Determined Defense of Human Rights

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War, whether literal or as a trope, is never conducive to respect for, but rather poses threats to, human rights.

A. Belden Fields
Rethinking Human Rights for the New Millennium

THE Philippine Alliance of Human Rights Advocates (PAHRA), at the time of this writing, has already submitted to the Commission on Human Rights a common narrative report about the Bicutan siege. It contains tales of excessive use of force, extrajudicial executions, massacre, cruel and inhuman treatment done against detainees suspected of being “terrorists”. On March 14, some of them tried to escape from Camp Bagong Diwa. Their plan failed, and so they took over portions of the detention center. The incident set off the siege that ended up in carnage.

What happened on that day stresses the pervasive character of the “war” against terrorism that extends to detention centers and prisons, where cover-up of deaths in custody is easy and asking questions is hard. Here are some narrations of that siege:

Ilang sandali pa... nagkaputukan na. Nagtago ako sa loob ng aming selda dahil sa takot, at nagsiksikan kami doon. Nakita ko ang isa sa aking kasamahang inmate na si Jojo Patarasa, taga selda 49, na tinutulungan ang isa pang aking kasamahang inmate na si Alesan Escandar na tinamaan sa tiyan ng bala at lumuwa ang mga bituka nito. Nang makita ng PNP-
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Nang napunta na ang lahat sa iba't-ibang pagpupulubot ng mga pulis at barsa sa Camp Bagong Diwa, tinalo nito ang lahat sa tumaas na pagkakataon. Binabala ng mga pulis ang kanilang pagkakataon, bawat isa sa kanila ay mahalaga sa kanilang operasyon.

While not a few would argue like Malacanang that these “criminals” or “terrorists” deserved what happened to them without any further investigation into the siege incident, one should look into the track record of the state, particularly of the Macapagal-Arroyo administration, in its campaign against perceived “enemies of the state” or “terrorists,” and its impact on people and human rights.

From the Marcos dictatorship to the Estrada administration, more than 2000 extrajudicial executions or salvagings were perpetrated and remained unsolved. The victims were killed because of their involvement in efforts aimed at social and political change of Philippine society. Most came from different sectors: peasant, labor (agricultural and industrial), students and youth, church workers, and human rights workers, among others. The number doesn’t include those who have disappeared and have not been surfaced or found. Their deaths or absence inflict deeper wounds on their families and relatives—not to mention the social and economic dislocations, and other difficulties arising from the loss.

The human rights violations cited above, together with other forms of abuses, have intensified during the Arroyo administration—from abetting the “no rally-no permit” cum violent dispersal of the City of Manila, to the bloody conclusion of the Hacienda Luisita peasant-worker picket, to the extrajudicial executions of members and supporters of militant groups and people’s organizations, to acquiescence to the salvagings in Davao City, to the actual state of war in Sulu.

As to the situation in Sulu, which the government and the Armed Forces of the Philippines (AFP) chose to describe as “normalizing”—i.e. “going back to the pre-conflict [pre-February 2005] situation—people of the area say it is “abnormal” because “many people are not in their own places.”

Much more insightful is the
The administration of President Gloria Macapagal-Arroyo has placed the peoples of the Philippine Archipelago under a situation of a “permanent war” against “terrorism”. She has mirrored in her administration the U.S. campaign.12 She has allowed the increase of impunity and has abetted those that are non-derogable such as torture and extrajudicial executions, by allowing a “culture of impunity”.” These actions done with impunity are not limited to political and civil rights but they also extend to economic, social and cultural rights, like the rights to adequate food and housing, education, and health.9

The sufferings of the people inflicted by the state, either by commission or omission in implementing human rights, in several respects, are exacerbated by non-state actors or entities.16 With such a situation of human rights, it is imperative for human rights defenders to engage either state and non-state actors or entities.16 For human rights defenders to implement human rights, in commission or omission in situations that violate human rights of persons and peoples. From such struggles will hopefully emerge more human rights defenders, and among them ranks a stronger unity. In the face of terrorism, a determined defense for human rights is the only option. 

FOOTNOTES

1 The common narrative with accompanying photos is entitled “The Truth About the Bicutan Siege: Tales of Excessive Use of Force, Extrajudicial Executions, Massacre, Torture, Cruel and Inhuman Treatment”. This narrative was collated from affidavits and discreet narrations of detainee-survivors, relatives, as well as findings of investigators and human rights personnel from the Commission on Human Rights, Congressmen Mujiv Hataman, Law Offices of Roque & Butuyan/Office of Legal Aid, Abbas Alejandro-Abras Francisco and Associates, Billah Islam, The Task Force Detainees of the Philippines (TFDP), the Medical Action Group (MAG), Balay Rehabilitation Center, and PAHRA. This was formally presented to the Commission on Human Rights on April 21, 2005 in the presence of the relatives of victims. NGO human rights organizations, including more organizations, and peace advocates and the media. See also the medical report and statement given by MAG after its medical mission after the siege.


3 The names of narrators have been omitted for security purposes. “Some moments after that [ultimatum…] firing commenced. Out of fear I hid myself inside our cell and we crammed ourselves there. I saw one of our fellow inmates, Jojo Potaras, from cell no.45, who was helping another inmate, Alesan Escandar, who got hit at the back. While lifting Jojo, Alesan was hit in the stomach by a bullet and his entrails burst out. When one member of the PNPF-SAF saw this, the said person approached and did not even help, but rather shot Jojo in the head. Alesan was ordered to get inside the cell and, helplessly, was shot there.

4 “When the firing stopped, the PNPF-SAF opened the doors of our cell. While they pointed their guns at us, we were shouting: ‘We are not with Kosovo, we are civilians!’.” The PNPF-SAF ordered us to strip off our clothes and to lie down with our faces close to the floor. We were ordered to go up to the “sunning area”. There, PNPF-SAF men wearing masks kicked me in the body and in the face, forcing me to admit that I was with Kosovo in a shootout against them. I vehemently denied the accusation because I was really inside the back of our cell, with its door tied up to ensure that no one could either get in or get out, and not be involved in the trouble that happened.”

5 “When all were on the top floor, Commander Global was still with us and alive. He was even wearing a black brief. We were then asked by the PNPF-SAF as to who is Commander Global. He was pointed out by the jail guards. Commander Global had no choice but to raise his hands in the air. They took him and ordered him: ‘Identify Kosovo for us.’ With tied hands placed on his head, PNPF-SAF led Commander Global downstairs. Some sixty seconds passed when I heard the cry: ‘Please, don’t! Please, don’t!’ Then, a gun shot rang out. In the afternoon, we learned that they shot Commander Global, who had nothing to do with the incident, and was [helplessly] shot because he had no gun.”

6 A 16-page siege report was made by an inter-agency fact-finding team formed by Interior and Local Government Secretary Angelo Reyes who was himself head of the Crisis Management Team (CMT) responsible for the siege itself. The findings of this report was being serially by Norman Bondad on the Philippine Daily Inquirer (PDI) starting April 24, 2005. Cfr. PDI issues April 23, p.A23; April 24, p.A2. In the meantime, the Commission on Human Rights (CHR) until this writing has no copy of the post-operations report despite its issuance of a subpoena last April 22, 2005. It also appears that lawyers-investigators of CHR have no immediate access to the human rights victims-detainees (as clients of CHR) despite their constitutional mandate (R.A. 7438) unless given verbal or written permission by government, police or military authorities.

7 Statistics taken from the Research, Documentation and Information Program (RDIP) of the Task Force Detainees of the Philippines (TFDP).

8 Confer with the data of Families of the Involuntary Disappeared (FIND), including “Number of Victims of Involuntary Disappearance Under the GMA Administration, April 2003-December 2004”. February, 2005


10 Santos, Jr., Soliman M. “Sulu: State of War, Calls for Peace”. Paper presented as delegate of the Mindanao Solidarity Network, which is a member network of the Mindanao Peaceweavers, April 2005.

11 Ibid., p.1-2

12 Belden, op.cit. Please see Chapter 7: “Perpetual War and Human Rights in the United States”, According to the author: “The trope of war is very powerful on the public mentality. Once it is propagated, the insecurity of the public is aroused and politicians make a political investment in it from which it is very difficult to extract themselves.” (pp. 1750176). See also Bacevich, Andrew J. The New American Militarism as reviewed by Tom Dispatch in antwar.com. Bacevich writes about “The Normalization of War” which people, like that in Sulu, know and experience as upon them.

13 See website (http://www.privacyinternational.org/ survey/ptr2004) on Human Rights and Privacy with a section on the Philippines on the laws passed that intrude in one’s right to privacy. There is a stated International Campaign Against Mass Surveillance (ICAMS).

14 Balay Rehabilitation Center et al. “A Report on the Philippine Government’s Implementation on the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights” (ICCPR/C/ SR.2153 and 2154). The writing of this article has there been no response from the Philippine government regarding the conclusions and recommendations of the said UN monitoring body.


16 Partnership of Agrarian Reform and Rural Development Services (PARRDS) et al. “Statistical Findings on Human Rights Violations”, “Distribution of Cases and Victims of Human Rights Violations per Subject Area”, February 2005. These papers, covering the period from August 1997- September 2004, present well-documented cases wherein the human rights of farmers are violated by state agents and state-backed militia, as well as abused by non-state actors, not only by landlords and private armed goons, but also by members of the New People’s Army of the Communist Party of the Philippines. Other cases come from areas where people, especially indigenous peoples, are dislocated and harmed and their sources of subsistence are taken over or destroyed by mining and logging companies.