

UNDECLARED MARTIAL RULE CONTINUES

An Update on the Human Rights
Situation in the Philippines

January to August 2007



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SYNCHRONIZED NATIONAL AND LOCAL ELECTIONS DOMINATED THE FIRST HALF OF THE YEAR 2007 – candidates' promise to be loyal public servants, airwaves clogged by campaign advertisements, money for vote buying flooding the streets, children dancing to campaign jingles. A carnival like atmosphere temporarily glossed over the grim reality of extrajudicial killings, enforced disappearances and the impoverished Filipinos – the 69 million struggling to survive on PhP96 (\$2) a day or the 46 million going hungry every day.

The Gloria Macapagal-Arroyo (GMA) government, shortly after the May mid-term elections declared a 7.5 percent growth in the economy. Pushing further and farther, GMA speaks of a Philippines that will become part of the first world by 2010. The people though, who by this time are back to reality, easily dismissed the assertion for it speaks nothing of their lives.

Truth is, it is simply hard to ignore the images of children who make do with leftover food they collect from the garbage can beside a fast-food restaurant, families who live like bats in shanties under public bridges and people who die without even seeing a doctor or a teacher in their lifetime.

It was clear enough that government spending during the elections and the campaign expenses spurred much of the so-called growth in the economy. Proof is the marked growth in election-related manufacturing sub-sector such as paper and paper products, publishing and printing. Obviously, the so-called growth is insignificant as far as long term and real economic development is concerned.

ECONOMIC INDICATORS

Unprecedented economic refugees

9-10 M overseas Filipinos in 192 countries
3,400 leave the country everyday

Stagnant agriculture:

4.1% (1Q-06) to 4.2% (1Q-07)

Agricultural collapse

Lower food production per capita than in 1981
World's biggest rice importer (2006)

Continued peasant landlessness

1/3 of landowners hold 80% of agricultural land
7 out of 10 farmers are landless

Worker wage repression

Minimum wage less than half living wage

Industrial decay

Manufacturing sector smaller than in 1960s

Net worth of just 10 richest Filipinos

US\$12.4 billion (2006)
Equivalent to combined annual income of poorest 9,600,000 families
(approximately 49 million Filipinos)

Foreign debt burden

\$17 billion (1980) ... \$130+ billion paid in debt service since 1980
\$60 billion (2006)

Instead of seriously pursuing reforms to get the country out of the economic and political crises that it is in, Gloria Macapagal-Arroyo chooses force and suppression of dissent to impose her undeserved presidency and globalist policies on her people. Small wonder that the Filipinos view her with resentment, if not contempt.

The same established pattern of extrajudicial killings, enforced disappearances and other forms of human rights violations since GMA assumed power continues to this day. The impunity by which the killings and disappearances were committed remains despite widespread protests and condemnation both in the country and in the international community.

The Anti-Terror Law (ATL), euphemistically called “The Act to Secure the State and Protect our People from Terrorism” or Human Security Act started off the second half of 2007. Two months after the elections, the Arroyo government implemented the ATL on July 15. Both houses of Congress hurriedly passed the bill last February 19 through a Special Session and Gloria Arroyo signed it into law on March 6.

In tandem with Oplan Bantay Laya 2, ATL will expectedly make the human rights situation in the Philippines even worse.

OPLAN BANTAY LAYA 2

Oplan Bantay Laya (OBL) 1 and 2 took off from previous counter-insurgency programs implemented by the AFP under past administrations—starting from the Marcos regime up to Estrada. All these resulted in widespread repression and violation of human rights, especially among those who struggle for genuine democracy in the country. While other operational plans counted cleared up villages suspected to be communist strongholds, OBL 2 tallied dead bodies as its measure of success.

Oplan Bantay Laya (“Freedom Watch”) 2 is an extension of the Oplan Bantay Laya 1 which was started in 2002. Even if the Arroyo government refuses to admit it, OBL 1 was a failure because it was unable to wipe out the communist forces in the country in 2006, its fifth and end year.

However, OBL targets not only the Communist Party of the Philippines-New People’s Army-National Democratic Front of the Philippines (CPP-NPA-NDFP) but also those identified with the legal Left, or what

the AFP calls “sectoral front organizations.” OBL equates these so-called sectoral front organizations with the CPP-NPA-NDF thus becoming targets of intelligence operations and neutralization with corresponding deadlines. AFP intelligence operations include data gathering on target personalities i.e., leaders of mass organizations and alliances. Intelligence officers pass on the data to a tactical combat unit that makes the “order of battle” which prioritizes their targets for execution. This explains the continuing rise in the number of victims of gross human rights violations among members of progressive people’s organizations and party-list groups.

One of GMA’s highly placed and praised general, Jovito Palparan, Jr., played a significant role in implementing OBL 1 and 2. To the people though, he is still a butcher who goes into frenzy at the sight and sound of something “red.” The whole campaign is under the supervision of the Oversight Committee on Internal Security of the President’s Cabinet.

The ATL and the OBL serve both as a shield and as a weapon for GMA's desperate bid to cling to power amid sustained charges that she cheated her way to the Presidency in 2004 plus various major cases of graft and corruption.

With the ATL and OBL, GMA was emboldened to address all her perceived opponents that, *"I will not stand idly when anyone gets in the way of the national interest and tries to block the national vision. From where I sit, I can tell you, a President is always as strong as she wants to be."* (GMA's 2007 State of the Nation Address)

HUMAN RIGHTS VIOLATIONS

FOR SOMEONE WHO ASSERTS AT ALL TIMES that she is the commander-in-chief of the Armed Forces of the Philippines (AFP) and is always in control of the situation, it is unacceptable that Gloria Macapagal-Arroyo does not claim responsibility for the state of human rights in the country.

The government has simply tagged the victims as members and supporters of the revolutionary movement or "enemies of the state" and are, therefore, "legitimate" targets of the government's counter-insurgency program. To the government, "legitimate" targets have no rights – they may be executed, they may disappear.

In 2007, from January 1 to July 31, there were 60 cases of extrajudicial killings. This translates roughly to 8-9 incidents in a month for the first half of 2007.

Other cases of violations from January 1 to June 30, 2007 include:

17	enforced disappearances
12	torture
113	illegal arrest and detention
7,470	individuals who were forcibly evacuated or displaced

Total Number of Extrajudicial Killings (EJK) since GMA assumed power (January 21, 2001 to July 31, 2007)

Total	886	Party-list groups	
Women	96	Bayan Muna	131
Members of cause-oriented organizations	391	Anakpawis	48
		Gabriela Women's	2
Regions with most number		Kabataan	2
Southern Tagalog	162	Suara Bangsa Moro	1
Central Luzon	139		
Bicol	126	Sectors with most number	
		KMP (Peasant Movement)	102
		KMU (May 1 Movement)	22
		Karapatan	20

Total Number of Victims of Enforced Disappearance since GMA assumed power
(January 21, 2001 to July 31, 2007)

Total	179	Sector with most number	
Female	29	Peasants	101
Members of cause-oriented organizations	54	National minorities	23
		Workers	16
Region with most number		Party-list groups	
Central Luzon	60	Bayan Muna	14
Southern Tagalog	27	Anakpawis	5
Eastern Visayas	23		
Southern Mindanao	13	NDF consultants/staff	10
Bicol	13		

Source: KARAPATAN Documentation Committee

To the government, these may just be numbers. However, behind the statistics are stories of real people – of a person, a family, a community and a country. These people did nothing wrong. They tried to right the wrong.

Chronology of Highlighted Cases

Leo Velasco, 55, a consultant to the peace negotiations between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP), was taken by six heavily armed men in broad daylight on **February 19** in Cagayan de Oro City.

Velasco was implicated in the 2006 controversial rebellion case against 51 individuals, including six leftwing lawmakers and another six leaders of the legal democratic movement, as the government panicked with the threat of losing its hold on power. He was manhandled and abducted by men who introduced themselves as government agents.

Witnesses said Velasco was forced into a gray Mitsubishi L300 van with license plates LCV-513. The abductors used a black Toyota Revo back-up vehicle with a license plate ending in “692.” Witnesses also said one of the armed men wore a sleeveless jacket with the marking “CIDG.” The Criminal Investigation and Detection Group (CIDG) denied involvement of any of its agents. The military, specifically the 4th Infantry Division, continues to deny the incident.

His case, along with eight other NDFP members who have been abducted since 2006, was filed with the United Nations Working Group on Enforced or Involuntary Disappearance (UNWGEID). The other NDFP regional consultants who are still missing are **Rogelio Calubad, Philip Limjoco, Prudencio Calubid** and **Leopoldo Ancheta**. Their security and protection are guaranteed and respected under the

“Joint Agreement on Safety and Immunity Guarantees” (JASIG) entered into by the GRP and the NDFP.

Siche Gandinao, was gunned down **March 10**, in front of her daughter and husband. The killing happened barely a month after she testified before Prof. Philip Alston, UN Special Rapporteur on Extrajudicial Killings. She was a witness to the summary execution of her father-in law, **Dalmacio Gandinao**, Bayan Muna Provincial Chairperson in Misamis Oriental, Mindanao. Dalmacio was killed in front of Siche and other family members the day before Alston arrived in the Philippines.

Siche succumbed to four bullet wounds after she was shot near a military detachment. According to reports, the lone gunman had his motorcycle parked in front of the military detachment. Siche was 56 years old, married with six children. Like her father-in-law, she was a member of the Misamis Oriental Farmer’s Association and Bayan Muna party-list organization.

The Philippine National Police (PNP) arrested **Satur Ocampo**, 68, lawmaker and Bayan Muna party-list representative, on **March 16**. He was in the Supreme Court to file a Petition for Certiorari and Prohibition that sought to nullify the fabricated murder charges and the warrant of arrest issued against him and some others. The warrant was issued on 6 March 2007 for allegedly committing multiple murders in the province of Leyte in 1984, more than two decades ago.

The charge, asserts Ocampo, was baseless as he was under military custody until May 5, 1985. Lawyer and former Senator Wigberto Tañada said that the warrant of arrest was illegal because the judge did not examine the affidavit executed by the witnesses.

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

In a related case, two residents of Nueva Ecija who claimed to be members of the Akbayan party-list group filed simultaneously on February 16, two separate “complaints/petitions” with the Comelec against representatives of the party-list groups Bayan Muna (BM), Anakpawis (AP - Toiling Masses), and Gabriela Women’s Party (GWP). The “complaints/petitions for special action” sought to disqualify the three progressive party-list groups from running in the May elections for “advocating violence.”

The two widows likewise filed murder charges against Representatives **Liza Maza** (GWP), **Rafael Mariano** (AP), **Satur Ocampo** and **Teddy Casiño** (BM), whom

they accused of having had their husbands murdered. There seems to be no end to the harassment of the three party-list organizations.

Nine-year-old **Grecil Buya** was a lively girl who excelled in school. She got an award for being “Most Neat and Clean” and finished her second grade with honors. She wanted to be a nurse and help send her siblings to school. On **March 31**, she was killed during a military operation against the NPA in Barangay Kahayag, New Bataan, Compostela Valley.

General Carlos Holganza, Commander of the Army’s 101st Brigade, announced on media that Grecil was an NPA child soldier with whose team the soldiers had an encounter. They showed a picture of the dead Grecil with an M-16 rifle beside her. Relatives, friends and local government officials insisted that Grecil was not an NPA guerrilla. This was validated by an investigation by the local Commission on Human Rights, which declared that Grecil was a civilian killed during a military operation. The rifle she supposedly carried was almost as tall as she was.

Her parents Gregorio Galacio and Virginia Buya filed a criminal case on April 18, 2007 against Lt. Francis John Gabawa and the rest of his platoon from the 8th Infantry Battalion of the Philippine Army.

Luisa Posa-Dominado and **Nilo Arado** were abducted by unidentified members of the military on **April 12** in Oton, Iloilo. Posa, 52, is the Regional Spokesperson of SELDA, an organization of former political detainees. Arado, 39, is the Regional Coordinator of Anakpawis party-list, Chairperson of BAYAN (New Patriotic Alliance) and a National Council member of the Kilusang Magbubukid ng Pilipinas (KMP – Peasant Movement in the Philippines).

Together with Dominado and Arado when the abduction happened was **Jose Ely Garachico**, 50 years old. He is the Vice-Chairperson of Panay Alliance - Karapatan. Garachico survived a gunshot wound which entered through his neck and lodged bullet fragments in the upper lobe of his left lung.

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

Several court hearings on the writ of habeas corpus filed by the relatives of Dominado and Arado were scheduled and re-scheduled. In one of the hearings that pushed through, the military denied that Dominado and Arado were in their custody. One of the respondents, Col. Mariano Perez of the Military Intelligence Battalion, did not appear in court because, according to his lawyer, he has been reassigned to Manila.

Jonas Joseph Burgos, 38, was having lunch in a restaurant inside a Quezon City Mall on **April 28** when four burly men who introduced themselves as policemen

took him away. Witnesses said the police were with a “boyish-looking” woman. The men handcuffed Jonas and forcibly dragged him out of the restaurant and into a maroon Toyota Revo. The Army’s 56th IB was implicated in Jonas’s disappearance after the license plate (TAB-194) of his abductors’ vehicle was traced to a vehicle impounded at the army headquarters in Norzagaray, Bulacan.

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

On several occasions, Edita Burgos, Jonas’s mother, castigated Armed Forces Chief of Staff Hermogenes Esperon for his refusal to furnish her a copy of the Provost Marshal’s investigation report on the license plate despite a recent court order for a copy of the report to be furnished Mrs. Burgos.

To divert the public’s attention from the military, the Philippine National Police (PNP), presented three alleged NPA rebels who purportedly claimed that the young Burgos was a victim of a communist purge. But Delfin de Guzman, who was supposed to have ordered Jonas’s abduction, turned out to have been arrested in 2006 and has been in military detention since then. When this was exposed in the media, the AFP, through Public Information Officer, Lt. Col. Bartolome Bacarro, announced that there were actually two de Guzmans!

UCCP Pastor Berlin Guerrero, 46, was taken at gunpoint at 5:45 pm on **May 27** in front of the Seven Star gas station in Bgy. Casile, Binan, Laguna by armed men on board two vans. Guerrero was riding a tricycle with his wife, Mylene, and their three children when a white Ford Fierra van suddenly blocked their path. The armed men alighted from the vehicle, pointed their guns at them and grabbed their belongings as they forced Guerrero into one of the vans.

He was turned over to Camp Pantaleon Garcia, the PNP Provincial Headquarters in Imus, Cavite around 11:00 am the following day. It was there that he learned that he was charged with murder which he supposedly committed almost two decades ago.

The pastor was only allowed to see his family, his lawyer and the Quick Reaction Team of Karapatan in the evening of May 28. He had cuts and bruises on his face, body and limbs.

Guerrero was formerly the Secretary General of Bayan - Southern Tagalog. He served for two consecutive years in the local United Church of Christ in the Philippines (UCCP) in Biñan, Laguna.

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

Suspected state security forces abducted **Gilbert Rey Cardino** on **June 6**. Three days later, Cardino was found along the Gen. Santos City-Marbel National Highway where his abductors dropped him off. A relative said he was found barefoot and appeared to have been subjected to mental and physical torture.

Two witnesses said that one of Cardino's abductors sported a military haircut while another wore a black long-sleeved shirt with the word "POLICE" printed on the back.

On 23 March, three months before Cardino's abduction, a light blue car stopped in front of the Bayan Muna office in Koronadal City and took photographs of him.

Cardino, 27, is the youngest member of the Bayan Muna National Council. He is Bayan Muna's Chairperson for South Cotabato and Regional Coordinator for the South Cotabato-Sultan Kudarat-Saranggani-General Santos provinces (SoCSKSarGen). Cardino later issued a statement that he was tortured by his military captors who tried to convince him to be a military agent.

The Dutch Police arrested political exile **Jose Maria Sison**, 68, in the morning of **August 27**. Simultaneously the police raided several residences of Filipinos and the NDFP International Information Office. Excessive force was used in the raids. The police broke down the doors of the residences and shoved those whom they found inside into corners. They ransacked the apartments and confiscated computers, flashdisks, diskettes, CDs and hard files.

Prof. Sison is NDFP Chief Political Consultant in the peace negotiations with the GRP. He is also the Chairperson of the International League of Peoples' Struggles (ILPS).

Ironically, the arrest came after the European Court of First Instance in Luxemburg annulled, on July 11, the inclusion of Sison in the European Council's 'terrorist' listing because the Council failed to give a valid reason for his inclusion.

Dutch authorities likewise used deception when they invited Prof. Sison to the police station supposedly to give him new information about a complaint he filed in 2001. Instead, the police arrested Sison and whisked him away without the knowledge of his lawyer, to the National Penitentiary in Scheveningen, The Hague. For more than one week, Dutch authorities denied Sison of visits from his family members and doctor. Likewise, he had no access to newspapers, television or radio. Worse, he was not allowed to receive medication and warm clothing. Sison has been detained incommunicado for more than two weeks. [Note: The court ordered Sison's release on September 13 citing insufficient evidence to support the two murder charges filed against him.]

Members of the ILPS and progressive Filipino organizations in the Philippines and in different countries held protest actions to demand the release of Sison. They believe that Sison's arrest and detention is an attack on the peoples' struggles worldwide.

URBAN MILITARIZATION

MILITARIZATION IN THE NATIONAL CAPITAL REGION (NCR) started as early as July 2006 and peaked in the campaign period for the May 2007 Mid-Term Elections. Initial reports that reached Karapatan showed troop deployment in Muntinlupa, Pasay City, Manila (Pandacan, Sta Mesa, Tondo – Parola, Baseco, Isla Puting Bato) and at least four communities in Quezon City. The affected communities are vote-rich. The residents are organized, active in anti-demolition and anti-poverty campaigns and bailiwicks of the progressive party-list groups Bayan Muna, Anakpawis and Gabriela Women’s Party. Increased military presence was also observed in some urban centers in the regions outside Manila.

Squad and platoon-sized troops were deployed in the urban poor communities. The soldiers imposed formal and informal curfews, made rounds of the villages in full battle gear and conducted house-to-house visits. These visits, under cover of taking census, were done to get information about community organizations, progressive party-list groups and their leaders and members. The military likewise held mass meetings, which included in its agenda a video showing of “Knowing the Enemy” where legal organizations in the democratic movement were tagged as fronts of the CPP-NPA. The military occupied barangay (village) halls and turned them into temporary detachments.

The military accosted, arrested and interrogated residents and kept them in short-term detention. Residents were required to give their addresses and name the organizations they belonged to. The military accused a number of the residents as members of the NPA.

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

The Arroyo government and the AFP could not justify the intensification of urban militarization. This caught the attention of various sectors, including the church and the media. In an editorial, the Philippine Daily Inquirer (PDI), a widely circulated broadsheet, stated, “When the militarization of the 26 barangays was first exposed in the media, the administration and the military gave varying reasons. First, the AFP said the troops were doing civic action work like conducting medical and dental missions and repairing canals, roads and sidewalks. Then the AFP said that the deployment of troops was intended to counteract the move of the communist rebels to establish a foothold in the country’s urban centers. Later it said that it was responding to requests for help from the barangays to fight criminality and maintain peace and order. Still later, it said the deployment was meant to train soldiers in case they are chosen for peacekeeping missions abroad.”

During the May 2007 elections, a People's International Observers' Mission (People's IOM) witnessed the conduct of the elections, and the impact of urban militarization did not escape the eyes of some 28 foreign observers who came from 12 countries all over the world.

Excerpt from the People's IOM report reads:

"The military played an extraordinarily active role in the elections, overstepping its proper role in a democratic society. Military elements not only made their presence felt and caused fear among the residents but actively intervened in the conduct of voting.

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

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

REPORTS AND VERDICTS

SINCE IT ASSUMED POWER IN 2001, the Arroyo government's response to the human rights violations in the country has been predictable. It played dead. It brushed off Karapatan's claims and testimonies of survivors and families of victims of human rights violations as pro-leftist propaganda meant to destabilize its rule.

However, Karapatan's reports on the gravity of human rights violations have been validated by significant reports and verdicts both at local and international levels. They confirmed that human rights violations in this country are not merely pronouncements but a reality. Moreover, these violations point to government accountability, if not culpability.

Following are some of the highlights.

The Alston Report

Professor Philip Alston, an independent expert appointed by the United Nations Human Rights Council as Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, visited the Philippines last February 12-21 "to inquire into the phenomenon of extrajudicial executions."

Alston met with the Arroyo government's cabinet secretaries, senior officials and members of Congress and relevant agencies like the Human Rights Commission, Task Force Usig and the Melo Commission. He also had dialogues with representatives of human rights organizations and families of victims.

In a press statement issued on the last day of his inquiry Alston said, "*The AFP remains in a state of almost total denial ... of its need to respond effectively and authentically to the significant number of killings which have been convincingly attributed to them.*"

His preliminary notes on the visit, Alston contained the following statements.

On the cause of the killings:

“The first cause has been variously described as “vilification,” “labeling,” or guilt by association. It involves the characterization of most groups on the left of the political spectrum as “front organizations” for armed groups whose aim is to destroy democracy. The result is that a wide range of groups – including human rights advocates, labour union organizers, journalists, teachers, women’s groups, indigenous organizations, religious groups, student groups, agrarian reform advocates, and others – are classified as “fronts” and then as “enemies of the State” that are accordingly considered to be legitimate targets. The second cause is the extent to which aspects of the Government’s counter-insurgency strategy encourage or facilitate the extrajudicial killings of activists and other ‘enemies’ in certain circumstances.”

On government response:

“One of the key impediments to the effectiveness of many of the measures announced by the Government in recent weeks is the fact that many of the accountability mechanisms which are invoked as checks on governmental abuses have been rendered ineffectual in dealing with such issues. On paper, they remain strong. In practice, they are of all too little use, and often this is the result of official design.”

“...There is a passivity, bordering on an abdication of responsibility, which affects the way in which key institutions and actors approach their responsibilities in relation to such human rights concerns”.

On the over-all impact of extrajudicial executions:

“... specially problematic is the fact that the impact has been to intimidate vast numbers of civil society actors, to send a message of vulnerability to all but the most well connected, and to severely undermine political discourse.”

Melo Commission Report

The Melo Commission was established on August 21, 2006 by the Arroyo government after feeling the pressure from the international community. However, the Commission’s credibility was tainted right from the start because it had among its members the National Bureau of Investigation Director and the Chief State Prosecutor, the last persons whom victims and their families will trust to be objective. The doubt cast on the commission was reinforced when it proceeded to interview people from the military and police before anybody else. Also, there was no guaranteed protection for the witnesses.

However, a significant finding of the Melo Commission is on the role of retired Gen. Jovito Palparan, Jr. in extrajudicial killings:

“...there is certainly evidence pointing the finger of suspicion at some elements and personalities in the armed forces, in particular General Palparan, as responsible for an undetermined number of killings, by allowing, tolerating, and even encouraging the killings.

“General Palparan’s numerous public statements caught on film or relayed through print media give the overall impression that he is not a bit disturbed by the extrajudicial killings of civilian activists, whom he considers enemies of the state. He admits having uttered statements that may have encouraged the said killings. He also obviously condones these killings, by failing to properly investigate the possibility that his men may have been behind them.

“... He mentions that if his men kill civilians suspected of NPA connections, “it is their call,” obviously meaning that it is up to them to do so. This gives the impression that he may not order the killings, but neither will he order his men to desist from doing so. Under the doctrine of command responsibility, General Palparan admitted his guilt of the said crimes when he made this statement. Worse, he admittedly offers encouragement and “inspiration” to those who may have been responsible for the killings.”

Verdict of the Permanent Peoples’ Tribunal (PPT)

The Permanent People’s Tribunal (PPT), an international opinion tribunal, conducted its second session on the Philippines last March 23-25 in The Hague, Netherlands.

Hustisya (Victims of the Arroyo Regime United for Justice), Desaparecidos (Disappeared) and Bayan requested the PPT for a second session on the Philippines to file charges against:

“The Government of the Republic of the Philippines, and its President Mrs. Gloria Macapagal-Arroyo; the Government of the United States of America and its President Mr. George Walker Bush for:

1. Gross and systematic violations of civil and political rights: extra-judicial killings, abduction and disappearances, massacre, torture;
2. Gross and systematic violation of economic, social and cultural rights;
3. Gross and systematic violations of the rights to national self-determination and liberation”.

During the three-day hearing, testimonies from victim-witnesses, families of victims and expert witnesses were presented in person and through video conferencing. The six jurors were provided with voluminous documents and evidences.

After having heard the testimonies and interpellated the witnesses, the Tribunal presented its verdict:

“The wealth and consistency of the oral and written documentation made available through witnesses and expert reports, has convinced the PPT that each and all of the three charges presented against Gloria Macapagal-Arroyo and her Government, and against George Walker Bush and his Government are substantiated.

“The PPT underlines that the charges cannot be considered separately nor independently. The atrocities of extra-judicial killings, of massacres, of tortures, of communities destroyed and dispersed are the visible and dramatic expression of one strategy, which has its continuity and effectiveness in the mechanism and instruments documented

“The extension and the systematic nature of the violations of the rights of the Filipino people committed by the governments of Mrs. Gloria Macapagal-Arroyo and with the support and full awareness of the government of George Walker Bush, qualify the same violations as crimes against humanity, with all the consequences for the persons who are responsible for them. Such violations must be stopped immediately.

“The Philippine government and the Bush administration have knowingly and willingly colluded with each other in implementing the U.S.’s so-called “war on terror” in Southeast Asia and in the Philippines in violation of national sovereignty and territorial integrity, violating the Philippine Constitution which bans the presence of foreign troops and nuclear weapons on Philippine soil.

“The PPT has found unequivocal evidences that the militaries have a central role in the greatest majority of the scenarios of human rights violations in the Philippines. The PPT however wants to underline the highly misleading role of the recurrent debates on the direct vs. indirect involvement of the military forces in one or the other individual case. The AFP is a structural component and instrument of the policy of the “war on terror” declared jointly by the Philippines and the US Governments, as a comprehensive label to justify all illegal actions and their impunity.

“The PPT denounces as unacceptable the inclusion of the Government of the Philippines in the UN Human Rights Council:

- It undermines the credibility of the UN in this field;
- It is an intolerable offense to the victims;
- It is a denial of the many well documented denunciations of the dramatic violations of human rights in the Philippines.”

The PPT is independent from any State authority. As an international tribunal, it examines cases of violations of human rights and rights of peoples. It was founded in Bologna, Italy in June 1979 and among its founders are five Nobel Peace laureates and law experts, writers, cultural and community leaders from 31 countries.

The PPT first conducted a session on the Philippines in 1980 and found the Marcos regime guilty of political suppression, abuse of power and of violating the

rights of the Filipino people. The PPT also condemned the Marcos regime's political, economic and military complicity with the US and other foreign powers.

ANTI-TERRORISM LAW

DESPITE WIDESPREAD CRITICISMS and moves to defer implementation, the new law took effect last July 15, two months after the May mid-term elections. Now, from a political jargon, "terrorism" has become a legal ambiguity.

The various crimes considered as acts of "terrorism" are already in the Revised Penal Code. To qualify as a terrorist act, the ATL added the following: "to sow and create conditions of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand." When and how the act creates a condition of "widespread and extraordinary fear and panic," is as good as anybody's guess. ATL is in effect without the required implementing rules and regulations.

Its ambiguity gives the government undue advantage over its perceived political opponents.

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

Vicious violations of human rights threaten the Filipino people with the implementation of the anti-terror law. The Arroyo regime will use the ATL to worsen the climate of fear and sow terror against progressive forces in the country. The ATL is akin to Marcos's martial law. Arroyo will use it to suppress people's rights to free expression. With the ATL, nationwide killings and suppression of the people become legal.

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

Surveillance. The HSA gives the state expanded rights to conduct surveillance against so-called "terrorist" organizations or on suspected "terrorists," and those suspected of providing aid or support to suspected "terrorists." This violates the right of privacy of communication of individuals as guaranteed in Article III, Section 3 of the Philippine Constitution and by the United Nations International Covenant on Civil and Political Rights.

Indefinite detention and warrantless arrest. The Anti-Terror Law (Section 18) allows the warrantless arrest and detention for up to three days without charges of suspected "terrorists." Or suspects may be detained for more than three days in case of actual or imminent terrorist attack. This violates the basic human rights against illegal detention and prolonged detention without charges.

House arrest. Section 26 says that even in cases where evidence of guilt is not strong, suspects may be placed under "house arrest." Their right to travel, with a

court order, may also be restricted within a city or municipality. A court may also ban suspects from using telephones, email, computers, the internet or any other means of communication. Aside from violating the right to free travel, penalties or curtailment of rights despite the absence of strong evidence also violates the principle that a person is presumed innocent until proven guilty.

Opening and controlling bank deposits, accounts and records. Sections 27-30 allow the police to open and control bank deposits, accounts and records of financial institutions of “suspected terrorists.” They may also sequester or freeze such accounts and records.

Martin Scheinin, the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism, in a statement issued on March 12, cautioned:

“... I encourage the legislative branch of Government in the Philippines to reconsider this new counter-terrorism law which was approved by Congress in a Special Session of Parliament on 19 February 2007. It is my hope that there will be further debate which may result in the introduction of specific amendments or repeal of the entire Act by the new Congress elected this spring, since implementation of this law could have a negative impact on human rights in the country and undermines the rule of law.”

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

Already, GABRIELA attributed to ATL implementation the case of Dr. Annalisa Enrile, Chairperson of the Gabriela Network – USA who was prevented from leaving the country in August without getting first clearances from the Department of Justice, Bureau of Immigrations and the NICA (National Intelligence Coordinating Agency). With well-known writer Ninotchka Rosca and Judith Mirkinson, also of GabNet –USA, the three were stopped once more by Immigration officials in the international airport because their names were among the 503 in an immigration watch list. With the help of public interest lawyers, they argued their way to obtain a copy of the order rescinding the watch list. The three American citizens were finally allowed to leave for the U.S.

PEOPLE'S INITIATIVES AND RESISTANCE

NO AMOUNT OF HARASSMENT, INTIMIDATION AND VIOLENCE can silence a people who survived more than a decade of dictatorship and toppled two abusive and corrupt presidents. Gloria Macapagal-Arroyo and her generals underestimate the strength, resiliency and resolve of the Filipino masses if they think that a national policy such as the Oplan Bantay Laya can decimate people's resistance against a US-backed government that enslaves and keeps its people mired in poverty.

- Hustisya (translated as 'Justice'), which was formed in September 15, 2006 by families of victims of extrajudicial killings under the Arroyo government, resumed in March its regular gathering every third Saturday of the month. These gatherings averaged 50-100 attendees, most of whom are relatives of victims.

- Multisectoral quick reaction teams led by Karapatan promptly protested the disappearances of Luisa Posa, Nilo Arado, Jonas Burgos, Pastor Berlin Guerrero and the killing of Prof. Jose Maria Cui right after reports of the abduction and killing happened. Venues of the protest action were entrances to the offices of the Department of National Defense (DND), NICA and major street rotunda.

- People gathered in a rally to commemorate August 30, International Day for the Disappeared.

- Education and orientation on the anti-terrorism bill (ATB) and the human rights situation in the Philippines were held for students from various schools and among health professionals and artists even before the bill was signed into law. Information materials and a primer on the ATB provisions and the bill's negative impact on civil liberties, human rights and democracy were distributed. Copies of the Karapatan 2006 Human Rights Report were likewise circulated in the Philippines and abroad.

- Selda, an organization of former political prisoners, continued to campaign and lobby for the passage of the bill on justice and indemnification for the victims of human rights violations under the Marcos dictatorship. The 13th Congress of the Philippine legislature once again failed to pass into law the bill, *An Act Mandating Compensation to Victims of Human Rights Violations During the Entire Period of Martial Law from September 21, 1972 to February 25, 1986 and Appropriating Funds Therefor*. The victims, some of whom have already died, are still deprived of justice and compensation. Malacanang is believed to have used the money for GMA's 2004 election campaign.

- Political prisoners and detainees in different jails and detention centers held sympathy hunger strikes in support of the "Tagaytay 5" who were illegally arrested and are still detained in Cavite, Southern Luzon. The political prisoners likewise held a nationally coordinated fasting to demand the release of Rep. Satur Ocampo.

- A Task Force Against Urban Militarization was the people's response to the deployment of troops in urban poor and rural communities nationwide. Of special concern was the militarization of urban poor communities in the National Capital Region, which was unheard of since the dictator Marcos was deposed. The task force documented the deployment of troops and the human rights violations that resulted from it, exposed the military's abuse and atrocities, and campaigned for the withdrawal of the troops from the communities. It got the support of two Roman Catholic bishops.

The task force encouraged the filing of complaints with the Commission on Human Rights. It facilitated the conduct of a workshop on documentation and reporting of human rights abuses because of urban militarization. It led in community caravans where community residents got together in a church and then proceeded to the barangay hall where the soldiers were billeted. A dialogue or confrontation with the troop leaders followed. The residents demanded the immediate pullout of the military from the communities.

- The families and friends of the victims of extrajudicial killings and enforced disappearances tried to exhaust the legal avenues available to them despite disappointments from their previous experiences. Relatives of victims of enforced disappearances filed habeas corpus cases in court. The military and police promptly declared that the victims were not in their custody. Of the nine cases filed, some prior to 2007, six have been dismissed because obtaining evidence to prove military or police custody is very difficult under conditions of state repression and terrorism.

- From June 2004 to August 2007, the number of complaints received by the Joint Secretariat (JS) of the GRP-NDFP Joint Monitoring Committee (JMC) reached 2,971. Of these cases, 1,180 were filed against the GRP and 1,791 against the NDFP. These complaints were allegedly violations of the provisions of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), signed by the GRP and NDFP.

In terms of human rights violations, the cases involving the GRP were overwhelmingly violations of civil and political rights, violations against property and violations of sectoral or specific rights. In terms of International Humanitarian Law (IHL), almost all the cases against the GRP were violations against civilians. A significant number of these complaints include extrajudicial killings and disappearances.

On the other hand, almost all of the complaints submitted against the NDFP came from the Armed Forces of the Philippines' Judge Advocate General Services (JAGS). From the initial assessment of the complaints, it was learned that these are invalid in form and substance. An overwhelming number of those submitted contained insufficient information, much less evidence, to substantiate the general and formulaic allegations. Others were only duplicate submissions of previously filed cases or are outside the coverage of CARHRIHL and its provisions.

More so, most of alleged incidents were in connection with the armed conflict and involved legitimate military targets such as GRP military, police and paramilitary personnel. The filing of bare, unsubstantiated and self-serving complaint forms is considered a nuisance and a clear attempt to undermine the mechanism of the JMC and to use it contrary to its objective of helping address violations of human rights and international humanitarian law.

- Getting hardly any result from Philippine courts, the Commission on Human Rights and the GRP side of the JMC, survivors and families of victims of human rights violations also filed cases with the UN Human Rights Council and lodged complaints with UN Special Rapporteurs and Special Representatives.

- To facilitate and systematize documentation, recording and reporting of the human rights violations, Karapatan conducted nationwide documentation training on July 4-10. Some 65 human rights defenders attended the training. The participants came from 12 regions, six sectors and a party-list organization. The training aimed to operationalize the database program, improve documentation and reporting system, level-off on the understanding of the HRV lexicon, gather and update HRV latest data. The systematization of documentation will aid other aspects of human rights work as well—filing of court cases, public information and education, among others.

- Human rights organizations likewise took advantage of relevant trainings offered by international human rights organizations. An example is the international training organized by the International Service for Human Rights (ISHR) based in Geneva. It aims to build the capability of human rights defenders, especially in developing countries, to use the UN system in the defense of human rights and redress for human rights violations.

The World Organization Against Torture (OMCT) conducted a *Complaints Workshop: Litigating Torture Cases Before the UN Treaty Bodies* in July. Trainees came from Kyrgyzstan, Georgia, Sudan, Togo, Burundi, Tunisia, Zambia, Benin and the Philippines.

- Former Vice-President Teofisto Guingona and former Undersecretary of Transportation and Communications Josie Trinidad-Lichauco led a delegation of Concerned Citizens to the Philippine office of the European Union in May. They sought the EU's help in pushing for the creation of a UN Special Court to try Gloria Macapagal-Arroyo. A petition paper is circulated to gather signatures. Part of the petition states:

“The unabated killings and disappearances have reached proportions that amount to heinous and despicable crimes against humanity committed by the highest official of the country;

“There being no other legal means under the Philippine legal system to stop the extrajudicial killings and forced disappearances, the Undersigned call for the criminal prosecution of Gloria Macapagal-Arroyo before a UN International

Criminal Tribunal for violations of international humanitarian and international criminal law and for crimes against humanity;”

- The Philippine Aid Watch Network, with the Ibon International Department as its secretariat, has started an international campaign and lobbying to stop all military aid to the Philippines and to re-direct other forms of aid and cooperation to non-government organizations and local government units instead of the national government agencies most of which are infamous for graft and corruption.

- The International Campaign to Stop Extra-Judicial Killings in the Philippines or Stop the Killings! (STK) continues. The campaign has effectively informed the international community about the gross human rights violations perpetrated by the GMA government in keeping with George W. Bush’s global war on terror. STK drew the world’s attention to the extrajudicial killings and enforced disappearances, which had escalated since GMA became president. It garnered a broad range of support from Filipino compatriots living abroad, human rights defenders and advocates, solidarity groups, church institutions, international human rights organizations, parliamentarians, representatives of foreign governments and UN agencies.

INTERNATIONAL CONCERN AND SUPPORT

THE FILIPINO’S PERSEVERANCE IN DEFENDING THEIR RIGHTS and seeking fundamental changes to improve their condition continue to gain positive international response. The year 2007 is witness to the overwhelming support the Philippine people received from the international community.

- Rodolfo Stavenhagen, UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People paid a visit to the Philippines in February as a follow-up to his 2003 official visit. He lamented that the Arroyo government has not implemented most of his recommendations, especially on the subject of human rights.

Examples of the recommendations in his 2003 report are:

“That the Government of the Philippines carry out a prompt and effective investigation of the numerous human rights violations committed against indigenous peoples, which have been documented by human rights organizations and special fact-finding missions. The Special Rapporteur further urges the Government to take all necessary measures to prevent a recurrence of human rights violations;

“Given the severity of the various alleged human rights abuses and the divisive effects on indigenous communities caused by irregular

military units or paramilitary groups, the Special Rapporteur urges the CAFGUs be withdrawn from indigenous areas altogether, within the framework of a national program to demilitarize indigenous peoples' territories. Furthermore, the Special Rapporteur recommends that the Government of the Philippines take maximum caution to protect indigenous peoples' rights during its military operations in accordance with international humanitarian standards;

“That maximum protection be afforded to human rights defenders in carrying out their legitimate human rights work;”

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

PSI, who is in special consultative status with the UN, submitted a written statement to the Fourth Session of the UN Human Rights Council in March in which it “condemns in the strongest possible terms the spate of extrajudicial killings in the Philippines, which left over 800 people killed, including among them about 80 trade union activists.

- The Sub-Committee on East Asian and Pacific Affairs of the U.S. Senate Committee on Foreign Relations, headed by Sen. Barbara Boxer, held a hearing on March 14 on extrajudicial killings in the Philippines. She opened the hearing with the admonition that, “*It is important we (Americans) do not have blood on our hands. . . . If we are training the (Philippine) military with our hard-earned tax dollars, our concern about the military cannot be discounted . . . the war on terror cannot be used as an excuse to kill innocent civilians.*” The Democrat senator from California, whose constituents included a great number of Filipinos, proposed that the Senate should “*tie some strings around military aid.*”

The Boxer Senate hearing is the culmination of the Stop the Killing! Campaign in the U.S. and the efforts of the nine-person group of church and human rights leaders. Eventually the group referred to themselves as the Ecumenical Voice for Peace and Human Rights in the Philippines or EcuVoice. They traveled to Canada, the United States and Europe in March 2007. They presented *Let the Stones Cry Out: An Ecumenical Report on Human Rights in the Philippines and a Call to Action* prepared by the National Council of Churches in the Philippines (NCCP) to churches, government bodies and UN agencies. EcuVoice was supported by the World Council of Churches, Lutheran World Federation, National Council of Christian Churches in the USA and United Church of Canada.

- Some EcuVoice delegation members met with Canadian parliamentarians and the Ministry of Foreign Affairs before they proceeded to Washington DC. Because

of EcuVoice's lobbying, MP for Mount Royal, Irwin Cotler, on May 30, presented in the House of Commons a petition wherein he referred to the "*alarming spike in these killings since 2001, coupled with a disturbing trend of inadequate investigation by the Government of the Philippines.*" He further warned, "Any culture of impunity encourages further criminal conduct and the absence of accountability." He reminded his colleagues "*The protection of human rights around the world is a core value of Canada and of our humanitarian foreign policy.*"

- After the U.S. Senate hearing, some members of EcuVoice proceeded to Geneva for the session of the UN Human Rights Council where they made oral interventions. They met with the Minister and Deputy Permanent Representative of the Permanent Mission of Germany to the UN. It is Germany's turn to be president of the European Union. They also met with UN Special Rapporteurs and Special Representatives. They held a briefing on the human rights situation in the Philippines.

- On August 1, 49 representatives in the U.S. Congress, led by Congressman James L. Oberstar (Minnesota, 8th) and Congressman Joe Pitts (Pennsylvania, 16th) presented a bipartisan letter addressed to President Gloria Macapagal-Arroyo. The letter expressed concern with the current human rights violations taking place in the Philippines: "The Philippines is our friend and ally, but we cannot tolerate the unacceptable human rights conditions in the Philippines. Just this year, it is estimated that pre-election violence claimed at least 110 victims before the May 14th mid-term congressional elections."

- The Inter-Parliamentary Union (IPU) sent a fact-finding mission to the Philippines in April headed by Senator Sharon Carstairs (Canada), head of the IPU Committee on Human Rights. Anders Johnson, IPU Secretary-General and Ingeborg Schwarz, IPU Secretary joined her. The IPU was concerned about the arrest and detention of Congressman Crispin Beltran, and the continuing harassment and persecution of the Batasan 5.

Their statement said that, "*The delegation was unable to dispel the IPU's concern that the charges, which were broad and unsubstantiated and based on questionable evidence, in addition to the sequence of the various prosecution steps, tend to demonstrate that non-legal motives may underlie the prosecution of the parliamentarians concerned.*" They reminded the GMA government of its promise not to oppose Rep. Beltran's release pending trial.

- Human Rights Now (HRN), a Tokyo-based international human rights organization conducted in April its own investigation of the extrajudicial killings and enforced disappearances in the Philippines. "Human Rights Now is the first Japanese international human rights NGO comprising a body of experienced legal professionals dedicated to protecting and promoting human rights around the world, with a special focus on Asia. The activity includes monitoring/ fact finding of human rights, human rights education and advocacy work."

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

The mission called on the Japanese government:

- “To suspend the Yen loan agreement up until it recognizes the human rights situation and accountability mechanism has clearly improved.
- “To keep monitoring human rights situation and accountability mechanism in the Philippines, as well as conducting constructive dialogue on human rights with the Philippine government.
- “To raise the awareness on the situation within international community through stating the issue before the UN Human Rights Council.”

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

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

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

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

“Human rights defenders face huge risks in order to document the violations and assist the victims. The tribute they paid in 2006 is particularly heavy. The Observatory for the Protection of Human Rights Defenders, a joint programme of FIDH and OMCT, recorded 23 cases of extrajudicial killings of human rights defenders in 2006 alone. . . .

“FIDH calls upon the UN Human rights Council to urge the government of the Philippines to:

- ensure that a fully independent body be in charge of the investigation of the cases of extra-judicial killings;
- put in place a meaningful programme of protection of victims and witnesses before, during and after the inquiry and the judicial procedures;
- drop the charges of rebellion filed against civilians belonging to the opposition in the absence of meaningful evidence against them, and free Congressman Crispin Beltran;
- publicly and unambiguously denounce attacks on legal left groups, and put an end to allegations of collusion between peaceful opposition groups and illegal armed groups;
- ensure that there is no intrusion of the military into civil administration;
- adopt the Bill on Torture implementing the UN Convention Against Torture, ratified by the Philippines;
- ratify the newly adopted UN Convention on Enforced Disappearances and adopt an implementing legislation.”

SUPREME COURT RESPONSE

THE SUPREME COURT (SC) led by Chief Justice Reynato S. Puno, in contrast to GMA’s Malacanang and Raul Gonzalez’s Department of Justice, made two significant moves in the first half of the year to address the human rights situation in the country and, in particular, the political killings.

The Case of the Batasan 5, Rep. Crispin Beltran

The long-awaited release of Rep. Crispin Beltran from arbitrary detention finally happened with the June 1 promulgated Supreme Court (SC) decision. The SC finally dismissed the charge of rebellion against Batasan 5, six leaders of the democratic movement and scores of other social activists. Secretary Raul Gonzalez was chided for politically motivated handling of the case.

The SC decision, penned by Justice Antonio Carpio, states:

“We find merit in petitioners’ doubt on respondent prosecutors’ impartiality. Respondent Secretary of Justice, who exercises supervision and control over the panel of prosecutors, stated in an interview on 13 March 2006, the day of the preliminary investigation, that, “**We [the DOJ] will just declare probable cause, then it’s up to the [C]ourt to decide x x x.**” Petitioners raised this issue in their

petition, but respondents never disputed the veracity of this statement. This clearly shows pre-judgment, a determination to file the Information even in the absence of probable cause.

A Final Word

“The obvious involvement of political considerations in the actuations of respondent Secretary of Justice and respondent prosecutors brings to mind an observation we made in another equally politically charged case. We reiterate what we stated then, if only to emphasize the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular, thus:

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

Summit on Extrajudicial Killings and Enforced Disappearance

In July, Chief Justice Reynato S. Puno convened the National Consultative Summit on Extrajudicial Killings and Enforced Disappearance. The Chief Justice led the Summit. Other Justices of the Supreme Court and representatives of the two other branches of government including the Armed Forces of the Philippines and the Philippine National Police also attended the event. Likewise, people from the church, academe, human rights organizations and other non-governmental organizations were invited.

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

The workshops in the Summit came up with recommendations on judicial reforms in the areas, for example, of preliminary investigation, powers of the public prosecutor, writ of habeas corpus and modes of discoveries. Discussions on command responsibility and the writ of Amparo were most welcome.

Among the plenary speakers were Roman Catholic Bishop Deogracias Yniguez and Karapatan Chairperson Dr. Delen dela Paz. Bishop Yniguez quoted from the

verdict of the Permanent Peoples' Tribunal while Dr. dela Paz presented the human rights situation focusing on the extrajudicial killings and enforced disappearances.

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

PEOPLE'S DEMANDS

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

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

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

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

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

The UN Human Rights Council should never have approved the membership of the Government of the Republic of the Philippines (GRP). How can such a human rights violator be in a body of nations supposed to protect human rights worldwide? To expose GRP's actual human rights record, it should be among the first to be subjected to the Universal Periodic Review (UPR) by the UNHRC. Representatives of human rights and other people's organizations in the Philippines should participate in the review.

Global struggles to stop the state terrorism of the Arroyo and Bush regimes, especially those being waged by activists in the U.S. and the Philippines, should be

supported by internationalists from all parts of the world. Such struggles are part of the anti-imperialist campaigns against globalization and war.

After suffering through more than six years of Gloria Macapagal-Arroyo's reign, the people cannot take three more years of abuse. GMA has to go. She should be driven out of Malacanang by another exercise of people power.

Only then can headway be made in achieving meaningful changes in the interest of the majority of the Filipino people. ■

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