah is considered an economic and socio-cultural extension of the people, especially those in the islands of Basilan, Sulu and Tawi-Tawi.

Residents of Tawi-Tawi, for example, purchase rice and cooking gas in Sabah. A 11 lb. tank of cooking gas, they say, only costs PhP400.00 compared to the more than PhP700.00 in the Philippines. Their supply of gasoline comes from Sabah, too. But with the navy vessels of both Malaysia and the Philippines patrolling the boundaries, the boats carrying these supplies have difficulty in transporting these goods. Thus, the cost of gasoline and consequently, the cost of transportation fare have gone up.

Most of the evacuees and deportees have relatives in Sabah. Some of their relatives are also undocumented; while others have pass and Identification Certificates (IC) issued by the Malaysian government. A number of evacuees-deportees had brought along their wives and children who are not in school yet, their mothers or siblings. Going to Sabah, working and living there had become a family endeavour.

There is a huge number of Filipinos in Sabah. An evacuee said when the “operasi” or military actions became successive, the logging company he worked for was forced to close temporarily because its workers, some 700 Filipinos, went into hiding or wanted to go back to the Philippines.

Aside from their own experience, the warning they got from friends at work, the stories from Filipinos in neighboring towns and the pleas from their families in the Philippines prompted the evacuees to leave Sabah. They were told to hide or come back to the Philippines. Some were sent money by their families for boat fare. The evacuees said they also saw from the newspapers, television and the internet what was happening among the Filipinos in Sabah.

The first batch of evacuees in March, according to a DSWD worker in Tawi-Tawi, came from Lahad Datu. The succeeding batches came from Sandakan, Sabah. Sandakan serves as take-off point to the Philippines, through the Turtle Island or Taganak, where the government had set up, in April, what it called a “one-stop shop”.

Most of the interviewees came from Samporna, Lahad Datu and Kunak. These are areas directly affected by the stand-off between the Malaysian authorities and the Royal Security Force led by Raja Muda Agbimuddin Kiram and their supporters in Sabah. These are the same areas where Filipinos are in their numbers.

FORCED EVACUATION

Emillia Sariulla, a 64 year old Tausug lived in Sandakan, Sabah for 33 years but was forced to go back to the Philippines because of the frequency of the house-to-house search of Malaysian police in communities where Filipinos are known to reside, or even in their workplaces.

For 33 years, she was able to evade crackdowns on undocumented workers conducted by the Malaysian authorities. But this time, she said, it was different. The crackdown specifically targeted the *Orang Sulok* or the Tausug. Thus, she was forced to come back to the Philippines, not knowing what the future lies ahead of her, especially because she doesn’t know where her relatives are, and where home is.

Tessie Poras, 61, Tausug, arrived in Sulu with her husband, Sakib Buso, 67, and their nine month old grandson Idil. Idil’s mother, Memie, is Tessie’s daughter who worked in a computer company in KG Kaningaw, Sabah. Tessie learned from Memie’s company that she was arrested with her husband, on March 24, in a checkpoint in Papparkiki. The couple was on their way home from work. Memie was

holding an expired passport. Tessie, with husband Sakib, left Sabah without knowing the fate of their daughter and her Indonesian son-in-law.

Tessie's son, Sali Sakib, has been in jail since May 2012. She never got to visit her son because of fear of being caught by the Malaysian police since she too, was undocumented.

Looking for Filipino-Tausug

After the stand-off at Lahad Datu, Filipinos, especially Tausug, started leaving Sabah because of the waves of arrests and detention by Malaysian authorities. The evacuees point to the numerous checkpoints which, as one interviewee recalled, were only a kilometer apart. They also fear the house-to-house searches that target Tausug. They fear being shot at by Malaysian police because they received reports that some undocumented Filipinos were shot at during "operasi".

There is widespread fear among the undocumented workers; but more so among male Tausug for they are immediately suspected as members of the Royal Sultanate Forces.

According to Rodel and Almalynn Rassad who came from Kunak, there are 30 to 100 Malaysian police involved in every search operation. They also learned that in Lahad Datu, two 6X6 trucks of soldiers conduct such operation, in the lookout for the "sundalo ng Sultan" (soldiers of the Sultanate) and also civilians, whether they are IC holders or not.

Mamih Sali and Aliasar Salah, factory workers in Lahad Datu said, before the Lahad Datu incident, Malaysian police patrols the communities unarmed. But now they are fully-armed. There are also navy boats patrolling the coastlines.

Both Rodel Rassad and Henry Abdugafar from Sandakan said the Malaysian government pays informers 250 myr for every Tausug tipped off to the police. Although even without these informers, the Malaysian police are able to identify Tausug through their intonation and pronunciation of some words.

Belsinda Aralluddin, 30, came from Ranaoan, an island in Samporna, Sabah. In Ranaoan, she said, authorities imposed curfew starting 6 p.m. Belsinda heard gunfire thrice in Samporna. Because of the gunfire, stores closed down at noon, including gas stations Esso and Petron.

She said there were news going around that the search operations will intensify after the election in the Philippines. When she and her husband and two children left Samporna, they saw three Malaysian naval boats and two Philippine naval boats along the border.

Hiding in forested areas, mangroves, bushes

The undocumented Filipinos continue to work during the day, taking extra precaution and heeding warnings from employers, co-workers and friends who caution them of searches and checkpoints by the Malaysian authorities.

During night time, they sleep in the forest or mangrove areas or in the bushes to escape searches by Malaysian police. Other Filipinos who are pass and IC holders stayed in their homes, confident that they will be spared, but they were not; they were arrested and brought to jail, albeit, released in less than 24 hours because they were not Tausug.

Jobar and Ryan Saidol, 18 and 23 respectively, were construction workers in Sabah. They, along with 30 other Tausug, experienced sleeping in a nearby forested area. They took turns sleeping to ensure somebody was awake to watch out for Malaysian authorities.

Fernando Pula, Roland Labore, Edwin Ramirez and Edgar Ramirez had to hide in the forest three times to elude searches done in the factory compound where workers are housed.

Rodel and Almalynn Rassad spent each night in the forest. In a video clip from his cellphone, the couple showed their “sleeping quarter” in the forest – an unused sewer pipe. Another video clip the couple gave showed how some parts of a house were turned into hiding places.

The Exit

During the team’s interview, Rodel Rassad repeatedly said there are thousands of Filipinos in Sandakan who want to come home, “if only the government provides rides for them.” A worker at the DSWD confirmed Rassad’s statement.

Majority, if not all, of the evacuees interviewed spent their own money to go back to the Philippines. The money they used were either savings or from their relatives in the Philippines. Others appealed to banca operators and promised to pay them when they get back home.

A banca ride from Sandakan, Sabah to Tawi-Tawi, Sulu or Basilan range from PhP2,000 to 12,000. Aside from the banca fare, others like Jobar and Ryan Saidol and Awanu Araji, had to spend additional 50-100 myr because police demanded “payment” for them to pass through checkpoints.

The Saidol brothers said stealing became a rampant practice because each one wanted to save money to pay for their ride home.

Those without money, like Belsinda Aralluddin and her husband and two children used a “tirit”, a small motored-banca from Sandakan to Tawi-Tawi for more than 12 hours.

Henry Abdugafar who managed to cross from Sandakan to Turtle Island waited for two weeks in Taganak before he was able to finally ride a Philippine naval boat to Sulu. The naval boat does not leave unless there are more than 50 passengers.

The sufferings of the evacuees do not end after dodging Malaysian patrol boats along the coastline of Sabah. A group of evacuees, some 170 of them, almost drowned when their rented banca almost capsized because of overloading. The evacuees lost everything they had. Rodel and Almalynn Rassad who managed to bring home “pasalubong”, biscuits from Sabah, for their children were forced to throw them to the sea. The clothes they were wearing were the only thing left plus PhP500. They were soaked when they got to the Tawi-Tawi processing center.

Uncertainty of Life in the Philippines

The evacuees went to Sabah for jobs, because there were none in the country. Others left because of fear of military operations in the Moro areas. Most of the evacuees fear the kind of life they are going to face back home.

An evacuee who has now settled back in Basilan is back to fishing. He gets PhP100 a day but it is not every day that he catches fish. In Sabah, he earns 25 myr daily. He was not able to save. In fact, he still owes the banca operator who took him home PhP2,000. He only brought home 30 sen or PhP13.58, nothing but a “remembrance from Sabah,” he said.

People like Emillia Sariulla who lived in Sabah for 33 years cannot look forward to the life in the Philippines. Satra Bin Adin, 21, was born in Sabah but opted to come home to the Philippines because the man she married, a Tausug, is an undocumented. She met her in-laws, for the first time, at the processing center. She does not know what lies ahead.

Thus, it is not surprising that majority of the evacuees want to go back to Malaysia after the “gulo” (conflict). Some said they plan to get a passport to avoid arrest. Some of the team’s interviewees refused to give their real names for the same reason.

Stories of the nameless and faceless Filipinos in Sabah

The stories of Filipinos in Sabah are many. Evacuees and deportees talk about them, but the people remain nameless and faceless.

The story of a man who hid inside a big ice box to evade arrest on their way back to the Philippines was a common story among the evacuees in Tawi-Tawi. Even DSWD workers heard about it. People said the man was at the processing center. But no one could direct the team to him.

Evacuees talk of thousands jailed. They say in Kunak alone there were already some 300 Filipinos jailed. They heard of a 60-year old farmer who was also arrested for no reason.

Ustadz Abdul Aralun’s house was set on fire during an “operasi” on April 1. There were also accounts that 10 people died during the same operasi, while a number were arrested because they were suspected as “soldiers of the Sultan”.

Evacuees talked about a man whose ears were rubbed against a cement wall inside prison.

A DSWD worker said he heard a story among the evacuees about a man who was intercepted in a checkpoint. The police ordered the man to remove his clothes and then got his PhP1,450.00 and 300 myr. The evacuees said they contributed for the man’s boat fare. But not one of them would identify who the man was.

The stories remain undocumented.

DEPORTATION OF WORKERS IN SABAH

Some deportees said they were immediately sent home without finishing their sentence. The Malaysian jail authorities, according to them, expect congestion in jails as many more Filipinos are arrested because of the stand-off related crackdown.

The deportees recalled their experiences in jail.

Torture, Physical Abuse

Al-Ghaffar Hadi, 45, Tausug, was jailed in Panampungan, Tawau, Sabah in June 2011, with 200-250 others in a cell. He and nine others were blindfolded and handcuffed when they were arrested. He was already on his seventh month in detention when he was presented in Court and was sentenced for two months imprisonment.

Inside detention, Hadi witnessed people brought to jail even at night time. He witnessed how the Malaysian police beat prisoners. Those who cannot understand Malayo expectedly fail to follow instructions and were punished. They were beaten, and at one point, both their hands and feet were tied to a metal frame.

Poor condition in jails

Gadi witnessed a woman who was brought back to her cell immediately after giving birth. He saw a man with kidney failure who died inside jail without medical attention.

Most of the deportees talked about the very little food ration they get: four stalks of kangkong each for a meal; 10 people sharing a liter of cold tea for breakfast, with a small slice of bread each. The food is always spoiled. They were given meals only twice a day. They likewise developed skin allergies.

Abuse of women

Fatima was twice imprisoned in Sabah. She witnessed how the Malaysian military and police sexually abused women, most of them 20 years old and below. At night, when male members of the police took over the lady guards, Fatima knew that there was an “order” from the navy guards to bring out women from the jail to the navy vessels. Fatima saw how these women cry when they come back to their cells. Some looked dazed and bewildered.

Of the many stories from the deportees, no one mentioned any Philippine government intervention in the plight of Filipinos in Malaysian jails.

GOVERNMENT RESPONSE

The Aquino government set up “processing centers” in Zamboanga City, Basilan, Sulu and Tawi-Tawi to “process” the evacuees and deportees—get the names and other basic information of the evacuees and deportees, hand them their food packs and toiletries, a boat pass or Php300-500 cash for inland transportation fare. The evacuees-deportees are immediately sent home, no longer than 24 hours. The processing centers are manned by the DSWD personnel.

On April 4, a “one-stop shop” was established in Taganak (Turtle Island). The “one-stop shop” at Taganak has representatives from the Overseas Workers’ Welfare Administration (OWWA) and the Department of Health (DOH). There are no representatives from the Department of Foreign Affairs (DFA) and the Commission on Human Rights (CHR).

There is no clear basis which processing center the evacuees should be brought to. The documentation team in Tawi-Tawi for example, were expecting more than 300 evacuees to arrive at the Tawi-Tawi processing center, but the evacuees were brought to Sulu instead. No one from the DSWD team in Tawi-

Tawi, which was prepared to receive the evacuees, knew why the evacuees from Taganak were diverted.

Relief goods

The evacuees and deportees, upon arrival at the processing centers, are given relief goods: two to three kilos of rice, three cans of sardines and instant noodles. If they need a boat ride back to the main islands, they are given boat passes. Others who live in the same island where they docked were given PhP 300 cash.

Rodel and Almalynn Rassad had to spend the last PhP500 left in their pockets to buy clothes because they were soaked when the boat they were riding almost capsized. DSWD did not provide clothes for them, and 70 others, who were in similar situation.

List of evacuees

The documentation team could not ascertain the exact number of evacuees and deportees who went back to the Philippines since the stand-off.

One, a number of them made it home on their own, using “tirit” or small motored-banca. They did not see any reason why they should drop by the processing centers.

Two, the evacuees-deportees are immediately sent home after the DSWD got their names and gave them relief goods, boat pass or cash. Only a few families are left in the processing centers, especially those with nowhere to go, or are still waiting for their relatives to fetch them.

Three, the DSWD in Tawi-Tawi no longer makes accessible the list of evacuees –a policy that came from the DSWD National Office, specifically, from Secretary Dinky Soliman.

The DSWD list of evacuees obtained in Zamboanga, prior to the issuance of the said policy, was a puzzle to the documentation team. The list, dated March 2013, had a total of 7,529 entries but only 877 had names. The rest of the entries, from 878 to 7,529, had no names but the entries for status, tribe, educational attainment, and address were already filled up.

Documentation of human rights violations

The Commission on Human Rights (CHR) is conspicuously absent in the processing centers.

An employee of DSWD, who heard accounts of violations from the evacuees, was so frustrated to the point of inviting the fact-finding team to join them to document all the violations. He said they were asked by the national office to document such cases as basis for the CHR to act. He said they are unable to document these cases as they are already swamped with the tasks assigned to their agency.

THE SABAH CLAIM

To both the evacuees and deportees, Sabah is work, higher wage, home.

Thus, majority of the interviewees view the claim to Sabah as legitimate. They believe that Sabah belongs to the Filipinos.

The difference in their opinion lies on who should claim Sabah and on how to go about the claim. A number of them expressed that the process should not disrupt their work and other economic activities in Sabah.

II. ANALYSIS AND CONCLUSION

The human rights violations among Filipinos in Sabah is a product of the collusion of both the Malaysian and Philippine governments.

The pronouncement of the president of the Philippines that concurs with the position of the Malaysian government essentially indicated the Philippine government's abandonment of thousands of Filipinos in Sabah. Statements coming from Malacanang since the stand-off were viewed by many, especially the Malaysian government, as a go-signal to attack Filipinos in Sabah.

By its statements and actions, the Aquino government is equally responsible for the human rights violations committed by the Malaysian authorities against Filipinos, especially the Tausug of ZamBaSulTa.

The President did not mind how his position on the issue will affect the thousands of Filipinos who are in Sabah, and are working in Sabah because his government, like the past governments, could not provide jobs and decent wages in the country.

When the Malaysian government denied access to government agencies to check on the numerous cases of human rights violations among Filipinos in conflict areas in Sabah, the Aquino government merely accepted it. It didn't lift a finger; not even a symbolic assertion of sovereignty and its responsibility to its people.

The government's position on the issue is manifested on how the different agencies are responding to the plight of the evacuees and deportees—the hundreds of Filipinos in Sabah who are jailed, harassed, or in hiding; and those who want to go back to the Philippines.

The absence of the Commission on Human Rights in the processing areas is unacceptable. The government remains deaf despite the news reports and accounts of people coming in from Sabah on the plight of the jailed undocumented workers and the victims of the stand-off related crackdown.

The CHR could have, at least, initiated the documentation and verification of these stories and accounts. The government could have demanded from the Malaysian authorities access to the jails and in areas where there are reported violations. Subsequently, there is no effort to offer paralegal and legal assistance for those who experienced violations by Malaysian authorities.

More importantly, the government could have taken concrete steps to abate the attacks against Filipinos in Sabah, which speaks of the Philippine government's neglect and insensitivity to their plight.

The need for boats to facilitate the evacuation of those stranded in Sabah has reached the government but evacuees continue to plea for help. The victims had to pay for their own fare to be able to come home and escape the terror in Malaysia.

There is a lack of understanding and grasp of the situation of the evacuees-deportees among the government agencies. The assistance provided by DSWD for example, ends with the distribution of packs of rice, sardines, noodles and toiletries without consideration to the fact that the evacuees-deportees are now jobless and some are homeless.

The DSWD policy of keeping the list of evacuees from the public and the immediate dispersal of the hundreds of evacuees in processing centers, without proper documentation of their experiences and of the violations committed against them, are viewed as highly questionable acts to downplay the seriousness of the situation of Filipinos in Sabah.

That most of the evacuees and deportees consider Sabah their home, or at least a place that sustains their families' daily needs is proof of the widespread poverty in the country that no numbers, percentages, graphs of growth could cover up. The desire of the evacuees and deportees to go back to Sabah shows they do not see or feel or even hope for any substantial change in the situation, no matter how difficult it is for them to be considered undocumented in a place they feel as an extension of their homeland.

The human rights situation of Filipinos in Sabah is alarming. The fact-finding mission affirms the crackdown, arbitrary arrests and detention of Filipinos; the detainees' lack of access to their families; the use of checkpoints, search and zoning or saturation drives targeting Filipinos, especially Tausug; the physical assaults and injuries inflicted on villagers; and the reported deaths during "operasi".

With the Malaysian government's enforcement of its Security Offenses Act and its non-ratification of several international human rights conventions, the situation of Filipinos in Sabah merits immediate attention and action.

III. RECOMMENDATIONS

Through these findings and conclusions, the preliminary fact-finding mission draws the recommendation to conduct an international or Asian regional fact-finding mission either in Sabah (Sandakan), where it is reported that most evacuees are gathered, or in Taganak (Turtle Island), where most of evacuees are awaiting repatriation and where the Philippine government's so-called "one-stop shop" is situated.

It also forwards the following recommendations:

1. For the Philippine government to:

- a. Without delay and with political will, set up a more comprehensive, sufficiently-manned and equipped inter-agency mechanism that shall attend to the needs, grievances and welfare of Filipinos in Sabah, focused especially in addressing human rights violations by the Malaysian government;
- b. Investigate reports of human rights violations of Filipinos in Sabah, especially those in Sabah detention cells and jails;
- c. Create concrete mechanisms and send medical and relief missions to Sandakan, Lahad Datu and other areas where Filipinos are working or living;

- d. Protect the welfare of Filipinos in Sabah by ceasing from branding Filipinos suspected to be involved in the stand-off as “terrorists” or “rebels;”
- e. Observe and implement human rights instruments of which it is signatory to.

For the Malaysian government to:

- f. Stop the crackdowns and all human rights violations committed against Filipinos in Sabah and immediately install a government mechanism that shall ensure their protection from possible harm, abuse or discrimination;
- g. Investigate reported cases of abuse of power, intimidation, grave threats and harassment on the part of Malaysian forces;
- h. Observe, recognize and ratify universal instrumentalities on human rights and international humanitarian laws.

2. For the United Nations, ASEAN and other institutions to:

- a. Conduct an independent investigation on the urgent matter of abuse, harassment and violation of human rights of Filipinos in Sabah and institute concrete actions that shall protect their rights and well-being and penalize all erring parties;
- b. Develop mechanisms for the peaceful resolution of the Sabah stand-off where people’s organizations, human rights groups and other stakeholders and members of the regional and international organizations can actively participate in to address, recommend and establish programs for Filipinos in Sabah, especially the undocumented.

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