

PHILIPPINES (2010-2011)

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SITUATION OF HUMAN RIGHTS DEFENDERS

Updated as of May 2011

In 2010-2011, human rights defenders documenting or reporting human rights violations committed by officers of the Philippine army or the police continued to be subjected to violent reprisals, including assassinations. Health workers and activists as well as land rights activists opposing mining and economic projects also faced threats and intimidation. The climate of impunity for human rights violations and the labelling as sympathisers or associates of armed leftist groups created an environment in which human rights defenders remained at serious risk of violent attacks.

Political context

On May 10, 2010, Benigno Aquino III was elected President on a campaign platform that included a number of human rights commitments, such as the abolition of private military groups¹ and justice for human rights violations, ending the impunity enjoyed by the police and the military². He further pledged to uphold freedom of expression and respect press freedom. While there was notable steps towards the promotion of human rights since President Aquino took office on June 30, the Government has so far failed to sign and implement the national human rights action plan or other policies that mainstream human rights in the Aquino administration.

Furthermore, credible allegations of gross human rights violations, including extrajudicial killings, continued³. Impunity for hundreds of cases of extrajudicial killings and enforced disappearances prevailed in 2010. Although, in his first executive order on July 30, the President established the Truth Commission for the Philippines, the Commission has jurisdiction over corruption allegations committed during the Arroyo regime but is not mandated to investigate human rights violations, including more than 200 cases of enforced disappearances documented over the past decade.

Private armed groups of local politicians and paramilitary groups continued to threaten human rights despite a presidential decision setting up a task force to dismantle private armies in Masbate and Abra provinces. The trial of the persons accused of committing the Maguindanao massacre in November 2009 began on September 8, 2010. The trial could be a crucial step in establishing accountability for the killing of 57 people. However, as of June 2011, 107 suspects were still at large and 90 had been arrested, out of which 31 had not been arraigned yet⁴.

Politically motivated killings and torture also continued throughout 2010. On a positive note however, the first test case under the 2009 Anti-Torture Act was filed in September 2010 by the NGO Medical Action Group, in the case of five men detained in the Pampanga provincial jail⁵.

In December 2010, the Government of President Aquino unveiled its new counterinsurgency programme, the "Oplan Bayanihan", which replaced the controversial "Oplan Bantay Laya" (OBL), said to be responsible for extrajudicial killings and enforced disappearances of activists and the displacement of thousands of people from communities. Yet, it remains to be seen whether the new strategy will in fact contribute to ending impunity.

Assassination of human rights defenders who denounce abuses committed by the army or the police

Human rights defenders documenting or denouncing abuses committed by officers of the Philippine army or the Philippine National Police (PNP) were in the front line of repression. For instance, Mr. Benjamin E. Bayles, a member

of the September 21 Movement, which is a member of the Alliance for the Advancement of People's Rights (KARAPATAN), in Himamaylan city, Negros Occidental province, was shot dead by two men on June 14, 2010. The Himamaylan city PNP subsequently apprehended and detained Messrs. Roger M. Bahon and Ronnie L. Caurino, and charged them with murder. The same day, Kabankalan police officers made a statement on the radio claiming that the two suspects had confessed to be regular members of the 61st Infantry Brigade of the Philippine Army but retracted from this initial statement the following day. Mr. Bayles had been reportedly subjected to surveillance, harassment and intimidation by the military since May 2010. The military had accused him of working for front organisations of the Communist Party of the Philippines - New People's Army (CPP-NPA). Mr. Benjamin Bayles had been denouncing abuses committed by the officers of the Philippine army against upland farmers and farm workers, and had helped families of the victims to seek legal services. He was also active in anti-mining campaigns and in advocating for peasants' rights. The trial of the two suspects began in October 2010 and was ongoing as of April 2011. Moreover, following Mr. Bayles' killing, Mr. Fred Cañas, KARAPATAN-Negros Secretary General, was threatened for denouncing his colleague's assassination.

Ongoing stigmatisation of human rights defenders

Human rights defenders, community activists and journalists are often labelled by members of the army and the police as being sympathetic with, or belonging to, armed leftist groups, including the New People's Army (NPA), designated by both the United States and the European Union as a terrorist organisation. There were also allegations of soldiers storming the premises of human rights NGOs and venues of human rights related gatherings, reportedly planting damning evidence, and subsequently claiming that the premises were a safe house for the NPA, or that persons present in the premises are NPA members or supporters⁶. On September 21, 2010, Brigadiers General Eduardo del Rosario and Datu Ruben Labawan held a press conference at Apongcola, Davao city, during which they accused Mr. Kelly Delgado, Secretary General of KARAPATAN-Southern Mindanao Region, of masterminding a plot to liquidate the Eastern Mindanao Command Spokesperson, Lieutenant Colonel Randolph Cabangbang, allegedly to avenge the abduction and death of the daughter of a known NPA commander. Brigadier General Eduardo del Rosario further alleged that KARAPATAN is a legal front of the NPA. The press conference took place three days after KARAPATAN received classified information from a reliable source that elements of the Philippines army had issued an order to "eliminate" Mr. Delgado. He had previously been the target of acts of harassment by the military as a result of his work denouncing human rights violations committed as part of the militaries' counterinsurgency strategy. On November 22, 2010, members of the 31st Infantry Brigade of the Philippine Army (IBPA) and the police raided the KARAPATAN office in Daet, Camarines Norte. The search warrant specified that there were NPA members in the office. Arrested were Messrs. Smith Bardon, Provincial Chairman of the Peasant Movement of the Philippines (KMP); Denver Bacolod, KARAPATAN staff; Mherlo Bermas, Kabataan party list member; and Elpidio de Luna, a member of SELDA, an organisation of former political prisoners in the Philippines, who were attending a consultation among KARAPATAN and other organisations on the human rights situation. They were falsely charged with "illegal possession explosives", "rebellion", and "inciting to sedition". These charges were subsequently dismissed by the Regional Trial Court Branch 38 in Daet, Camarines Norte, and the four were released on February 24, 2011⁷. Moreover, Mr. Temogen Sahipa Tulawie, Provincial Chairperson of the Consortium of Bangsamoro Civil Society (CBCS) in Mindanao, province of Sulu, has been in hiding since October 2009 after a warrant of arrest was issued against him. His work involves the monitoring and documentation of human rights violations affecting Muslim communities in the Autonomous Region of Muslim Mindanao, especially in the province of Sulu. He is facing charges of "multiple frustrated murder" and "attempted murder" at the Regional Trial Court of Jolo, Sulu, filed on July 22, 2009. The charges relate to a bombing incident that happened in the municipality of Patikul, Sulu, on May 13, 2009, wounding twelve persons, including Governor Abdusakur Tan of the province of Sulu. On May 26, 2009, Messrs. Mohammad Sulayman Muin and Juhan Alihuddin were arrested without a warrant and later, in the absence of legal counsel, forced to admit responsibility for the bombing. They named Mr. Temogen Sahipa Tulawie and Congressman Munir M. Arbison of the second District of Sulu as the alleged masterminds behind the bombing. It is on the basis of their extra-judicial confessions that the arrest warrant for Mr. Tulawie was issued on October 5, 2009. Mr. Mohammad Sulayman Muin escaped from detention on December 24, 2010, and was reportedly killed subsequently. Mr. Alihuddin later recanted his confession and denied any knowledge of the bombing. As of April 2011, Mr. Tulawie

remained in hiding due to fears that he will not be accorded a fair trial⁸.

Arrest and detention of health rights activists

Health workers and right to health activists were repeatedly harassed by security forces in relation to their activities providing health care and advocacy to rural, disenfranchised communities. On February 6, 2010, 43 health workers and members of the Council for Health and Development (CHD), including Ms. Merry Mia, Health Education and Training Services Coordinator for the CHD, were arbitrarily arrested and detained in Morong, Rizal province. About 300 armed members of the 202nd IBPA and the PNP raided the residence of Dr. Melecia Velmonte, a respected specialist on infectious diseases, and arrested the health professionals attending a health skills training seminar sponsored by the Community Medicine Foundation (COMMED) and the CHD. Initially no search warrant was presented, and the one produced later was lacking crucial elements. The health workers were brought to the headquarters of the 202nd IBPA, and detained for three days incommunicado, blindfolded and handcuffed, before their relatives were allowed to visit them on February 8. Several health workers reported that they were subjected to torture and other forms of ill-treatment during interrogation, including electrocution and sleep deprivation. They were accused of "illegal possession of firearms", "manufacturing bombs" as well as of "belonging to the CPP-NPA", on the basis of explosives and firearms that were allegedly found by the army at Dr. Velmonte's residence⁹. In December 2010, President Aquino ordered the Department of Justice to withdraw the criminal charges filed against the "Morong 43" given that the evidence against them had been gathered illegally. They were finally released on December 17, 2010, after more than ten months in detention. Moreover, as of April 2011, Messrs. Rafael Limcumpao and Domingo Alcantara, respectively peasant and community organisers, as well as Mr. Archie Bathan, Secretary General of the Nuclear-Free Bataan Movement (NFBM), who were all arrested on May 27, 2009 by the PNP, remained detained in Bataan provincial jail (Balanga city) on charges of "attempted murder" and "illegal possession of explosives and firearms". Prior to their arrest, they had planned to organise campaigns to protest the possible renewed operation of the Bataan Nuclear Power Plant in the area, which is likely to bring about serious environmental and health implications for local residents.

Threats and assassination of land rights activists opposing mining and economic projects

In 2010, land rights activists continued to be subjected to violent attacks, including murder. For example, on June 26, 2010, a group of unidentified armed individuals fired gun shots and threw grenades at the parish house of Father José Francisco Talaban. Countless bullet marks and shrapnel, and empty shells from M16 and M14 rifles were found on the parish premises. Additionally, pamphlets, purportedly issued by the "Anti-Communist Group" (Aniban ng Ayaw sa Komunista), containing death threats against Fr. Francisco were also found. The pamphlets also listed the names of the following community leaders: Messrs. Edwin Garcia, Pedro Calivara, Alfonso Jan, Arnold Gamaro, Arnel Turzar, Marlon Angara, Jerry Fabro and Ms. Rachel Pastores. Fr. Francisco and the community leaders listed in the pamphlets are advocating against the establishment of an economic zone in the province, seeking also the support of advocacy groups in Manila. The project threatens to displace indigenous people, farmers, fishermen and their families, particularly those within the municipality of Casiguran. On July 9, 2010, Mr. Pascual Guevarra, a leader of the Alliance of United Farmers in the 3100 Hectares in Fort Magsaysay (ALMANA 3100), a movement of displaced farmers who oppose eviction from their land, was shot dead by an unknown individual who had broken into his house in Barangay San Isidro, municipality of Laur, Nueva Ecija province. His grandson was also injured in the incident. Similarly, on June 27, 2010, Mr. Fernando Bejino, an active member of Kasayan Farmers Association (KASAYFA) and a fervent opponent to the planned expansion of the "Jathropa plant"¹⁰, was killed by two unknown assailants while he was travelling from Poblacion to Barangay Casalaan, municipality of Siaton, Negros Oriental province. Prior to his death, he was harassed by vigilante groups reportedly created by the military and pressured to admit his alleged involvement in an underground movement linked to an armed rebel group, which he rejected. On January 24, 2011, Mr. Gerardo Ortega, a journalist and environmental rights defender in Palawan Island, was shot dead in Puerto Princesa city. On January 26, 2011, the police filed murder charges against the former administrator in the south-western Palawan province, who allegedly owned the gun used by another suspect, Mr. Marlon Ricamata, who

was apprehended at the scene by the police on January 24, and who confessed that he had been hired to silence the broadcaster for a fee of 150,000 pesos (approximately 2,470 euros). Three other men were also charged for the shooting of Mr. Ortega. Mr. Ortega was a staunch critic of the current provincial administration and of mining companies in Palawan, speaking out against corruption in his programme on DWAR radio station¹¹. On March 9, 2011, Mr. Bonifacio Labasan, Vice-Chairperson of the Isabela chapter of the Union of Peasants in Cagayan Valley (Danggayan Dagiti Mannalon iti Cagayan Valley - DAGAMI), was shot by two men on a motorcycle. He had been engaged in a campaign against the conversion of vast crop lands for the production of bio-ethanol, which would displace farmers from their lands in Isabela province. As of April 2011, the police was studying whether to bring charges and no suspect had been detained. On April 27, 2011, Ms. Florita "Nang Flor" Caya, newly-elected General Manager of the Unified Tribal Council of Elders and Leaders (UTCEL)¹² and Vice-President of the national rural peasant women organisation LAKAMBINI, affiliated to PAKISAMA, a national peasant confederation, was shot at the back of her head while tending her store at the poblacion of Monkayo, Compostela Valley. Witnesses saw a man hurriedly walking away from the store and quickly riding at the back of a motorcycle driven by another man. Ms. Nang Flor was the third General Manager of UTCEL to be killed by unidentified persons in a span of two years. She had been elected at the head of UTCEL in March 2011 to replace Mr. Carlito Chavez, who was gunned down on August 17, 2010. UTCEL leaders are said to have received threats warning that they should "stop their activities otherwise they would all be liquidated". It is thus feared this is because of UTCEL opposition to the planned entry of mining companies/interests in the area¹³.

1 In numerous provinces, ruling families continue to use paramilitary forces and local police as their private armies, often with national Government support.

2 "There can be no reconciliation without justice. When we allow crimes to go unpunished, we give consent to their occurring over and over again". Pres. Benigno Aquino III, Inaugural Speech, June 30, 2010.

3 See Alliance for the Advancement of People's Rights (KARAPATAN) Report, 2010 year-end report on the human rights situation in the Philippines, December 1, 2010.

4 According to the files of the Regional Trial Court 221.

5 See Philippine Alliance of Human Rights Advocate (PAHRA) and Medical Action Group.

6 See KARAPATAN Report, 2010 year-end report on the human rights situation in the Philippines, December 1, 2010.

7 Idem.

8 See Task Force Detainees of the Philippines (TFDP).

9 However, according to witnesses, the military searched the compound only after the health workers and the residents of the house were ordered out of the building.

10 The privately owned Jathropa production stands at 18-20 hectares and it is bordered on all sides by forest lands tilled by members of the KASAYFA. The planned expansion would imply clearing additional hectares of residential lands to be planted with corn and other crops, some of which are for biofuel purposes, endangering the farmers' lots and livelihoods.

11 Ultimately, Mr. Ortega supported a law centre petition filed before the Supreme Court on behalf of residents of the province to declare as unconstitutional a litigious sharing agreement between the provincial Government and the national Government over the proceeds of the USD 10-billion Malampaya natural gas project off the coast of the province.

12 UTCEL, a local indigenous peoples' organisation, is officially recognised by the National Commission on Indigenous Peoples (NCIP) and the local government units as the legitimate claimant organisation to the awarded Certificate of Ancestral Domain Title (CADT) area.

13 See PAKISAMA Press Statement, April 29, 2011 as well as PAHRA.

Extracts from the Annual Report 2011 of the Observatory for the Protection of Human Rights Defenders (FIDH-OMCT)