



# STATE TERROR AND MARTIAL RULE

## KARAPATAN REPORT ON THE HUMAN RIGHTS SITUATION 2006



**SELD**

**T**HE YEAR 2006 IS THE WORST FOR HUMAN RIGHTS SINCE THE TOPPLING OF THE MARCOS FASCIST DICTATORSHIP IN 1986.

The Gloria Macapagal-Arroyo regime ran roughshod on the Filipino people's civil liberties and human rights as it imposed a state of martial rule and launched a campaign of terror in an effort to desperately cling to power. Propped up by the United States government, the Arroyo regime was able to muster enough political, military, and economic resources to launch a counter-offensive against those seeking to oust her from power.

On February 24, the 20<sup>th</sup> anniversary of the EDSA People Power uprising which toppled the Marcos fascist dictatorship, the Macapagal-Arroyo administration placed the country in a "State of National Emergency" through Presidential Proclamation 1017 (PP 1017). Copied almost word for word from Proclamation 1081 of former President Ferdinand E. Marcos, PP1017 ordered the Armed Forces of the Philippines (AFP) "to maintain law and order throughout the Philippines, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all decrees, orders, and regulations..." It issued General Order no.5, which empowered the government to take over any institution in the interest of national security.

While it did not specify the powers vested in the AFP and the Philippine National Police (PNP), it gave them the go signal to attack the Filipino people's rights. PP 1017 was lifted a week after but the Arroyo regime did not relent from using its martial law powers to suppress opposition to its rule.

Violent dispersals of rallies were justified by the Calibrated Preemptive policy issued on September 21, 2005, the 32<sup>nd</sup> anniversary of the imposition of Martial Law. Even as this policy was declared as unconstitutional by the Supreme Court (SC) in April, 2006, a permanent ban on rallies was imposed in areas surrounding Malacanang Palace. Likewise, protest actions near the U.S. embassy were not allowed.

In an effort to curtail press freedom, the Philippine National Police (PNP) raided the office of the Daily Tribune during the early morning of February 25. It also attempted to issue media guidelines and warned media organizations that the police will be monitoring broadcasts and publications. The Arroyo family also filed an unprecedented 43 libel suits against journalists exposing corruption cases involving them.

The government arrested military officers and soldiers it accused of planning destabilization plots and would have them face court martial.

But the brunt of the campaign of terror was directed against the Left.

Under the sponsorship of the U.S., the Arroyo regime launched and intensified its local version of the “global war on terror.” With the support of U.S. military aid and training, and the participation of U.S. combat forces the Arroyo regime conducted a “dirty war” against the Left.

At the start of the year, the Arroyo government, through its Cabinet Oversight Committee on Internal Security, came up with an Enhanced National Internal Security Plan (NISP). The Enhanced NISP, which intensified the implementation of Oplan Bantay Laya (OBL or Operation Guard Freedom) is aimed at decisively defeating the insurgency by the end of Arroyo’s term. By June 2006, the Arroyo government allotted an additional P1 billion for counterinsurgency

However, OBL is directed not only against the Communist Party of the Philippines-New People’s Army-National Democratic Front of the Philippines (CPP-NPA-NDFP), the Moro Islamic Liberation Front, and the Abu Sayyaf Group. It also targets the legal Left, which the AFP classifies as “sectoral front organizations.” “Knowing the Enemy,” a video presentation produced and being propagated by the AFP lumps together a broad range of progressive, church and media organizations and personalities and labels them as “communist front organizations.” This made them fair game for both covert and overt military operations.

Immediately after the declaration of a state of national emergency, the Arroyo government attempted to arrest progressive partylist representatives of Bayan Muna, Anakpawis, and Gabriela Women’s Party. They, together with prominent personalities of these parties, were falsely charged with rebellion on the basis of fabricated evidences and statements of military assets.

Extrajudicial killings and abductions continue to escalate, averaging three political killings per week. **From January to November of this year, KARAPATAN documented 185 political killings.** The number of victims of enforced disappearances this year reached **93**, the highest in the six-year presidency of Mrs. Arroyo.

Majority of the victims of extrajudicial killings and abductions this year were leaders and members of progressive partylists and people’s organizations.

However, the Filipino people’s assertion of their rights did not waver. Public demonstrations and protest actions of varying forms have defied the undeclared martial law and campaign of terror of Mrs. Arroyo.

The families of victims of human rights violations under the Arroyo regime banded together to form their organization called ***HUSTISYA! Victims of Arroyo Regime United for Justice***. Hustisya serves to galvanize their efforts at seeking justice and amplify their calls to put a stop to human rights violations.

The strong campaign against extrajudicial killings, enforced disappearances and other forms of human rights violations and the gravity of the situation have put the Arroyo regime on the defensive.

The involvement of government security forces and the impunity in the commission of these abhorrent crimes against humanity has exacerbated public distrust on the administration and has generated concern in the international community.

The general public does not believe the government's claims that most of these killings were a result of an internal purge within the CPP and that human rights groups are exaggerating the issue of political killings to destabilize government.

In response to local and international pressures to stop the killings, Pres. Arroyo was compelled to denounce political killings during her State of the Nation Address in July. It was however, a feeble condemnation as she commended Maj. Gen. Jovito Palparan, a notorious human rights violator, for his contribution to the advancement of the government's counterinsurgency program.

Subsequently, she was forced to form the Task Force Usig and Melo Commission purportedly to investigate cases of extrajudicial killings. But the government task force was clearly attempting to whitewash the cases and justify the official stand of the AFP and the government regarding the killings. The integrity of the commission, on the other hand, was immediately put into question because of its composition, and vague mandate and procedures.

Statements of concern did not ease as political killings further intensified. The government of Finland, the European Union, Wal Mart, U.S.-based clothing companies, and recently, the Joint Foreign Chambers of Commerce added their voice to the international campaign against political killings in the Philippines.

The worsening state of human rights in the country is thus, in a state of further deterioration.

## MAIN TRENDS IN THE HUMAN RIGHTS SITUATION

### 1. *IMPUNITY IN EXTRAJUDICIAL KILLINGS*

The rising extrajudicial killings committed with impunity, continue to be the utmost concern in this year's human rights situation. KARAPATAN documented 185 extrajudicial killings from January to November. This has put the total number of victims from January 21, 2001 to November, 2006 to 797. Table 1 shows the breakdown of killings by year.

TABLE 1. TALLY OF VICTIMS OF EXTRAJUDICIAL KILLINGS PER YEAR

YEAR	NO. VICTIMS
2001	101
2002	122
2003	125
2004	75
2005	189
2006 (January to November)	185

Majority of the victims for 2006, numbering 96 persons, were leaders and members of progressive party lists and militant people's organizations. This represents a 33% increase in the number of political activists killed compared to 2005. This shows that the policy to target legal Left personalities continues and is even intensifying. Even human rights advocates were not spared from the spate of political killings.

Table 2 lists down the leaders of provincial and regional sectoral organizations who were killed during the year.

NAME	ORGANIZATION	DATE OF INCIDENT	PLACE OF INCIDENT
1. Abner Dalan	Anakpawis Coordinator	23-Jan-06	Camarines Norte
2. Crisanto "Santi" Teodoro	Bagong Alyansang Makabayan-Sec. Gen, Bayan Muna member, Malolos Bulacan	9-Mar-06	Bgy. Santisima Trinidad, Malolos, Bulacan
3. Tirso Cruz	ULWU Director, Coordinator-AP	17-Mar-06	Barangay Pando, Concepcion Tarlac
4. Cris Hugo	NC member, LFS	19-Mar-06	Barangay Washington Drive, Legazpi City
5. Rev. Jemias Tinambacan	member of Promotion of Church People's Response-Western Mindanao (PCPR); an active member of Gloria Step Down Movement	9-May-06	Along national highway in Brgy. Mobod, Oroquieta City
6. Elena Mendiola	Regional Coordinator, Bayan Muna Cagayan Valley	11-May-06	Garet Sur, Echague, Isabela
7. Jose Doton	BAYAN-Pangasinan-Secretary General	17-May-06	on the way to San Nicolas town proper
8. Jayson Delen	BM Secretary General Camarines Norte	27-Apr-06	Litana St. Brgy. Gubat, Daet. Camarines Norte
9. Noli Capulong	Bayan Muna Sec. gen	27-May-06	Calamba, Laguna
10. Sotero Llamas	former NDFP Peace negotiations consultant	29-May-06	Tagas, Tabaco, Albay

11. Markus Bangit	CPA-Kalinga	8-Jun-06	Echague, Isabela
12. Eladio “Jazz” Dasi-an	Vice Chair of the Guihulngan Anti-Mining Alliance; supporter of Bayan Muna; KARAPATAN-CVIS member	20-Jun-06	Guihulngan, Negros Oriental
13. Paquito Diaz	Regional Chairperson – COURAGE	6-Jul-06	about five (5) meters outside his abode in Tacloban City, Leyte
14. Madonna Castillo	ANM-Isabela, former General Secretary, Anakpawis- Isabela	20-Jul-06	Gabuat Cellphone Center, in front of ISU Echague Campus
15. Ernesto Ladica	secretary, MisOr Farmers Association	26-Jul-06	Looc, Salay, Misamis Occidental
16. Victor Olayvar	Bayan Chair-Bohol	7-Sep-06	Bridge Caban, Brgy. Cabuntod, Danao, Bohol
17. Bishop Alberto B. Ramento	Chair of IFI Supreme council of bishops, KARAPATAN-Central Luzon chairperson	3-Oct-06	Espinosa St., Bgy. Poblacion, Tarlac City
18. Rodrigo Catayong	KATUNGOD-Eastern Samar; chairperson	5-Nov-06	in front of the Catholic Church in the town of MacArthur of East Samar
19. Manny de los Santos	AMG Provincial Council member	11-Jun-06	Oliveti Bongabon, Nueva Ecija

**TABLE 2. PROVINCIAL AND REGIONAL SECTORAL LEADERS KILLED**

**Cris Hugo**, 20 years old was a National Council Member and Regional Coordinator of the League of Filipino Students (LFS), a militant national student organization being labeled by the AFP as a “front organization.”

Witnesses revealed that Hugo had been receiving death threats since 2005. Early this year, two men went to the Bicol University registrar’s office to copy Hugo’s class schedules.

On March 19, 2006, two motorcycle-riding men shot Hugo in Barangay Bagumbayan, Washington Drive, Legazpi City, Albay. He was immediately rushed to the Bicol Regional Training and Teaching Hospital (BRTTH) but was declared dead on arrival. *(Please see Appendix C)*

Last June, KARAPATAN-Central Visayas had warned that **Victor Olayvar**, Chairperson of Bagong Alyansang Makabayan in Bohol together with three other activists in the province had been marked for execution by the military.

Olayvar was shot dead on September 7. According to the fact-finding mission report of KARAPATAN-Bohol, Olayvar had been under surveillance by the military for three months prior to his death. *(Please see Appendix D)*

In terms of sectors, most of the victims were farmers. But for the year, there is a substantial number of prominent personalities from the middle sector who were killed. Table 3 below shows the sectoral profile of the victims.

**TABLE 3. SECTORAL PROFILE OF THE VICTIMS**

SECTOR	NO. OF VICTIMS
Farmers	104
Workers	22
Professionals	20
Businessmen	3
Churchworkers	7
Human Rights Workers	4
Youth and Students	11
Minor	6
Indigenous People	5
Urban Poor	3

The most prominent among those killed this year is **Bishop Alberto Ramento** who was a former Supreme Bishop of the Philippine Independent Church and had been an independent observer in the peace negotiations between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines. *(Please see Appendix E)*

Even former political detainees who were no longer involved in political activism were targeted. **Sotero Llamas**, who used to be an NPA commander before being captured and later a consultant of the NDFP to the peace negotiations, was killed while on his way to a business appointment.

The September 7 killing of **Pablo Glean**, a security aide of Makati Mayor Jejomar Binay, further indicates the broadening of the target of extrajudicial killings.

Regions and provinces identified by the AFP as priority areas in the implementation of OBL and the deployment of troops registered the most number of extrajudicial killings. The **Central Luzon region** suffered the most with **53 victims**, about **30%** of the total number. Victims in **Bicol Region** numbered **30**, representing a **39%** increase compared to last year while the **Southern Tagalog region** had the third highest number of cases with **20 victims**. Table 4 below shows the number of victims per region.

**TABLE 4. REGIONAL DISTRIBUTION OF POLITICAL KILLINGS**

REGION	NO. OF VICTIMS
Central Luzon	53
Bicol	30
Southern Tagalog	20
CARAGA	11
CAR	2
Central Visayas	8
Cagayan Valley	8
Davao	14
Eastern Visayas	15
National Capital Region	8
Northern Mindanao Region	6
SocSKSarGen	5
Western Mindanao Region	1
Western Visayas Region	4

The AFP and PNP outrightly denied their involvement in the killings. But there were cases which clearly point to the involvement of state agents.

**Pastor Isaias Sta. Rosa** was abducted and then murdered in Brgy. Malobago, Daraga, Albay by armed men wearing bonnets on 3 August 2006. His body was recovered at a nearby creek along with a dead soldier. According to witnesses, the said soldier was part of the group that abducted Pastor Sta. Rosa.

The dead soldier was subsequently identified as *PFC Lordger Pastrana*. He had a Philippine Army identification card which was valid till 09 December, 2008, indicating that he was in active service when killed. He also had a mission order issued by the 9<sup>th</sup> Military Intelligence Battalion of the 9<sup>th</sup> Infantry Division, PA based in Camp Weene Martillana, Pili, Camarines Sur. The mission order dated 11 July 2006 was to expire on 30 September 2006 and was signed by Major Ernest Marc Rosal.

Pastor Sta. Rosa was a member of Legaspi City United Methodist Church in South Bicol District, a freelance writer, project consultant for non-government organizations and the Executive Director of the Farmers' Assistance for Rural Management Education and Rehabilitation, Inc., a non-government organization.

There is no progress in the investigation of the case as the Philippine Army continues to deny investigators access to relevant data, such as the names of members of Pastrana's unit. The PNP is likewise reluctant in pursuing the investigation of the case. *(Please see Appendix F)*

**Rei Mon Guran**, Provincial Coordinator of the League of Filipino Students (LFS)-Albay was shot dead on 31 July by a lone gunman wearing a brown baseball cap inside a bus stationed at the Queen's Bus Terminal in Bulan, Sorsogon. He sustained four gunshot wounds, one on his neck that exited in his nape, two on his right chest and another one on his left arm.

On board with him inside the bus were four policemen. A witness attested that one of the policemen even nodded his head to the assassin. The policemen did not take any action against the killer. *(Please see Appendix G)*

This year, KARAPATAN documented **58 victims of frustrated extrajudicial killings**. They had survived the attack but continue to live with the trauma and fear.

A prominent case is that of **Dr. Constancio "Chandu" Claver**, Chairperson of *Bayan Muna*-Kalinga, and Vice Chairperson of the Cordillera People's Alliance-Kalinga.

In the morning of July 31, Dr. Claver and his wife, **Alyce Omengan Claver**, had just brought their daughter Alexandra to school and was leaving St. Toni's College in Tabuk, Kalinga when their car was peppered with M-16 bullets by two unidentified gunmen on board a black van. Dr. Chandu survived the attack but Alyce was killed. Alyce left three kids, Samantha who is 12 years old, Cassandra 11, and Alexandra 7.

Alyce Claver was an active supporter of Bayan Muna. She was a member of Cordillera students' organizations, including the Cordillera People's Alliance's chapter in Manila while she was a college student. She had been very generous in her support to various people's organizations and socio-civic institutions.

In sympathy with the Claver family and in protest against the killings medical doctors in Kalinga held a one day shut down of their clinics.

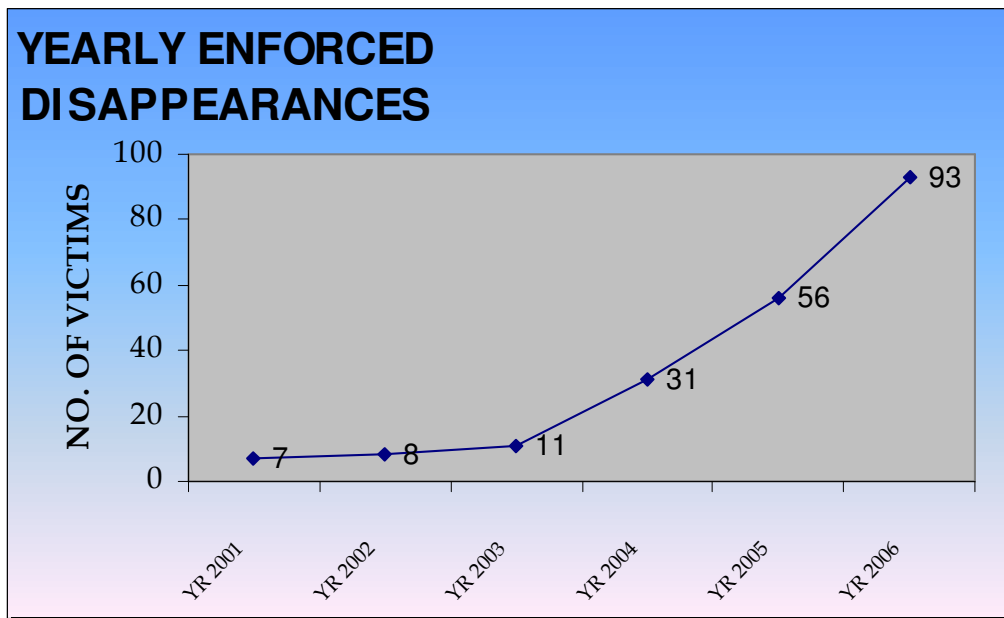
Dr. Chandu has not been able to resume his medical practice in Kalinga. His right arm was affected by the attack.

## 2. ALARMING INCREASE IN ABDUCTIONS AND ENFORCED DISAPPEARANCES

This year, the number of cases of enforced disappearances is reaching alarming proportions.

There are **93** victims of involuntary disappearances in **2006**. The number of enforced disappearances for the year is already 37% more than the number of cases in 2005 and constitutes 45% of the 206 victims from January 2001 to November, 2006.

GRAPH 1. YEARLY DISTRIBUTION OF ENFORCED DISAPPEARANCE



**Karen Empeño and Sherlyn Cadapan**, both students of the University of the Philippines, were abducted in the morning of 26 June 2006. They were sleeping at the house of a farmer in Hagonoy, Bulacan, when a group of soldiers forcibly took them and dragged them outside. One of the soldiers ripped Karen's shirt off and used it to blindfold her. They were shoved inside a jeepney along with Manuel Merino, who was forcibly taken from the house of one William Ramos. The jeepney sped towards the direction of Iba, Hagonoy. **The headquarters of Bravo Company of the 56<sup>th</sup> Infantry Battalion, Philippine Army was located at Iba, Hagonoy.**

The families of Cadapan and Empeño filed a petition for *writ of habeas corpus* at the Supreme Court which then directed the Court of Appeals to hear the case. During the last four hearings, military and police officials, who were named as respondents, did not bother to attend. Only when the court threatened to cite them for contempt did they grudgingly appear in court. Their testimonies consisted of general denials and feigned ignorance. (*Please see Appendix H*)

On 16 May, **Roland Porter**, a member of the First Quarter Storm Movement and Bayan Muna partylist, was on his way to a store at Barangay Olympia, Makati City when several unidentified men on board a white L300 FB van blocked him and forcibly took him away.

A witness said that one of the perpetrators flashed his ID in her face with the word “Police” written on it. Unfortunately, she was not able to get the name.

Porter remains missing to this day. *(Please see Appendix I)*

Persons who were abducted and are still missing include consultants and staff of the the NDFP negotiating panel namely, **Prudencio Calubid, Rogelio Calubad, Leopoldo Ancheta, and Philip Limjoco.**

Calubid was abducted along with his wife Celina Palma, relative Gloria Soco and drivers Ariel Beloy and Antonio Lacno on June 26, 2006 while traveling along the highway in Southern Tagalog.

Calubad was abducted with his son Gabriel on June 17, 2006 in Calauag, Quezon; Ancheta on June 24, 2006 in Guiguinto, Bulacan; and Limjoco, was abducted on May 8, 2006 in Dau, Pampanga. Calubid and Limjoco, an alleged former member of the NPA, were listed as no. 21 and 23 in the list of those being charged with rebellion by the PNP-CIDG (Criminal Investigation and Detection Group) in March.

They remain missing until today even after their families have sought judicial intervention by filing *habeas corpus* petitions to seek their immediate release. AFP officials denied having custody over these missing persons and had refused to appear before the courts.

*Table 5 below shows the cases of enforced disappearances by regional distribution.*

**TABLE 5. REGIONAL DISTRIBUTION OF ENFORCED DISAPPEARANCES**

REGION	NO. OF VICTIMS
Central Luzon	50
Bicol	4
Southern Tagalog	23
Cordillera	1
Davao	2
Eastern Visayas	4
National Capital Region	1
Northern Mindanao Region	1
SocSKSarGen	4
Western Mindanao Region	2
Zamboanga	1

Some of those abducted were later released on the condition that they regularly report to the military when called. All of them suffered from severe physical and mental torture.

Oscar Leuterio was abducted on April 21, 2006. He was detained inside a camp and suffered severe torture. During his interrogation, he was forced to admit that he is a member of the NPA. After almost six months of being illegally detained, he was released this October. *(Please see Appendix J)*

Ruel Marcial was abducted on May 22, 2006 and was detained inside a military camp in Brgy. Tayabo, San Jose City in Nueva Ecija. He was subjected to thorough interrogation and torture. When he couldn't bear the torture anymore, he told the military that he would cooperate and help them in looking for the lairs of the NPA. It was only then that the soldiers stopped hurting him.

Sometime in September, Ruel was able to escape and is now in hiding for fear of his life. *(Please see Appendix K)*

### ***3. REIGN OF TERROR IN RURAL AREAS***

The AFP conducted massive military operations in rural areas especially those identified as priority regions namely, Central Luzon, Southern Tagalog, Bicol, Eastern Visayas and Northern Mindanao. In these areas, the AFP imposed a state of martial rule and committed violations with impunity.

In the barrios, elements of the AFP conduct census as a form of population control and to identify suspected sympathizers and supporters of the NPA. After the census, the military issues a "list of suspects" which also serves as an order of battle.

Persons included in the list are "visited" and interrogated by Reengineered Special Operation Teams (RSOT) of the AFP. They are asked to surrender and cooperate with the military and to denounce their support for the NPA. In most cases, the people refused, for the simple reason that the military's accusations were not true.

Refusal to cooperate with the military usually results to brutal punishment.

Such is the case of **Ofelia Rodriguez**, a member of the Divisoria Farmers Association, a local peasant organization in Mexico, Pampanga. Nanay Perla, as she is fondly called by neighbors and colleagues, was a convenor of the STOP PALPARAN campaign in 2005.

During the launching of STOP PALPARAN, Nanay Perla testified that she was invited by the military for questioning. During her interrogation, she said, *2<sup>nd</sup> Lt. John Paul Nicolas* tried to force her to admit that she was as top-ranking NPA leader. She was threatened to be killed if she would not confess to the accusation and cooperate with the military. But she refused.

On 16 January, while carrying her one-year old granddaughter Eliza and talking with her ailing mother Amalia de la Peña, 95 years old, Nanay Perla was shot. The bullet that killed her entered the top of her head and exited at her nape. *(Please see Appendix L)*

The AFP also conducts public meetings where all residents are required to attend. These meetings are supposedly conducted to inform the people of the “evils of communism.” But these meetings usually end up with the military asking residents who voted for Bayan Muna, Anakpawis or Gabriela Women’s Party to have their name listed and to surrender.

Civilian authority in militarized areas has been rendered inutile. Barangay officials, especially those intervening in behalf of their constituents, are victimized themselves.

This year, KARAPATAN documented seven barangay officials killed, all of whom were not affiliated to any people’s organization. They were suspected of being supporters and sympathizers of the NPA and were targeted because of their strong position against heavy military deployment in their communities.

The people in the rural areas are required to secure *cedulas* or Community Tax Certificates (CTC) to be able to go to their farmland or even just to wander around the barrio. Failure to present CTC merits physical punishment from the military.

Such is the case of a farmer from Bulacan. He forgot his CTC when he went with his neighbors to go fishing. They accidentally came across a group of soldiers who demanded that they present their cedula. When he was not able to present one, he was slapped on the face.

Massive military operations also victimized farmers with no known political or organizational affiliation. Some were on their way to or were working in their farmland when chanced up by soldiers conducting combat operations and patrols. AFP troops are also wont to terrorize communities to keep them from “supporting the NPA.”

The social cost of terror to peasant communities is equally alarming. The martial rule implemented by the military in the countrysides has affected the economic life of the people. Curfews and other population control methods hampered farming and social activities. The military’s control of the food and other resources being brought in and out of the communities hindered trading activities.

This year KARAPATAN also documented suicide cases resulting from the torture and harassment the victims suffered in the hands of soldiers.

On 11 October, **Librado and Martina Gallardo** of Brgy. Conversion, Pantabangan, Nueva Ecija, committed suicide. Two days prior to their suicide, the Gallardos were abducted and severely tortured by soldiers belonging to the

71<sup>st</sup> Infantry Battalion. According to the findings of the fact finding mission spearheaded by the United Methodist Church that looked into the case, the Gallardos were accused by the military of being supporters of the NPA.

Threatened to be killed if they did not confess and still grieving over the death of their son Leo, who was killed last year by soldiers from the same unit, the Gallardos allegedly drank pesticide. They left nine children. (*Please see Appendix M*)

In another case, **Bernardo Javier**, a farmer, was arrested, detained, and heavily tortured in Fort Magsaysay, Nueva Ecija on suspicion that he was an NPA supporter. In early September this year, he hanged himself due to severe depression and fear.

#### ***4. INTENSIFYING TRADE UNION REPRESSION***

Data from the Center for Trade Union and Human Rights revealed that there were **89 recorded incidents** and **163 documented cases of violations of trade union and human rights**. There were **1,043 victims**. Forty-nine incidents, representing 55 % of the total, occurred during the first quarter of this year. The total number of workers killed increased to 28 compared to 18 last year.

**Eduardo Millares**, leader of Samahan ng Mamamayan sa Tabing Riles (SMTR)-San Pablo, Laguna and KADAMAY organizer, who was shot dead last October 18 was the latest victim of killings of workers. He was killed by a lone gunman who escaped using a tricycle. SMTR is resisting the demolition of their community to pave the way for the South Rail project. They are also protesting the deployment of military forces in the area.

Cases of abductions and enforced disappearances of trade unionists almost doubled from five cases in 2005 to nine cases this year. Cases of Intimidation and surveillance increased by almost 73 percent compared to last year.

There were four cases of torture. Violent dispersals of rallies involving trade unionists and workers also increased dramatically, from one case documented last year to eight this year. Harassment cases also increased to eight from one last year.

#### ***5. FILING FALSE CHARGES TO JUSTIFY ILLEGAL ARREST AND DETENTION AND HARASS CRITICS***

Immediately after the declaration of the state of national emergency, the Arroyo government launched a “legal offensive” against suspected communist and military rebels, as well as other personalities from the legal opposition. It formed an Inter-Agency Legal Action Group, under the National Security Adviser, to plan the arrest and filing of charges against those opposed to the Arroyo administration.

**Anakpawis Party List Representative Crispin Beltran** was illegally arrested on February 25, the day after the issuance of PP1017. Rep. Beltran, who is also Chairperson emeritus of the national labor center Kilusang Mayo Uno (KMU or the May 1st Movement) was arrested on the basis of a warrant of arrest issued in 1985, during the Marcos dictatorship, for a rebellion case which was subsequently dismissed.

To justify his illegal arrest and continued detention, the government filed an inciting to sedition case against Rep. Beltran for allegedly uttering seditious comments during the February 24 rally, where he arrived late and did not speak at all. When informed that a sedition case cannot be filed against Beltran because it is covered by his congressional immunity, government prosecutors tricked Beltran and his lawyer into attending a preliminary investigation conducted in Camp Crame for a rebellion charge for allegedly participating in a supposed conspiracy between the Left and the Right to overthrow the government. Beltran's lawyers has questioned before the court the manner and basis of the rebellion charge. It has yet to be resolved.

In the meantime, despite having no legal basis for his continued detention and in spite of demands for his release on humanitarian grounds, he is still illegally detained.

The PNP also attempted to arrest without warrant, Bayan Muna Representatives **Satur Ocampo**, **Teodoro Casiño**, Anakpawis representative **Rafael Mariano** and Representative **Liza Maza** of Gabriela Women's Party in a press conference the day after the declaration of the state of national emergency. Bayan Muna Representative **Joel Virador**, who was to return to attend to his duties in Congress, was seized and manhandled by CIDG agents at the Philippine Airlines ticket office in Davao City. But the representatives were able to elude arrest and were placed under the protective custody of the House of Representatives in the Batasan Complex. The PNP subsequently filed an amended information to Beltran's rebellion case to justify the arrest of the other representatives. Only when the amended information was rejected by the court did the police lift its threat of arresting the five representatives when they stepped out of the Batasan Complex.

But the Department of Justice (DoJ) is still pursuing fabricated charges of rebellion against the five representatives. Included in the charge are six other personalities of progressive partylists and people's organizations namely **Nathaniel Santiago** and **Vicente Ladlad** of Bayan Muna, **Elisa Tita Lubi** of the Gabriela Women's Party, **Rafael Baylasis** of Anakpawis Party, **Randall Echanis** of the Kilusang Magbubukid ng Pilipinas (KMP - Philippine Peasant Movement), **Rey Claro Casambre** of the Philippine Peace Center, and 50 others who are allegedly members of the CPP. In Cebu City in Central Philippines, eight leaders of militant organizations are facing charges and a few more are facing harassment cases in Davao City, in Mindanao including KARAPATAN-Southern Mindanao Secretary General **Ariel Casilao**.

Just recently, another fabricated case was filed in Leyte province against Ocampo, Ladlad, and others after the military claimed that they discovered a

mass grave of “victims of purges” of the CPP. The place where the supposed mass grave was discovered was a no-mans land declared by the military during the days of Martial law.

On April 28, five peasants, namely **Aristides Sarmiento, Axel Alejandro Pinpin, Riel Custodio, Rico Ybanez, and Michael Masayes**, collectively known as **Tagaytay 5**, were on their way to join the caravan in time for the **May 1 protest rally** when they were arrested without warrant in **Barangay Sungay, Tagaytay City**. They were held incommunicado for days and were severely tortured.

**Tagaytay 5** remains incarcerated at **Camp Vicente Lim** in **Laguna** and is now facing **rebellion charges** without bail.

To silence the opposition, **Miguel Arroyo**, husband of **Gloria Macapagal Arroyo**, filed separate libel cases against **Sen. Jinggoy Estrada** and **Representative Allan Peter Cayetano**. This is but another measure by the government to suppress the exposé of corruption cases involving the Arroyo family.

To send a chilling effect, **Pasig City** policemen attempted to arrest **Senator Jinggoy Estrada** inside the Senate building on **August 16**. **Arroyo** also filed a disbarment case against **Cayetano** and petition to the House of Representatives to expel him as congressman.

Other members of the opposition were likewise harassed.

The DoJ threatened to file a treason case against **Sen. Maria Ana Consuelo “Jamby” Madrigal** after she met with members of the **NDFP** negotiating panel in **Utrecht, Netherlands**. **Malacañang** also urged the Senate to take punitive action against **Madrigal** for meeting with so-called enemies of the state.

The Department of Interior and Local Government (DILG) attempted to suspend and remove **Makati Mayor Jejomar Binay**, his vice mayor and the whole city council for allegedly hiring ghost employees. This was not the first time that a local official who is a member of the opposition was suspended. The same was done to **Pasay City Mayor Wenceslao Trinidad**. Moreover, **Mayor Binay** is also the head of the **United Opposition**.

## ***6. CURTAILING CIVIL LIBERTIES***

The **Arroyo** administration has been trying to curtail civil liberties since last year when its crisis of legitimacy reached a breaking point dividing the nation and almost toppling it from power. Clinging to power by the skin of its teeth, the **Arroyo** regime issued successive repressive orders by the second half of the year.

To curtail the freedom of assembly and halt the increasing tide of protest actions calling for its ouster, it enforced the **Calibrated Preemptive Response** policy. It issued a gag order on government officials, **Executive Order 464**, to neutralize Senate and House investigations looking into corruption and electoral

fraud cases involving the Arroyo administration. It pushed for the National Identification System to tighten its watch on the population especially on those opposed to the regime.

The declaration of a state of national emergency, through PP1017, completed the return to martial rule. Copied from Proclamation 1081 of former President Ferdinand E. Marcos, PP1017 ordered the Armed Forces of the Philippines (AFP) “to maintain law and order throughout the Philippines, prevent or suppress all forms of lawless violence as well as any act of insurrection or rebellion and to enforce obedience to all decrees, orders, and regulations...” It issued General Order no.5, which empowered the government to take over any institution in the interest of national security.

While it did not specify the powers vested in the AFP and the Philippine National Police (PNP), it gave them the go signal to attack the Filipino people’s rights. PP 1017 was lifted a week after but the Arroyo regime did not relent from using its martial law powers to suppress opposition to its rule.

To send a chilling message to the media, the PNP raided the office of the Daily Tribune and attempted to shut it down if not for the resistance of the publisher. The AFP sent troops purportedly to secure the GMA and ABS CBN stations.

The PNP warned that it is issuing guidelines and would not hesitate to crack down on media outfits airing or publishing statements by “terrorists” and those seeking to oust the government. The DoJ and the PNP warned that it would continue monitoring the media and would not hesitate to file charges against journalists even after the lifting of PP1017.

The Arroyo family also filed an unprecedented 43 libel suits against journalists exposing corruption cases involving them. On November 13, Manila police in plain clothes attempted to arrest **Mia Gonzalez**, a senior reporter of Business Mirror assigned to cover the Malacañang Palace. They were trying to serve a warrant of arrest for the libel suit filed by Arroyo.

Worse, the station of **Radio Cagayano**, a community radio initiative by the Provincial Peasant Alliance of Cagayan, was burned in July.

The government also attacked the offices of people’s organizations. The Bayan Muna office in Samar was surrounded by soldiers. Unidentified persons lobbed grenades at the offices of KARAPATAN and Anakpawis in Kidapawan, North Cotabato. The KARAPATAN office in Cagayan de Oro was ransacked in March.

The national office of KMU in Quezon City is under constant surveillance. KMU officers and organizers documented at least seven incidents of surveillance. The Toyota Motors Phils. Corp. Workers Association, which has an active labor dispute, reported five cases of surveillance of their union office in C5 Taguig, Metro Manila.

Last October 5 union officers of Food Terminal Inc. (FTI) and **Joselito Santos**, a labor organizer for the Alliance of Democratic Labor Organizations (ADLO) affiliated with KMU noticed two men in a motorcycle following them from the Pro Labor Legal Assistance Center (PLACE) in Quezon City to the FTI union office in Taguig. They reported the incident to the police leading to the arrest of one of the men tailing them. The arrested person, *Rommel Felipe Santiago*, revealed that he is an intelligence officer of the Philippine Army and admitted that he was after a lawyer from PLACE. Since October 16, armed men in civilian clothers were seen regularly in front of the PLACE office.

The family of **Atty. Jobert Pahilga** in Antique was approached by a bystander asking when the “body of the lawyer would be brought home,” obviously a veiled threat. Pahilga is the executive director of the Sentro para sa Tunay na Repormang Agraryo (SENTRA or Center for Genuine Agrarian Reform). SENTRA is among the lawyers’ groups in the country which are starting to feel the heat of repression for representing clients from people’s organizations who have either been killed, disappeared or illegally arrested and detained.

## ***7. INCREASING U.S. INTERVENTION***

Being the most ardent supporter of the “global war on terror” and the most loyal puppet of the U.S., the Arroyo regime was amply rewarded with substantial military aid; intensified training; support to its AFP modernization program; field based combat support, including intelligence operations; and continued political support. These have propped up the bankrupt, faltering and illegitimate regime.

U.S. military assistance to the Philippines increased dramatically. IBON Foundation computed that U.S. military assistance increased 1,111 percent from 2001 to 2002, the year Oplan Bantay Laya was implemented. This also coincided with the holding of the first major Balikatan joint military exercises.

This helped the Arroyo regime to strengthen the AFP and the PNP to suppress dissent and to buy the loyalty of both institutions. This is much more substantial when the other types of aid and assistance are included.

Economic aid from the U.S. also increased in 2001. It helped keep the Philippine economy afloat especially since the Arroyo regime was under pressure for its inability to manage the financial and fiscal crisis. Economic and military aid was highest in 2003 when President Arroyo was under heavy pressure forcing her to announce that she would not be running in the 2004 elections.

In exchange, President Arroyo provided the U.S. with a venue for projecting its military power in the region; a transit point, refueling station and staging area for its “mobile, expeditionary operations;” and training ground for the troops of both countries in “inter-operability” or joint operations for counterterrorism and counterinsurgency.

Agence France Presse called the Balikatan joint exercises in 2002 as the “Southeast Asian Phase of the U.S. campaign on terrorism.” Aside from the U.S. military build-up in the Middle East, the Philippines, through Balikatan, has seen the second biggest U.S. military deployment since Afghanistan.

But aside from these big joint exercises, the U.S. conducted “frequent lower-level training exercises with specialized Filipino counterterrorism and counterinsurgency forces.” These low level exercises involved no more than 100 U.S. Special Forces at any one time.

These low level exercises were so frequent that human rights and people’s organizations in Mindanao, in southern Philippines, reported that when combined with humanitarian and civic assistance operations involving U.S. naval troops and SeaBees (Construction Battalions), there has been a continuing presence of U.S. troops in the country since 2002.

The rotation of U.S. troops in and out of the country is such that the U.S. is able to establish what the U.S. State Department calls as “permanent-temporary presence” in the country.

Moreover, the series of agreements entered into by the Bush and Arroyo regimes strengthened the control of the U.S. over the AFP and PNP.

Aside from the already existing Joint U.S. Military Assistance Group (JUSMAG), which enabled the U.S. to send “advisers” to the AFP and control the transfer and use of military equipment provided by the U.S., other joint mechanisms were created to enable the U.S. to shape the orientation, strategies, and operations of the AFP.

The creation of the Defense Policy Board in 2002 ensures U.S. control over the policies and decisions of the Department of National Defense. Another mechanism called the Security Engagement Board was created in March 24, 2006 purportedly to serve as the mechanism for consultation and planning of measures and arrangements focused on addressing non-traditional security concerns such as international terrorism, transnational crime, maritime safety and security, natural and man-made disasters, and the threat of a pandemic outbreak that arise from non-state actors and transcend national borders.

The AFP is currently implementing a five-year Philippine Defense Reform (PDR) program under the supervision of the U.S. Pacific Command. This program was an offshoot of a Joint Defense Assessment conducted by U.S. defense “experts” that looked into the capabilities of the AFP in combating “terrorism.” It was a three-year assessment that was completed in 2003. This program is aimed at enhancing the capabilities of the AFP in line with the U.S. thrust of strengthening its surrogate armies. More importantly, with “significant American involvement in monitoring its implementation,” the PDR gave the U.S. strategic and tactical control over the planning and operations of the AFP.

Historically, Philippine counterinsurgency programs have been shaped by the U.S. Lt. Col. Edward Landsdale of the U.S. Air Force, recognized as an expert in counterinsurgency, was assigned in the Philippines in the 1950s under the auspices of the JUSMAG. He directed the counterinsurgency program of the AFP during the height of the war against the Hukbong Mapagpalaya ng Bayan (HMB or People’s Liberation Army) from 1950-1955.

Oplan Bantay Laya (OBL) mirrors the counterinsurgency strategy and tactics developed by the U.S. during the Vietnam War in the 1960s and in El Salvador during the 1980s. The four phases of OBL namely, clear, hold, consolidate, and develop is patterned after the U.S. counterinsurgency strategy combining the “Winning the Hearts and Minds” with the “Cost -Benefit or Carrot and Stick” approaches.

Even the ideal counterinsurgent organization developed by the U.S. which fuses the civilian government and military structure and coordinates the efforts of the different AFP services is reflected in the creation of the Cabinet Oversight Committee on Internal Security on the national level and the Area Coordinating Centers in the regions and provinces.

OBL also employs the same combination of intensive military operations, intelligence and civic action or triad operations used by U.S. Armed Forces, combining traditional conventional warfare methods with counter guerrilla tactics.

Worse, the use of terror and death squads, contained in U.S. military manuals and employed in U.S.-directed counterinsurgency programs in Vietnam, El Salvador and the rest of Latin America, and currently in Afghanistan and Iraq is also part and parcel of OBL.

OBL directs AFP units to conduct target research; draw up a “sectoral/front organization Order of Battle;” and define specific targets for “neutralization” per quarter.

From this can be attributed the spate of political killings especially in regions defined by the AFP as “priority areas” in counterinsurgency. Likewise, it also explains why the Arroyo administration is not serious in investigating and putting a stop to the killings.

### ***8. GOVERNMENT WHITEWASH***

The police-led Task Force Usig, which was formed in response to the public clamor against political killings, has been consistent in its role of whitewashing the investigation. Without going through the motions of an investigation, it has already echoed the ridiculous line of the government and AFP that the killings were a result of internal purges within the CPP-NPA.

The Melo Commission, formed on August 21, 2006 by Mrs. Arroyo, has been plagued with questions regarding its credibility because of the inclusion of the director of the National Bureau of Investigation and the chief state prosecutor of the Department of Justice; and its effectiveness given its vague mandate of being “the Government’s sole voice on the issue of media and activist killings” and making “a report to the President outlining its action and policy recommendations including appropriate prosecution and legislative proposals, if any, aimed at eradicating the root causes of extrajudicial killings and breaking such cycle of violence once and for all.” It is also widely perceived as a mechanism organized to show that the government is doing something about the political killings and to whitewash the investigation.

Already, Mrs. Arroyo has cleared and absolved the military from any involvement in the series of summary executions and other human rights violations. It accuses human rights and people’s organizations of bloating the figures for the purpose of “destabilizing the government.”

**T**he escalation of violence and the increasing cases of political killings and enforced disappearances have reached alarming proportions.

It has sparked an outrage among the basic sectors and has pricked the sensibilities of the Church, professionals, and businessmen. This issue has hounded the Arroyo regime and has contributed to the further erosion of its credibility.

The involvement of government security forces and the impunity in the commission of these abhorrent crimes against humanity has exacerbated public distrust on the administration and has generated concern in the international community.

Amidst the wave of terror, however, the Filipino people's assertion of their rights did not waver. The iron-clad regime and its foreign ally failed to silence the social forces that want the de facto president booted out of power.

Public demonstrations and protest actions of varying forms have defied the undeclared martial law of Mrs. Arroyo despite threats of and actual violent dispersals of demonstrations.

There is a resurgence of individuals and a broad range of groups of Filipinos, from all walks of life and from different political and religious persuasions coming together to say "Never Again to Martial Law!". As in the Marcos era, artists, doctors, lawyers and professionals form alliances that heighten the resistance against human rights violations and work to end the fascist Arroyo regime.

The campaign against human rights violations of the Arroyo regime take on many forms: media expose, signature gatherings, filing of complaints, concert, t-shirt and ribbon-wearing, art projects and exhibits, lightning rallies, distribution of posters and leaflets informing people of their rights, among others.

In stead of being cowed, peoples and human rights organizations has launched a strong campaign against political killings and enforced disappearances. This has caught the attention of the international community.

A series of international fact finding and solidarity missions participated in by journalists, church people, workers, peasants, lawyers and judges, indigenous peoples, and professionals from around the world were conducted from 2005 up to the present.

Members of these missions expressed dismay and alarm over the gross and systematic violations of human rights; the failure of government authorities to address the problem of political killings; and the impunity in the commission of these crimes against humanity.

Amnesty International condemned the political killings; pointed out the apparent involvement of state security forces; and reminded the government of its responsibility to protect the rights of its citizens.

The European Union and the Government of Finland informed the Arroyo government of their concern about the continuing political killings in the Philippines.

In an unprecedented move, the Joint Foreign Chambers of Commerce in the Philippines condemned the political killings and threatened to withdraw their investments in the country. Wal Mart and U.S.-based clothing companies have also expressed their concern about political killings and violations of workers' rights. These had never happened before even during Martial Law.

The New York Times and Time magazine condemned the increasing violations of human rights in the country and urged the U.S. government to pressure the Philippine government to put a stop to these.

Outstanding among the Filipino people's defiance of tyranny is the founding of the organization *HUSTISYA! Victims of Arroyo Regime United for Justice* that is the response of victims and kin of human rights violations under the watch of the Arroyo administration.

**Hustisya** along with other victims' organizations **SELDA** and **Desaparecidos** and the multi-sectoral umbrella **Bagong Alyansang Makabayan** (New Patriotic Alliance) filed a complaint at the Permanent People's Tribunal against the Philippine and U.S. governments as well as multinational corporations for violations of the civil and political rights, the economic, social and cultural rights, and the right to self-determination of the Filipino people.

On October 30, 2006 the Permanent People's Tribunal, an international opinion tribunal, independent from any State authority, which publicly and analytically examines cases regarding violations of human rights and rights of peoples, have convened its Second Session on the Philippines and has scheduled the hearing of the complaints on March 2007.

In sum, the tyrannical regime of Mrs. Arroyo, like the Marcos dictatorship, was unable to terrify and silence even the direct victims of human rights violations. For every person killed, a whole family takes up the cudgels for justice. Those who are killed and disappeared are no longer victims but martyrs, their kin will not fall prey to the blood-thirsty regime for they join the growing movement of human rights defenders.