

# Not quite over the hump yet

# Civil and Political Rights in 2010

## ■ BY THE TASK FORCE DETAINEES OF THE PHILIPPINES

The worst will soon be over.

**T**HIS WAS the people's general sentiment at the beginning of 2010. This is, after all, the year when the almost decade-long reign of impunity of the Arroyo administration will close. Most of the people believed that the time when the soaring numbers of cases of human rights violations, such as the massacre of 57 persons in Maguindanao, will soon come to an end, and the violations brought on by Oplan Bantay Laya, the Arroyo administration's counter-insurgency program, would somehow ease up.

Expectations for major changes after the May 10 national elections were not exactly high, since most of the candidates were traditional politicians supported by businessmen; but a change in administration and an end to the state-sponsored impunity were still things to look forward to.

As the election fever heightened, election-related violence involving feuding political clans also intensified. Candidates and party-list groups branded as left-leaning were heavily vilified.

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In this year's election, Filipinos were notably vigilant, and they had every reason to be: there were speculations that a failure of elections would be declared, especially since it would be the first automated elections, and there were still glitches in the system. It was feared that should a failure of elections happen, Arroyo would continue as president by default.

Arroyo's declaration to run as representative of the 2nd district of Pampanga was largely met with criticism. It was regarded as an attempt to avoid prosecution for all the violations committed by her administration.

Together with the rest of the nation, the human rights community looked forward to what the new president would say during his inaugural address. As expected, Aquino's slogan against corruption became the mantelpiece of his speech. He made it clear that his administration will look into the "midnight appointments" made by the previous administration. He also mentioned the "Emergency Employment" program as done by Cory Aquino; the strengthening of anti-corruption measures in the Bureau of Internal Revenue (BIR) to fund education, health, and housing development; the implementation of stable economic policies to make the country conducive to foreign investors; intensified response to concerns of Overseas Filipino Workers; and last, but not the least, the quest for justice by the Filipino people.

He instructed the Department of Justice (DOJ) to "begin the process of providing true and complete justice for all". He also announced the formation of a Truth Commission headed by former Chief Justice Hilario Davide, Jr.

No mention was made, however, regarding justice for the victims of human rights violations. Questions of human rights advocates as to the stand of the new president regarding human rights remained unanswered.

## Political Detainees

The plight of political detainees hardly improved during the decade-long Arroyo administration. Not until her last days in office did President Arroyo make any executive action for the release of political prisoners.

In July 2010, eight long-held political prisoners were released. Orlando Bundalian, Rogelio Galero, Ruperto Lopez Pedro Madera, Anacleto Mercader, Pedro Pascual, Mariano Reyes and Rodolfo Tubera were granted freedom through conditional pardon (with parole conditions) signed by the former president. Before their release, all of them spent more than ten years in prison.

While their release was welcomed as a positive development, it was just a small token compared to the injustice, violation of human rights and repression meted out to human rights defenders and freedom fighters.

When Aquino took his oath as the country's new president, the scent of sweet freedom for the political prisoners could almost be smelled. Aquino's father, after all, was one of the most notable political detainees during the Marcos dictatorship. And it was during the administration of Aquino's mother when amnesty was granted to all political prisoners and detainees within the first five hundred days of her presidency.

In the early part of October, President Aquino signed Proclamation No. 50 which granted amnesty to the members of the Armed Forces and their supporters in connection with the Oakwood Mutiny, the Marines Stand-Off and the Manila Peninsula Incident. The amnesty was proclaimed "to promote an atmosphere conducive to the attainment of a just, comprehensive and enduring peace," in line with the government's peace and reconciliation initiatives.

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No amnesty, however, has yet been granted to the 296 political prisoners and political detainees. If the Aquino government is indeed serious in its efforts for peace and reconciliation, the initiative should include not only a few select groups or individuals.

## **Illegal Arrest, Detention and Torture**

Aside from the continuing phenomenon of political detention, another cause for concern is the harsh regulations in some detention centers.

On October 17, 2010, a staff of the Task Force Detainees of the Philippines (TFDP) went to the Bataan District Jail (formerly Bataan Provincial Jail) following a request for assistance from a relative of a political detainee. The officers of the Bureau of Jail Management and Penology (BJMP) had arbitrarily demolished the prisoners' cubicles. This prompted the inmates to hold a noise barrage. In response, jail officials hosed down the protesting inmates, after which gunshots were heard by witnesses.

Based on reports received by TFDP, the destruction of the cubicles ("tarimas") was the latest in a series of unreasonable policy changes that followed the turnover of the provincial jail into the hands of BJMP officials last September 20, under BJMP Chief Rosendo Dial.

Prior to the demolition, the BJMP closed down the cooperative store run by political detainees. Conjugal visits were also shortened to an hour. There were also reports of "excessive" frisking and inspection of relatives during visits.

For the period of January to September 2010, TFDP documented 56 cases of illegal arrest and detention, with 109 individuals as victims. From these cases, there were 26 cases of torture, involving 45 victims.

One such case is the illegal arrest, detention and torture of Hilo Idlao Aytag, a Mangyan farmer.

On March 12, 2010, at around nine o'clock in the morning, 20 members of the 4th Infantry Battalion of the Philippine Army arrested Aytag. His personal belongings were confiscated. He was suspected to have taken part in an ambush of army soldiers in Oriental Mindoro on March 6, 2010.

According to Aytag, he was brought to the ambush site and was forced by the soldiers to guide them in looking for other members of the rebel group in the area.

He spent three days and nights in the mountains with the government troops. During the time he spent with the army, he was tortured. Aytag was hit with wooden sticks on different parts of his body. A plastic bag was placed over his head to suffocate him. He was also hit and beaten with a gun.

The army brought Aytag to a camp in Bansud while he was blindfolded and tied. There, he was tortured again. The soldiers placed something in his mouth while he was fingerprinted and made to sign a document. Gunshots were fired near his ear while he was being forced to admit participation in the ambush and divulge the names of his alleged comrades.

He stayed overnight in Bansud and later was transferred to Roxas Sub-Provincial Jail, where he is still detained.

Another case is that of Abdulbayan Guiamblang, a member of the Moro Islamic Liberation Front (MILF). He was arrested on February 26, 2010 at about 4:30 PM in Brgy. Makagiling, Sultan Kudarat, Maguindanao by members of the 38th Infantry Battalion of the Philippine Army.

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Guiamblang was passing through a military detachment in Barangay Solon, Sultura when he was stopped by the military. Later, he was brought to a nearby purok house. There, Guiamblang was made to sit down. He was blindfolded with packaging tape and his hands were tied behind his back. His legs were also tied with packaging tape.

He was later transported in an army truck and brought to an unknown place about 20 minutes away from the purok. There, he was interrogated.

According to the military, they have a warrant for his arrest. They said he was an MILF Commander under the command of Commander Ameril Umbra Kato. Guiamblang denied the allegations.

Guiamblang narrated that for every question that was asked, his interrogators hit his head with a water bottle. Overnight, he was handcuffed to the door; he was unable to sit or lay down.

On February 27, he was taken to another room. He was again asked the same questions. During the interrogation, he was told to put his face on the table. He was asked how many houses he burned. When he said none, they told him he was lying and his head was again hit with a water bottle. He was hit on the head and on the nape thrice. His interrogation lasted for about an hour.

The following day, Guiamblang was again interrogated and tortured for about an hour.

The interrogation and torture continued on March 1 and 2, but this time, his ordeal for each day lasted for more than an hour.

According to him, every time he was interrogated, his blindfold of packaging tape was thickened.

6 On March 3, his captors checked his blood pressure.

The next day, he was brought to the court in Midsayap, North Cotabato. When he got off the vehicle, his blindfold was removed, but he remained in handcuffs. He was made to sign some documents in the court.

At one o'clock in the afternoon, he was remanded to the North Cotabato Provincial Jail in Amas, Kidapawan. His handcuffs were removed by the jail guards.

According to Abdulbayan, during his stay in the custody of the military, he was only fed twice a day. For five days, his legs were tied. He was also held incommunicado. He requested the military to inform the barangay captain, who will in turn contact Guiamblang's wife, but the military ignored his request.

It was only on March 12 when Guiamblang's family was able to visit him.

Guiamblang is currently facing multiple charges.

Torture is an inhumane barbaric act and the authorities' continued use of torture raises a grave concern.

The recent release of a video of torture done by a certain Sr. Inspector Joselito Binayug in a police detachment in Asuncion Street, Tondo, Manila all the more proves that torture is used as a practice by state agents.

In the video, the police senior inspector is seen pulling a cord attached to a naked person's genitals during interrogation.

According to National Police Commission (NAPOLCOM) Vice Chairperson Eduardo Escueta, they have information from two other victims of torture from the same precinct; aside from Binayug, there were three other members of the Asuncion Police Community Precinct (PCP) who

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may be involved in the alleged acts of torture.

Vice Chairperson Escueta however said that should there be probable cause for the actions of Binayug and the other policemen, they will be preventively suspended for 90 days. They will then undergo administrative hearing, after which, the NAPOLCOM will decide whether Binayug and his men should be dismissed from service.

The enactment on November 10, 2009 of Republic Act 9745 or the Anti-Torture Law should serve as deterrent to the continued use of torture among the military and law enforcement authorities. Unfortunately, the lack of Implementing Rules and Regulations (IRR) for RA 9745 has hindered the strong and actual application and implementation of the law.

Another case (possibly the first documented case of politically motivated torture under the new administration) is that of the torture of Lenin Salas and his friends in the hands of authorities of the San Fernando City Police and Provincial Public Safety Office.

Lenin Salas, Jerry Simbulan, Daniel Joseph Navarro and Rodwin Tala were arrested on August 3, 2010, at around 9:30 in the evening. They were allegedly members of the Marxist-Leninist Party of the Philippines–Rebolusyonaryong Hukbong Bayan (MLPP-RHB).

According to Salas, he and his companions were on their way to visit a friend in Villa Barcelona Subdivision in Barangay Sindalan, Pampanga when the subdivision guard approached and asked them who they were looking for. When they told the guard the name of the person, the guard called other subdivision guards for backup.

According to Salas' testimony, he saw a policewoman from one of the houses talking to someone on her mobile phone. Before long, three police personnel arrived; the three were identified as Senior Police Officer (SPO4) Hernando Sarmiento, Police Officer (PO3) Arnold Barrion



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and Police Officer (PO1) Edward Bengbeng.

Afterwards, the police called for reinforcement from the Provincial Public Safety Office (formerly Regional Mobile Group or RMG) under the command of Supt. Madzgani Mukaram.

Salas and his companions were already on the ground when the reinforcement arrived. Salas said Supt. Mukaram hit and kicked them. They were made to board separate vehicles. Salas narrated that the police continued to beat him inside the car. He and his companions were taken to the Provincial Police Office (PPO) where they were blindfolded and tortured.

Salas recounted how he was beaten with a gun and his neck and body burned with a cigarette. A plastic bag was placed over his head to suffocate him. He was kicked in the genital area. While blindfolded, he was made to listen to the clicking sound of a gun. Salas and his companions were also deprived of food.

It was only at 2 o'clock in the afternoon of August 4 when the torture of the victims ended. They were taken to the prosecutor's office in San Fernando, Pampanga, where they were charged with illegal possession of firearms, ammunitions and explosives.

## **The Killing Goes On**

Although decreasing in number, cases of extrajudicial killings have continued. From January to September this year, eight cases (involving ten victims) have been documented by TFDP. Most of the victims were human rights defenders; the identities of most of the perpetrators were unknown.

One such case is the extrajudicial killing of Casiano Abing, a 56-year-old political activist from Eastern Samar.

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During the Arroyo regime, at the height of cases of extrajudicial killings, Abing received a death threat from a certain “Anti-Communist Vigilante Leysam”. His other activist friends also received similar threats, in the form of a letter tied with a black ribbon.

Abing did not take the threat lightly, especially since the others who received the same threat were eventually killed. There were a few who were attacked, but fortunately survived. Abing decided to lay low.

But on August 25, 2010, at around 6:45 in the evening, an unidentified gunman came to Abing’s house and killed him.

According to witnesses, a man knocked on the gate of Abing’s house in San Lorenzo Street, Poblacion, Balangiga, Eastern Samar and handed a letter to the domestic helper. Since the man did not leave, Abing figured that he might need something else. He decided to come out to talk with the man. While Abing was walking towards the gate, the unidentified man shot him thrice.

The gunman walked away from Abing’s house. According to a witness, about a hundred meters from the house, the gunman, as if he knew nothing about the killing, casually said that somebody had been shot and pointed to the direction of the victim’s house.

Abing was rushed to the hospital in Balangiga, and later transferred to another hospital in Tacloban. He expired at around nine o’clock in the evening, at the emergency room of the Divine Word Hospital.

In another case of extrajudicial killing, the perpetrators were identified to be members of the Zambales Provincial Mobile Group of the Philippine National Police (PMG-PNP). The police however claimed that the incident took place during an encounter. The victims were the Miraflores brothers.

Roosevelt Miraflores had three sons who help him farm their field in Sitio Hobol, Masinloc, Zambales. They harvest mangoes and make charcoal from dried branches.

On June 2, 2010 at seven o'clock in the morning, the elder Miraflores and his sons, Eric, 27, Raymond, 23, and Rosmil, 16, were on their way to their farm. He was riding his improvised motor vehicle ("kuli-glig") while his sons were in their tricycle, ahead of him.

He arrived at Sitio Hobol at around eight o'clock in the morning, expecting that his sons had already arrived and were already going about their tasks.

He was alarmed when he heard several gunshots. He became concerned for his sons and wanted to check on them, but he was afraid. He took refuge in a mining firm's guardhouse near his lot. When the gunshots stopped, the terrified Miraflores decided to go home.

Less than an hour after Miraflores arrived home, the dead bodies of the three Miraflores boys were brought to their parents. The three boys were barely recognizable; their bodies and faces were riddled with bullets.

Roosevelt and his wife, Mila, noticed that their sons were no longer wearing the clothes they wore when they left the house that morning. Instead, their sons were clothed in camouflage uniforms.

According to the Miraflores couple, Inspector Rolando Delizo of the Philippine Mobile Group-Philippine National Police (PMG-PNP) of Zambales made a statement that the Miraflores boys were members of an armed rebel group and that they were killed during an encounter. Roosevelt maintains that his sons were civilians and not affiliated with any group.

The couple submitted the bodies of their sons to the National Bureau

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of Investigation (NBI) for autopsy. Investigators from the Commission on Human Rights (CHR) Region 3 have visited the place of incident and apparently found a bag full of empty bullet shells which may have been from the shots fired at the Miraflores brothers.

The couple is planning to file charges against the PMG-PNP once the reports of the NBI and CHR are available.

## **Enforced Disappearance**

After the enactment of an anti-torture law in 2009, the human rights community hoped that there would soon be a law criminalizing enforced disappearance. Unfortunately, though the bill was approved by the House of Representatives on the third and final reading on both the 13th and 14th Congresses, the Senate failed to act on the measure because of the “C-5 controversy” hearings.

The Families of Victims of Involuntary Disappearances (FIND) has been lobbying, since the 9th Congress, for a special law that penalizes enforced disappearance as a distinct crime.

From January to September 2010, TFDP documented three cases of involuntary disappearances, involving five victims. In some of these cases, the victims were later found incarcerated in detention centers, while others were found dead with signs of severe torture. Such was the case of Sumar Abdulwahab.

Abdulwahab was a former member of the MILF. On June 3, 2010, he was arrested by NBI agents in Sitio Manil, Brgy. Daliao, Maasim, Sarangani.

According to a witness, Sumar was in the Barangay Defense Force (BDF) post when members of the NBI aboard four vehicles came and apprehended him. He was handcuffed behind his back.

The witness said that the NBI agents showed a warrant to the victim. A member of the arresting team asked the other person manning the post to take Abdulwahab's motorcycle to the office of the barangay captain.

The next day, June 4, Johaniya, the victim's sister, along with a barangay kagawad, went to the office of the NBI in Lagao, General Santos City. They were told to visit Abdulwahab the next day and that they should bring some personal belongings for him.

They returned the following day at about three o'clock in the afternoon but they were not allowed to enter the NBI office. They were told that Abdulwahab had escaped by breaking the window of his detention cell.

From then on, the victim's family did not receive any information about him.

On June 8, there was a news report on the radio about a man's body found inside a container drum in Malag, Davao del Sur, a place far from Abdulwahab's hometown. Upon hearing the news, Abdulwahab's family immediately went to Malalag. They found Abdulwahab's body in a funeral parlor. They learned that he had been wrapped in a plastic sack and buried in cement. His hands were tied with a nylon rope. All his teeth had been pulled out.

The post mortem report showed that the victim had a 5.2 centimeter wound at the back of his ear, a skull fracture and contusion on his right cheek. By the time he was found, his body was already in a state of decomposition.

He was recognized through the picture of his child found in his pocket. The clothes he was wearing matched the clothes he had on at the time of his arrest.

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The NBI issued the victim's family a certification for the turn-over of his belongings, which were taken during his arrest. The certification stated that Abdulwahab, alias Aman Kabalu, was arrested by virtue of a warrant of arrest for murder, multiple frustrated murder and multiple attempted murder, but escaped detention between 11 o'clock to 11:30 in the evening of June 3, 2010.

Abdulwahab's family does not believe that he escaped. They are currently planning legal action against the NBI.

## **Harassment**

The military tactic of harassing human rights defenders by tagging them as "communists" continues to be practiced.

On June 26, 2010, at around 2:20 in the morning, unidentified men believed to be linked to the Aurora Pacific Economic Zone (APECO) Project harassed Fr. Jose Francisco "Jofran" Talaban, a parish priest in Aurora.

Fr. Jofran was sleeping when unidentified men fired gun shots at the parish house. The men also threw a grenade inside the parish house, which exploded outside Fr. Jofran's room.

At five o'clock in the morning, Fr. Jofran decided to check out the damage done by the assailants. Inside his room, about two meters from his bed, he found marks from the grenade blast. He also found countless bullet marks and shrapnel.

Within the church compound, Fr. Jofran found three laminated flyers that called him "evil", stating he was no longer welcome in the community and that he should get out of the place. The pamphlets also contained a threat, stating that his days "are numbered." Included in the threat were other community leaders, namely, Edwin Garcia, Pedro Calivara, Alfonso Jan, Arnold Gamaro, Arnel Turzar, Rachel Pas-

tores, Marlon Angara and Jerry Fabro. The pamphlets were supposedly issued by the “Aniban ng Ayaw sa Komunista” (anti-communist group).

Outside the gate, the priest also discovered three empty shells from an M16 rifle and three empty shells from an M14 rifle. Fr. Jofran narrated that one of his neighbors saw a vehicle without a license plate going around the vicinity. Hours later, the local police went to the site to conduct an investigation. Fr. Jofran requested the assistance of the regional office of the Commission on Human Rights (CHR), but at the time of the interview, the CHR had yet to act on the matter.

Fr. Jofran believes that the attack is related to his advocacy and assistance to sectors opposing the establishment of an economic zone in the province. According to him, the project will displace indigenous peoples, farmers, fisherfolks, and their families, particularly those within the municipality of Casiguran. Fr. Jofran emphasized that despite the enormous impact that the project will bring to the people, no consultation with them was made.

The townspeople believe that the harassment has something to do with the help Fr. Jofran is giving to those affected by the ASEZA (Aurora Special Economic Zone Authority). The attack occurred after the priest brought the issue of land conversion to advocacy groups in Manila.

## **Illegal Demolition and Forced Evictions**

In the beginning of 2010, there was a notable decrease in the number of documented cases of illegal demolitions. This was not surprising; with elections just around the corner, politicians did not want to alienate their voters. After the elections, however, cases of illegal demolition and violent evictions rose.

On August 18, at around eight o'clock in the morning, around 100

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personnel of the Task Force for the Control, Prevention and Removal of Illegal Structures and Squatting (COPRISS), accompanied by the Quezon City police based in Camp Karingal, came to Purok 2, Luzon Avenue, Quezon City to execute a supposed administrative order from the city government to demolish the houses of around 120 families.

The demolition team carried mallets, pickaxes and crowbars and were about to tear down the houses when the residents formed a human barricade to protect their homes and belongings. They resisted and refused to let the COPRISS personnel in. Later, according to the residents, the demolition team started throwing stones at them. Five persons, including a woman who was five months pregnant, were injured. The scuffle ended when the community leaders told the residents not to retaliate.

On August 16, 2010, during the State of the City Address of Mayor Herbert Bautista, Irene Basilio, Jun Semilla and Deo Baccay were arrested by security officers. The three were carrying placards denouncing the series of violent evictions in their area.

The three were taken to the Quezon City Police Station 10. Two lawyers dispatched from the office of Quezon City Councilor Edcel Lagman lobbied for their release. They were all discharged without charges.

## **Fleeting Honeymoon**

After almost six months in office, Aquino administration has yet to make any declaration regarding his administration's policy on human rights. During the new president's State of the Nation Address (SONA), there was a very brief statement regarding the cases of extrajudicial killings; but other than this, no substantive pronouncement on improving the human rights situation in the country has been made.

dream again. And indeed, the Filipino people are hoping that his presidency will be different from the previous ones – especially the one he replaced.

The president has always made it clear that the previous administration had done a lot of damage to the country. How best to start repairing that damage than to dismantle the past administration's legacy of gross human rights violations.

## FOOTENOTES

- <sup>1</sup> Proclamation No. 50 by the President of the Philippines, October 11, 2010
- <sup>2</sup> According to TFDP documentation, as of September 2010
- <sup>3</sup> Ayttag ARD, TOR, TFDP Luzon documentation
- <sup>4</sup> Guimblang ARD, DIS, TOR, TFDP Mindanao Documentation
- <sup>5</sup> ABS-CBNnews.com, More torture reports in Tondo emerge, 8/19/2010
- <sup>6</sup> Ibid.
- <sup>7</sup> Ibid.
- <sup>8</sup> Salas et al ARD, TOR, TFDP Luzon documentation; fact sheet from the Kilusan para sa Pambansang Demokrasya (KPD)
- <sup>9</sup> Abing EJK, TFDP Visayas documentation
- <sup>10</sup> Miraflores Brothers EJK, TFDP Luzon documentation
- <sup>11</sup> Abdulwahab EJK, DIS, ARD, TFDP- Mindanao documentation

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- 12 Fr. Jofran HART FDP Luzon documentation
- 13 Luzon Ave HAR, FE FDP Luzon documentation
- 14 Basilio, et al., ARD FDP Luzon documentation

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