

# Condemning violations while commending the violators

Civil and political rights under the Arroyo government  
January 2001 – March 2009



BY THE **TASK FORCE DETAINEES OF THE PHILIPPINES**

**W**HEN GLORIA Macapagal-Arroyo was sworn in as president in 2001, hopes were high that her administration would fulfil its human rights obligations. She was, after all, catapulted to power by the people's bold exercise of their rights and freedoms in what is now known as People Power II (*EDSA Dos*).

During Arroyo's first year as president, however, the people experienced a rude jolt. And it only got worse as Arroyo's rule lengthened.

The Arroyo government continued to perpetrate the same cases of human rights violations, either by commission or omission, that marred the records of previous administrations. It also tolerated – sometimes even supported and lauded – abusive acts committed by the military and police forces against the civilian population.

## **Neglect**

Arroyo's state of the nation addresses for the past eight years hardly touched on civil and political rights, and on human rights in general. This just shows her administration's disregard for people's human rights.

Despite being a State Party to many, if not most, of the international human rights instruments, the Philippine government's implementation of its obligations remains questionable.

In October 2003, the United Nations Human Rights Committee



(UNHRC)<sup>1</sup> reviewed the Philippine government's report on its implementation of the International Covenant on Civil and Political Rights (ICCPR), as well as the alternative reports submitted by the non-government organizations (NGOs). While positive aspects in the government's efforts were recognized, among the principal subjects of concern and recommendations<sup>2</sup> were:

- The absence of information regarding the status in domestic law of the Covenant and whether any Covenant provisions have been invoked in court proceedings. The Committee urged the Philippine government to ensure that its legislation gives full effect to the right recognized in the Covenant and that domestic law is harmonized with the obligation subscribed to under the Covenant.
- The lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous people, and the lack of measures taken to prosecute and punish the perpetrators. The Committee voiced its concern over reports that persons whose rights and freedoms have been violated have been subject to intimidation and threats.
- The pending legislation related to terrorism awaiting adoption by the Congress of the Philippines.<sup>3</sup> The Committee was concerned by the exceedingly broad scope of the proposed legislation.
- The Committee also reminded the Philippine government to ensure that legislations adopted and measures taken to combat terrorism are consistent with the provisions of the Covenant.

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## **Robust economy?**

In 2006, the Arroyo government boasted of an unprecedented growth in the Philippine economy. According to her State of the Nation Address (SONA) in July, she said that

[T]he past year saw the country on a steady and sure growth, notwithstanding the internal political turmoil, the global oil crisis and rising prices of commodities that has threatened to disrupt and undermine the economic gains that have already been made.<sup>4</sup>

In the midst of such triumphalism, the daily news carried grisly stories of human rights violations such as arbitrary arrest and detention, torture, involuntary disappearance, and extrajudicial killings. The Arroyo government's strengthened campaign against insurgency only worsened the state of human rights in the country.

In the face of popular opposition, the administration implemented repressive policies, such as the calibrated pre-emptive response (CPR)<sup>5</sup> and Executive Order 464,<sup>6</sup> among others. And on February 2006, Arroyo declared Presidential Proclamation 1017 which put the Philippines under a state of national emergency. This was her administration's response to the alleged conspiracy between the extreme left and extreme right and their efforts "to bring down the duly constituted Government elected in May 2004." Amidst all these, the peoples' rights and freedoms were compromised.

Contributing to the people's discontent was the question over the legitimacy of the Arroyo presidency.

## **War against terrorism**

When US President George Bush declared an all-out "war against terrorism," President Arroyo readily jumped into the bandwagon. She declared her all-out support for the war on terror and committed the country to the "coalition of the willing."<sup>7</sup>

In 2002, in line with the Arroyo government's war on terror, the Armed Forces of the Philippines (AFP) attacked the Moro Islamic Liberation Front – in spite of the fact that it could not establish a clear link between the MILF and Al Qaeda. The military offensive displaced about 400,000 civilians.

Arroyo vowed to crush all terrorists in the country. She passed



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up the opportunity to ratify the Rome Statute of the International Criminal Court (ICC). Instead, in 2003, she quickly acceded to the Bilateral Immunity Agreement (BIA) with the United States. The BIA prevents the surrender of any American and Filipino national to an international tribunal, including the ICC, without the consent of the US or Philippine government.

In February 2003, a military offensive was launched to ferret out so-called lawless elements taking refuge in the Buliok complex in Central Mindanao. Fierce ground fighting ensued between government forces and the MILF. Again, this led to the displacement and evacuation of thousands of civilians.<sup>8</sup>

These military offensives in Mindanao only belied Arroyo's commitment to peace and her pronouncements of rebuilding Mindanao, which she made in her first national broadcast on January 30, 2001. In that broadcast, she said: "The war in Mindanao has exacerbated the sufferings of our brothers and sisters there. We must begin, in earnest, the task of rebuilding Mindanao, of achieving peace and oneness as a people, as a nation."<sup>9</sup>

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In March 2003, Davao City's international airport was bombed. 21 persons were killed, and more than a hundred others wounded. Davao City Mayor Rodrigo Duterte and the military quickly blamed the MILF for the bombing. Muslim relatives of a victim were arrested and charged with the bombing. Mayor Duterte stressed the need to "bite the bullet" against terrorists. Almost a month later, the bombing of the Sasa wharf in Davao took the lives of close to 20 individuals, including Sr. Dulce de Guzman, a member of the Task Force Detainees of the Philippines (TFDP).<sup>10</sup>

The war against terrorism has resulted in outright violations of human rights and shortcuts in due process. Muslim communities have been raided under the guise of fighting terrorism. Muslim leaders and even ordinary Muslim citizens have been tagged as terrorists. Furthermore, the war against terrorism has led to further bias against and discrimination of Muslims.<sup>11</sup>

4 In July 2004, a strain developed in the relations between the

Philippines and the US. This resulted from Arroyo's decision to pull out the Philippine contingent in Iraq to save the life of Filipino driver Angelo de la Cruz, who was taken as hostage by Iraqi militants. A few months after, however, Bush, like Arroyo, got another term in office. Both became determined to intensify their campaigns against terrorism.<sup>12</sup>

After much debate and protests from various groups, the Human Security Act (Republic Act 9372) or the anti-terrorism law, passed by the Philippine Congress in February 2007 and signed by Arroyo a month later, took effect on July 15, 2007. Numerous civil society leaders, religious figures and human rights advocates have criticized the law, and the UN special rapporteur on human rights and counterterrorism has called for the repeal of the law.

On March 21, 2008, Edgar de la Cruz Candule, an Aeta youth, was arrested in Barangay Carael, Botolan, Zambales. Candule, 23, was staying in a resettlement area in Baguilat, Botolan, Zambales before he was arrested.<sup>13</sup>

According to Candule, on the day of his arrest, he was having breakfast with friends when about 20 members of the Philippine National Police (PNP) of Botolan, clad in full battle gear and with long firearms, arrived and declared a raid. Candule's friends scampered in different directions, leaving the stunned Aeta youth behind. While some of the police went after his friends, the others searched the whole house and premises. About three to five policemen collared and handcuffed him while two alternately punched him on the chest. He was forced to admit membership in the New People's Army (NPA) operating in Zambales.

Candule was brought to the Botolan PNP office before he was transferred to Camp Conrado S. Yap in Iba, Zambales. There he was detained for three days. While in detention, he was interrogated and tortured. He was placed in a room where he was hit a couple of times and electrocuted. He was forced to admit that he owned a .45 calibre pistol, a magazine assembly for the pistol, and live ammunitions. His interrogators also threatened to kill him if he denied being an NPA member. The police also informed him that



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he and his group were already under surveillance for their alleged terrorist activities in the area.

On March 24, Candule was brought to the provincial jail in Iba, Zambales. On April 29, he was presented in court before Judge Consuelo Amog-Bocar of the Regional Trial Court Branch 71. He was charged with violation of Republic Act 9372 or the Human Security Act.

Currently, Candule is awaiting the resolution to the motion for the dismissal of his case which his counsel filed.

## **Political prisoners**

Not once in all of Arroyo's SONAs did she mention anything about the existence of political detainees and political prisoners. The truth however is that the Arroyo government continues to keep political prisoners and even takes in new ones, usually through arbitrary arrests.

The Universal Declaration of Human Rights (UDHR), the ICCPR, the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Philippine Constitution, provide that no one shall be subjected to arbitrary arrest, detention or exile.

TFDP records since Arroyo became president in 2001 until 2008 show that there have been 830 cases of arbitrary arrest, involving 2,913 individuals, including those who were arrested during protest actions.

231 political prisoners and detainees continue to languish in various jails and detention centers nationwide. The Arroyo government, like the previous administrations, has denied the existence of political prisoners and detainees and has made a habit of charging political detainees with common crimes like kidnapping and robbery.

According to Eduardo R. Serrano<sup>14</sup>, a political detainee, "the

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criminalization of political offenses, more importantly, tends to strip the political nature of the crime committed by political dissenters as they continue to be charged with common crimes, crimes against a person or property but not against a state power that oppresses and exploits the people. More than this, the criminalization of political offenses completely denies the justness and legitimacy of the grievances of political offenders.”<sup>15</sup>

These political prisoners and detainees who are innocent of any crime continue to languish in jail even as some well-known criminals, because of their “connections,” have been bestowed with privileges.

TFDP recalls the case of Ric Nalundasan, a political prisoner who was detained in Manila City Jail and had just been released recently. In 2004, while he was still under detention, Nalundasan requested for a pass from the Department of Justice so he could attend the wake of his father. The decision, although in the affirmative, came two months after the request was filed – long after his father had been buried.

Adding to the suffering of political prisoners – who are in jail for crimes they did not commit – is the subhuman condition prevailing in the country’s jails.

## **Torture**

Despite being a State party to the CAT, the Philippine government still continues the inhuman practice of torture. Since 2001, when Arroyo assumed office, TFDP has documented 248 cases of torture, involving 519 individuals as victims.

Torture methods used include slapping, mauling, beating with the use of rifle or piece of wood, hanging by the neck and covering of the head with a plastic bag to induce suffocation. Often the victims were handcuffed, or hogtied and blindfolded. The purpose of torture was usually to force the victims to admit membership in or support of the NPA, the MILF, the Abu Sayyaf, or to admit participation in terrorist activities such as bombing.<sup>16</sup>



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Worse, there is still no domestic law that criminalizes the practice of torture. The anti-torture bill was recently passed on third reading at the House of Representatives. It is still pending at the Senate.

One of the many cases of torture documented by TFDP was that of Omar Ramalan. Ramalan was arrested by elements of the 64<sup>th</sup> Infantry Battalion in January 2004. He was blindfolded, stripped naked, hogtied, electrocuted, molested (his private organ licked by a dog), fed with dirty food and held incommunicado for three days. Ramalan was a suspect in the bombing in Parang, Maguindanao in Mindanao.<sup>17</sup>

### TABLE 1. SUMMARY OF TORTURE CASES

Documented by Task Force Detainees of the Philippines January 2001 to March 2009

YEAR	NO. OF CASES	NO. OF VICTIMS
2001	9	13
2002	17	66
2003	23	37
2004	38	71
2005	15	32
2006	109	239
2007	17	29
2008	12	16
2009 (January to March)	8	16

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### Enforced disappearance

The practice of enforced disappearance remains unabated in the Philippines. Like torture, there is no domestic law that criminalizes the act of enforced disappearance. An anti-enforced disappearance bill which seeks to define and penalize the act of involuntary disappearance has also been passed on third reading at the House of Representatives. The process is still ongoing in the Senate.

Since the time of Ferdinand Marcos until the end of February 2009, there were 1,782<sup>18</sup> cases of disappearance documented by the Families of Victims of Involuntary Disappearance (FIND) nationwide. Of these, 1,113 are still missing, 416 surfaced alive and 253 were found dead.



**TABLE 2. STATISTICS ON ENFORCED DISAPPEARANCE IN THE PHILIPPINES**

Documented by the Families of Victims of Involuntary Disappearance (FIND)

	# of reported cases	# of documented cases	# of persons still missing	# of persons who surfaced alive	# found dead
Arroyo regime	278	165	54	94	17

Since enforced disappearance is not yet considered a crime under Philippine laws, the cases filed in court by some families with the assistance of FIND are lodged as kidnapping, murder or serious illegal detention or a combination of the last two offenses.<sup>19</sup>

**Disregard for due process, summary execution and massacres**

In the course of the Arroyo government’s campaign against insurgency and lawless forces, its armed forces and the police have violated the human rights of civilians tagged as “sympathizers” or members of the NPA, the MILF or the Abu Sayyaf. In military logic, those under suspicion may be treated as combatants.<sup>20</sup>

Civilians – in most cases, peaceful rural folk – are arrested without warrant and then manhandled and subjected to various forms of abuse during detention. Civilians killed during raids or attacks are often reported as combat casualties to cover up the crimes.<sup>21</sup>

The number of cases of extrajudicial killings, especially of human rights defenders, has reached an alarming number. These political killings seem to be the order of the day. While military and police officials have been implicated in cases of summary executions, not one has been brought to justice. Some of them were even rewarded with promotions.<sup>22</sup>

Take the case of retired Major General, now Party-List Representative Jovito Palparan, Jr.



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Photos by Task Force Detainees of the Philippines

TRACY PABICO



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Photos by Task Force Detainees of the Philippines







Since the 1980s to the 1990s, when then Col. Palparan was assigned in Central Luzon, numerous cases of human rights violations have been linked to him. When he was assigned in Laguna in 2001 (through Task Force Banahaw), incidents of killings continued. From 2001 to early 2004 in Mindoro, a series of killings were credited to his command.<sup>23</sup>

In February 2005, Palparan was transferred to Eastern Visayas, where once again, numerous cases of human rights violations – most of which were killings – took place. Palparan’s human rights record earned him the tag “berdugo” (executioner). With all these human rights violations in his job portfolio, he earned a promotion.<sup>24</sup>

Another disturbing phenomenon is the killing of media practitioners during the Arroyo administration. It must be noted that many, if not most, of those killed had exposed different cases of human rights violations or anomalies.<sup>25</sup>

One of the many cases of summary execution during the Arroyo administration which was documented by TFDP happened in March 2005.

In March 2005, the massacre at Camp Bagong Diwa, Bicutan jail left 26 inmates dead and other prisoners wounded. Some of them were shot at close range, after the exchange of fire. This was perpetrated by the Philippine National Police Special Action Force (PNPSAF) led by then Department of Interior and Local Government (DILG) Secretary Angelo Reyes.<sup>26</sup>

The Commission on Human Rights (CHR), an independent body mandated to monitor and investigate cases of human rights violations, released a report<sup>27</sup> of their findings on the case of the “Bicutan siege”. According to their report:

1. There was no life that was in danger; there was no real threat to life that could justify the use of police assault or the use of excessive force.
2. The response of authorities was not proportionate to the

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- force used by the persons who staged the failed escape attempt.
3. There were inmates who had no involvement or participation in the failed escape attempt but were summarily executed.
  4. Some inmates were maltreated after the police assault.

## Harassment of human rights defenders

Though the United Nations has made a special resolution for the protection of human rights defenders, the Arroyo government has made an unwritten policy of impunity targeting these human rights defenders. The pronouncement of the government to end insurgency by 2011 plus its confusion in defining what constitutes an “insurgent” has put the human rights defenders community at risk.

Prof. Philip Alston, UN Special Rapporteur of the United Nations Human Rights Council on extrajudicial, summary or arbitrary executions, noted how senior government officials in and out of the military believe that many civil society organizations are fronts for the Communist Party of the Philippines (CPP) and that the CPP controls these groups.<sup>28</sup> This way of thinking then has made targets of all staunch oppositionists and human rights ground workers in the all-out war of the government.

On April 6, 2002, Jennylou Alehan, a leader of Kibalagon-Kisanday-Narukdukan-Manobo-Talaanding Tribal Association (KKINAMATTA), was killed by two unidentified assailants. KKINAMATTA was campaigning for their ancestral rights over a 601-hectare area that has been taken by the government. The land is currently used by the Central Mindanao University. Prior to his death, five other leaders and members have already been killed. All of these killings were connected to the land dispute. Multiple cases of harassment, demolition and destruction of properties, reportedly perpetrated by the university’s security guards, have been documented.<sup>29</sup>

In 2005, Irma “Kathy” Alcantara, Secretary General of the Kilusan para sa Pambansang Demokrasya (KPD) in Bataan was killed by unidentified men in Country Resort in Abucay, Bataan at 9:00 in the morning.



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She was killed just after coming from a Luzon-wide Peasant and Fisherfolk Conference organized by the Pambansang Katipunan ng Makabayang Magbubukid (PKMM). Before her death, she had been receiving threats and was under surveillance by armed men who were allegedly elements of the Philippine Army under General Jovito Palparan.<sup>30</sup>

Palparan was also linked to the death (on April 21, 2003) of human rights worker Eden Marcellana and of peasant leader Eddie Gumanoy.

In Arroyo's 2006 SONA, she condemned the series of political killings in the country. A few sentences later, she gave special commendation to General Palparan.

Also in 2006, the government launched Oplan Bantay Laya II, an all-out military offensive. This "all-out war policy" aimed to destroy, with all means necessary, all structures of "perceived enemies of the state," including legal organizations of the civil society movement.<sup>31</sup>

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Through Executive Order 493, President Arroyo created the Inter-Agency Legal Action Group (IALAG). This group is said to "provide effective and efficient handling and coordination of the investigative and prosecutorial aspects of the fight against threats to national security." It is composed of representatives of the Office of the National Security Adviser, Department of Justice (DOJ), Department of National Defense (DND), DILG, National Intelligence Coordinating Agency (NICA), AFP, PNP, National Bureau of Investigation (NBI) and "such other units as may be tasked by the National Security Adviser."<sup>32</sup> The task of IALAG is mainly to "neutralize" those whom they consider as "enemies of the state." Unfortunately, these include human rights defenders.

The IALAG is believed to be responsible for the arrest and detention of numerous human rights defenders being connected to the Hilongos Mass Grave<sup>33</sup> said to be perpetrated by the CPP-NPA in 1985.



Noli Narca, a human rights defender since the Marcos regime, was taken by men wearing civilian clothes on March 8, 2006. He was brought to Camp Kangleon, the PNP Headquarters in Tacloban City, after being presented to the Intelligence Service Unit of the AFP. He was sent to a lock-up cell before he was transferred to the Tacloban City Jail.<sup>34</sup>

Randall Echanis, the Deputy Secretary General for External Affairs of the Kilusang Magbubukid ng Pilipinas, was arrested on January 28, 2008 while attending a consultation at the Farmers Training Center at Calumangan, Bago City.

The 15-men arresting team who wore bonnets were led by Police Inspector Robert Dejocus of Bago City. The arresting team had a warrant of arrest signed by Judge Ephraim Obando of Hilongos, Leyte.<sup>35</sup>

Norberto Murillo, a technical consultant for the farmer's organization Life and Food for Leyte Evacuees (LFLE), was forcibly abducted on October 29, 2008 at around 10:00 A.M. while he was at the main lobby of the Department of Agrarian Reform (DAR) building. Three men who identified themselves as operatives of the Criminal Investigation and Detection Group (CIDG) took him. Murillo had just attended a meeting at the DAR to follow up the papers regarding LFLE's land claim for alienable and disposal land in Leyte.

On October 30, 2008, a day after the abduction, a FIND staff accompanied Violeta, Murillo's wife, to the CHR to report the incident.

Two days after the abduction, Major Libay of the PNP's Task Force Usig confirmed that Murillo was brought to the Custodial Center in Camp Crame, Quezon City on the evening of October 31, 2008.

His arrest was also in connection with the Leyte Mass Graves.<sup>36</sup>

## Impunity



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During its administration, the Arroyo government has continued to promote a culture of impunity.

Despite the conduct of peace talks, the roots of insurgency have not been tackled and have remained unresolved.

Arroyo's "strong republic" has generally pushed to the brink the human rights of the people, while further expanding the field for plunder and corruption.

The outright abuses and/or collusion of government and military officials with criminals are either endorsed, supported, or condoned by official non-action.

Since coming to power, Arroyo has been the biggest stumbling block in the fulfilment of people's rights. Her government has adopted policies and pushed for legislative measures that further worsened the plight of the people.

The illegitimacy of the Arroyo administration stems from the failure of her administration to perform its obligation to respect, protect, and fulfil human rights.

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## NOTES

- <sup>1</sup> Currently the Human Rights Council (HRC)
- <sup>2</sup> UN Human Rights Committee. Concluding Observations of the Human Rights Committee on the Philippines. October 30, 2003. UNHCR meetings 2153<sup>d</sup> and 2154<sup>th</sup> (CCPR/C/SR.2153 and 2154)
- <sup>3</sup> This refers to the legislation against terrorism which was later enacted into law as the Human Security Act of 2007 (Republic Act 9372)
- <sup>4</sup> <http://www.gov.ph/sona/default.asp>
- <sup>5</sup> According to Undersecretary Edwin R. Enrile, the calibrated pre-emptive response is **not** an exercise of any emergency power, but "is the responsible and judicious use of means allowed by **existing laws and ordinances** to protect public interest and restore public order" and is "a more pro-active and dynamic enforcement of existing laws, regulations and ordinances to prevent chaos in the streets."

- 6 President Arroyo on September 28, 2005 issued Executive Order 464 which requires “all heads of departments of the Executive Branch of the government” to “secure the consent of the President prior to appearing before either House of Congress.” This EO also became known as the “gag order.”
- 7 The US-led coalition attacked Iraq in March 2003, even without any United Nations resolution supporting such attack. In September 2004, then-UN Secretary General Kofi Annan declared that the coalition’s war against Iraq did not conform to the UN Charter, and was therefore illegal. (See Task Force Detainees of the Philippines. *Blood stains the Arroyo government. Human rights under the Arroyo government, January–December 2004.* June 2005.)
- 8 Task Force Detainees of the Philippines. *A fragile peace shattered, a string of rights violated. Human rights under the Arroyo government, January 1–March 31, 2003.* 2003.
- 9 Ibid.
- 10 Ibid.
- 11 Task Force Detainees of the Philippines. *GMA’s Strong Republic: A government of lawlessness and violence. Human rights under the Arroyo government, January–June 2003.* September 2003.
- 12 Task Force Detainees of the Philippines. *Blood stains the Arroyo government. Human rights under the Arroyo government, January–December 2004.* June 2005.
- 13 TFDP Luzon Fact Sheet, March 2008.
- 14 Eduardo R. Serrano, a political detainee at Oriental Mindoro Provincial Jail (OMPJ) in Calapan City, provides acupuncture service to fellow inmates and their relatives. Even jail guards come to him for acupuncture treatment. He also teaches fellow inmates who are illiterate to read and write.
- 15 Eduardo R. Serrano. *The long march to freedom of political prisoners.* Philippine Human Rights Update, Vol. 19 No. 4. December 2005.
- 16 Task Force Detainees of the Philippines. *Human rights violations by commission and omission destabilize the State. Human rights under the Arroyo government, January–June 2002.* July 2002.
- 17 Task Force Detainees of the Philippines. *Blood stains the Arroyo government. Human rights under the Arroyo government, January–December 2004.* June 2005.
- 18 Of the 2,104 reported victims, only 1,782 have been documented due to various reasons. Reports usually come from members, contacts, media,



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and network of FIND.

- 19 Overall Results of FIND's Search and Documentation Work, November 1985 to February 28, 2009.
- 20 Task Force Detainees of the Philippines. *Human rights violations by commission and omission destabilize the State. Human rights under the Arroyo government, January–June 2002*. July 2002.
- 21 Ibid.
- 22 Task Force Detainees of the Philippines. *Confronting the culture of impunity: The state of human rights in 2005 under the Arroyo government*. February 2006.
- 23 Ibid.
- 24 Ibid.
- 25 Ibid.
- 26 Ibid.
- 27 Commission on Human Rights final report on the March 14 – 15, 2005 Camp Bagong Diwa incident
- 28 Alston, Philip "Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development – Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions" p.8, 2007.
- 29 TFDP Fact Sheet 02-BUK-001: Tribal Youth Leader Killed
- 30 TFDP Fact Sheet 07-BTN-002: Alcantara SAL
- 31 Mabunga, Renato, "In a Coercive Environment: Nursing a Culture of Fear and Breeding Tolerance to Impunity," In Focus, Philippine Human Rights Information Center, Issue no. 6, June – December 2007, p. 3.
- 32 Executive Order 493, Section 3

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