

KARAPATAN

2005 Human Rights Report

I. INTRODUCTION

The Philippine human rights situation in 2005 can be characterized by the wanton use of repression and state terror by a scandal-rocked President desperately clinging to power in the face of the people's rejection.

The Arroyo regime suffered its worst political crisis this year as evidence of cheating and electoral fraud began to surface in May, putting Pres. Arroyo's legitimacy on the line. While attempts to impeach the President were thwarted in the administration-dominated Congress, the charges of electoral fraud, corruption and massive human rights violations stuck, haunting Arroyo for the rest of the year.

Opposition to the Arroyo regime increased immensely in the second half of 2005 with 10 members of her cabinet resigning en masse to call for her resignation by July. The broad oust-Arroyo movement grew to include personalities and groups of such diverse backgrounds and political persuasions as former presidents Aquino and Estrada, the political opposition, the Left, various sectoral formations, Muslim organizations, Catholic, Protestant and born-again groups, the academe, big business and a host of organizations of former military officials, just to name a few. At one point, surveys indicated that 79% of the population wanted Arroyo impeached, 64% wanted her to resign, while 51% wanted her ousted via People Power. (Social Weather Stations, 10 September 2005)

Underlying the political crisis was the deep, unabated economic crisis which hit hard on majority of Filipinos. Government's desperate attempt to highlight some positive economic data in the later part of the year failed to conceal the reality of lost jobs, dwindling incomes and a still precarious fiscal condition.

In the face of all these, the Arroyo regime turned from weak to desperate, becoming more violent and insidious in quelling the public clamor for her removal from office and for basic economic reforms. After the killing of the impeachment complaint on a technicality by the House of Representatives, she went to attend the United Nations General Assembly in New York, seeking American support for her embattled regime. Right after her return, the Department of Justice (DOJ), the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) went all-out in harassing the opposition, attacking the swelling protest movement, militarizing the countryside and eliminating her political opponents in the name of counter-insurgency and the US-led war on terror. Civil liberties are being blatantly constricted. Political killings and human rights violations are intensifying.

It was in this context that KARAPATAN recorded **874 cases** of human rights violations victimizing **99,011 individuals, 14,302 families** in **288 communities** for the period of **January to November 30** this year, making 2005 possibly the worst year for human rights in the post-Marcos era. (*See Appendix 1*)

II. MAJOR TRENDS IN THE HUMAN RIGHTS SITUATION

Sowing terror through political killings and enforced disappearances

On Oct. 25 this year, Ricardo Ramos, president of the striking workers at the Hacienda Luisita sugar mill in Tarlac, was assassinated at around 9:30 p.m. near his home. (See Appendix 2) A few hours after, on the morning of Oct. 26, Bayan Muna-Pampanga leader Francisco Rivera was shot dead with two of his companions, Dr. Angel David and Nemesio Maniti, while taking their morning jog. At 5:30 p.m. of the same day, Federico De Leon, provincial chairperson of Anakpawis-Bulacan, was likewise murdered as he was plying his tricycle route. (See Appendix 3)

The carnage – five persons identified with progressive parties and organizations killed in one region alone in a span of 24 hours – highlights the intensity of the political killings that occurred in 2005. Such intensity, and the broadness of its targets to include lawyers, human rights defenders, journalists, church leaders, local officials, community leaders and organizers, ordinary peasants and workers and members of progressive parties and people's organization, surpasses that of any regime after Martial Law.

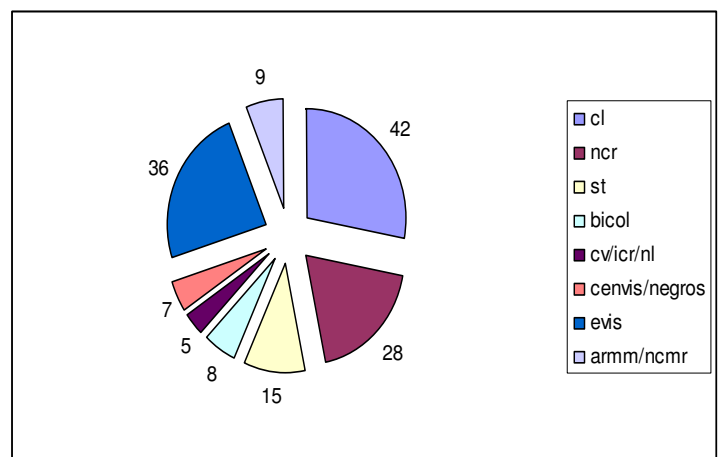
As of this writing, 150 civilians were victims of political killings, from January-November 2005. The number of cases of political killings increased by more than 100% compared to the 63 victims in 2004.

In almost all cases of political assassinations and extrajudicial killings, military elements and/or para-military death squads and vigilante groups were the primary suspects. To date, none of the killings under the Arroyo regime has been solved.

The Central Luzon region suffered the most number of killings with 41 dead. During the first half of the year, the

killings appeared to be connected to the Hacienda Luisita strike. Tarlac City Councilor Abelardo Ladera and Iglesia Filipina Independiente (IFI) priest William Tadena, who were both killed in March, were supporters of the striking sugar workers. (See Appendices 4 and 5) But with the transfer of the notorious Maj. Gen. Jovito Palparan Jr. to Central Luzon in September, where he now heads the Army's 7th Infantry Division, the political killings drastically increased and spread to other provinces in the region.

Graph1. Distribution of killings per region, 2005



Palparan's previous assignment was head of the 8th Infantry Division in Eastern Visayas where, in his short stint from February to August 2005, a rash of assassinations also occurred with 36 civilians killed, mostly members of Bayan Muna.

The high number of political killings in the National Capital Region, numbering 28, is explained by the March 15 massacre at the high-security prison facility at Camp Bagong Diwa, Bicutan. Twenty-six inmates were killed after police Special Forces attacked suspected Abu Sayyaf members who had holed up in the facility after an alleged jail-break attempt. An independent fact finding mission revealed that only six of those killed were involved in the supposed jail-break. Eleven of the 20 innocent victims were Moro political prisoners.

Cases of political killings were highest during the months of March and April. A total of 53 persons were killed during these months, or a rate of **six killings per week**.

On March 14 at around 3:00 **a.m.**, soldiers belonging to the 34th Infantry Battalion of Philippine Army under the command of a certain Basillas approached the house of Marvin Montabon, a member of Anakbayan, a youth organization, at Brgy. Palencia, Tarangnan, Samar. The soldiers shot Montabon before burning his house. (See Appendix 6)



Marvin
Montabon,
killed and
burned

On the same day, at around 6:45 p.m., Atty. Felidito Dacut, board member of the Integrated Bar of the Philippines, regional coordinator of the Eastern Visayas Bayan Muna chapter and a well-known lawyer handling human rights, labor, and agrarian cases, was killed in Tacloban City, Leyte. He came from a meeting and was about to buy milk for his child when he was shot by motorcycle-riding men. (See Appendix 7)

The number of killings decreased from June to August, the height of the political crisis that rocked the Arroyo regime, before intensifying again from September to October.

After the impeachment complaint against Pres. Arroyo was junked by the House of Representatives on September 6, a new wave of political killings began. **In that month alone, 14 persons were killed.** From September to October, the killings reached an alarming frequency of **four per week**.

Notably, **19 out of the 24 victims** from September to October were **killed in Central Luzon** right after Maj. Gen. Palparan assumed command of the regional 7th Infantry Division.

Six of those killed were abducted and forcibly disappeared prior to their execution.

On October 2, 2005, Priscilla Esteban, a 56 year-old, widow and resident of Brgy. Lennec, Guimba, Nueva Ecija, was abducted in the presence of her 15-year old daughter while recuperating from ulcer in her home. She was dragged outside and forced into a light blue van.

That was the last time mother and daughter saw each other. Three days later, Esteban's dead body was found under a bridge of Brgy. Agcano, Guimba, Nueva Ecija. She was still in blindfold, her hands and feet were tied to her back and her face barely recognizable. According to the autopsy report, she was stabbed seven times and had a gun shot wound, her head bashed.

Prior to this, elements of the 71st Infantry Battalion had been visiting Esteban's house telling her that she was in the military's order of battle.

Such was also the case of Marivel Tablang-Supeña, a former leader of the League of Filipino Students of the Central Luzon State University, and her husband Danilo Supeña. Six armed men snatched the four-month pregnant Marivel and her husband inside their parents' house at Bgy. Sta. Rita, Quezon, Nueva Ecija on October 26. Her parents were threatened by the armed men wearing military combat boots, ski masks and black, long-sleeved shirts. Marivel's parents were fired upon when they tried to follow the group. On November 20, the couple's lifeless bodies were found inside two sacks along the road at Bgy. Palestina, San Jose City, Nueva Ecija

Table 1. List of twin victims of abduction and summary execution

Name	Date of Abduction	Date Body was Found
1. Eusebio Polahon	Jan. 16, 2005	Mar. 8, 2005
2. Constancio Calubid	July 16, 2005	July 28, 2005
3. Jolito Tobino	Sept. 2, 2005	Sept. 10, 2005
4. Reinier Cusio	Sept.12, 2005	Sept. 16, 2005
5. Priscilla Esteban	Oct. 2, 2005	Oct. 5, 2005
6. Marivel Supeña (4month-pregnant)	Oct. 26, 2005	Nov. 20, 2005
7. Danilo Supeña	Oct. 26, 2005	Nov. 20, 2005

In 2005, Karapatan documented **seven cases of massacre** of innocent civilians, mostly farmers belonging to progressive organizations or political parties. The most recent case was the massacre in Palo, Leyte in Eastern Visayas where 46 farmers belonging to the San Agustin Farmer Beneficiaries Multipurpose Cooperative (SAFaBeMCo) and Bayan Muna Partylist were peppered with gunfire and grenade blasts by government soldiers on the early morning of Nov. 21. The farmers were about to start tilling a 12-hectare rice land awarded to them by the Department of Agrarian Reform (DAR) when the soldiers belonging to the Army's 19th Infantry Battalion, acting on alleged intelligence report, attacked the hut where the farmers were gathered, killing nine including seven-month pregnant Alma Bertoline. The military claims that the attack was a "legitimate encounter" with members of the New People's Army (NPA). (See Appendix 8)

There were also 52 victims of frustrated killings who survived but suffered serious physical injuries and/or emotional and psychological trauma.

Even Justice Romeo T. Capulong, United Nations Ad Litem Judge, President of the Public Interest Law Center (PILC), and Senior Legal Counsel of the NDFP negotiating panel in the peace process between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) was not spared. Two attempts were made on Justice Capulong's life, on March 7 and 31, but were thwarted by his alert companions. In the March 31 incident, a certain Rogelio C. Simbulan, was caught by Capulong's police escorts as he stalked the latter's vehicle using a motorcycle without a plate number. His identification card revealed him as an operative of the Mike Delta Force Intelligence and Communication Group, an accredited auxiliary of the PNP.

Table 2. List of massacre cases and number of victims killed

Victims	Date of Incident	Place of Incident
1. 4 members of the Padiwan Family	Feb. 1, 2005	Sulu
2. 3 members of the Bulane Family	Feb. 8, 2005	Davao del Sur
3. 26 Moro inmates	March 15, 2005	Camp Bagong Diwa, Taguig
4. 3 residents of Agdangan	April 18, 2005	Agdangan, Quezon
5. 3 employees of Samar Electric Coop II	Sept. 1, 2005	Catbalogan, Samar
6. 3 individuals	Oct. 26, 2005	Pampanga
7. 9 individuals including a 7-month fetus	Nov. 21, 2005	Palo, Leyte

The most recent case of frustrated assassination was on a human rights worker in Cebu, Emmylou Buñi-Cruz and her husband Daniel Brylle Cruz, a Bayan-Muna organizer. They were shot by armed, motorcycle riding men from the Army's 78th Infantry Battalion on November 24 while on their way home after attending a human rights seminar in Tuburan, Cebu. (See Appendix 9)

Of the **150** victims of political killings, **80** were confirmed activists critical of the Arroyo regime. The remaining 68 were not known to be affiliated with any political party or organization but were suspected by the military to be sympathizers, supporters, friends or relatives of Communist or Muslim rebels. It also include two unborn babies who lost the chance to life when their mother were killed.

The Bayan Muna party suffered the most casualties with **28** of its leaders and members killed. Anakpawis party lost **14** members to political killings this year, while **eight** of the 150 victims were human rights workers under the banner of KARAPATAN.

Added to these are the killings of journalists. This year, the National Union of Journalists of the Philippines reports nine journalists killed, increasing the total to 35 from 2001.

With regard to enforced disappearances, KARAPATAN recorded **41** victims for 2005, raising to **151** the total number of victims under the Arroyo administration. Just like the political killings, the primary suspects in enforced disappearances are military and para-military elements.

The Eastern Visayas region registered the most number of disappearances for the year, with 33 victims, mostly occurring during the period February to August, when Maj. Gen. Palparan headed the Army in the region.

Patricio Abalos, a businessman, was taken by soldiers at Purok 2, Brgy. Guindapunan, Catbalogan, Samar on March 28. Three days later, Lt. Wilbert Basquiñas told the family of Abalos that the latter is under military custody. However, despite the petition for the writ of habeas corpus filed against the military, Abalos is still missing.

On March 31, at around 8 o'clock in the morning, two soldiers in civilian clothes came to the house of Noni Fabella in Catbalogan, Samar in the guise of inviting him to visit their barangay's chieftain.

Three hours later, some more soldiers came over Noni's house and forcibly brought along Noni's wife, Rina and their four (4) children. The whole family has been missing since.

Systematic campaign to annihilate the Left

KARAPATAN attributes the alarming pattern of killings and disappearances to a policy of state repression aimed not only at silencing government critics and quelling dissent, but also at annihilating the country's progressive people's movement. We particularly note the following:

1. The attacks against activists and leaders of progressive parties and organizations appear deliberate, orchestrated and national in scope. This can only be part of a centralized campaign funded and organized by the national government through its armed forces.

Part of this repressive policy is a campaign of incitement to violence against cause-oriented groups and human rights advocates. In almost all cases of extrajudicial killings and enforced disappearances, the atrocities are usually preceded by a military-instigated vilification campaign branding the victims and their organizations as "communists," "terrorists" or "enemies of the state."

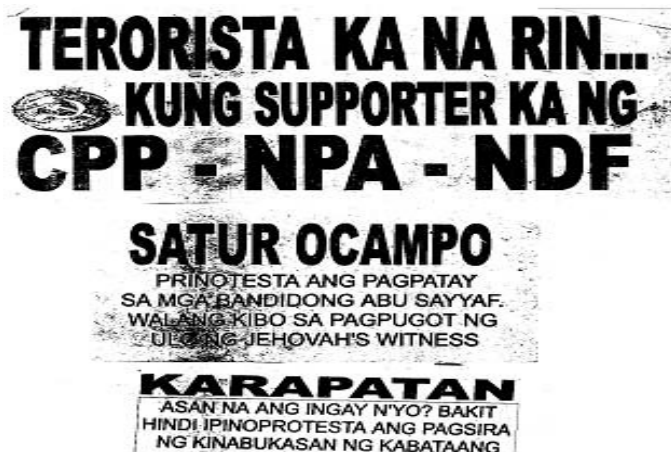
The book ***Trinity of War*** by retired Lt. Gen. Romeo Dominguez has categorically declared that legal organizations are recruitment base of the Communist Party of the Philippines. The AFP's intelligence briefing compact disc, "Knowing the Enemy," and other briefing materials and "orders of battle" include names of those subsequently killed, incarcerated or forcibly disappeared.

2. There is a similar pattern even in the way the killings are done. Almost all assassinations were done by a team of motorcycle-riding men. Most killings are done with impunity at any given time and place.

Immediately after an attack, the military usually issues a statement denying involvement and insisting that the victims were killed or abducted either by “anti-communist vigilantes” or, ridiculously, even by NPA themselves.

3. The action or lack of action of the Arroyo regime on this issue leads to a culture of impunity that engenders the increase in human rights violations. As Commander-in-Chief of the AFP, for example, Pres. Arroyo is abetting human rights violations not only by ignoring the issue but also by promoting military officials with notorious human rights record, the most notorious of whom is Maj. Gen. Jovito Palparan, Jr.

In order to justify the brutal attacks on leaders and members of progressive parties and organizations, the military top brass, various intelligence agencies and the DOJ repeatedly insinuate that these groups are mere “front organizations” of the “communist-terrorist movement” and, therefore, legitimate targets of the military’s counter-insurgency and anti-terrorist operations.



Leaflets against BAYAN MUNA and KARAPATAN

Without benefit of evidence and without filing any formal criminal or administrative charges, Justice Secretary Raul Gonzales, National Security Adviser Norberto Gonzales and various officials of the AFP have repeatedly accused legislators from Bayan Muna, Anakpawis and Gabriela Women’s Party of using government resources to fund rallies and the activities of the NPA.

In October, the AFP claimed to have captured documents from an alleged NPA camp in San Luis, Aurora province, pointing to Bayan Muna Partylist representative Satur Ocampo as a financier of a planned bombing operation in Metro Manila. This was maliciously “exposed” to coincide with the eve of a big protest rally on October 21, weeks after the supposed “raid” on the NPA camp.

A month later, in November, Generals Hermogenes Esperon and Palparan presented to the media alleged video footages of Bayan Muna representative Teodoro Casiño “lecturing” at an NPA camp. The video was later revealed to be mere footages of a community meeting in Catbalogan, Northern Samar following a dialogue with military and local government officials on alleged human rights abuses in the area.

Maj. Gen. Palparan, in particular, usually gathers local officials together in areas where he is assigned, announcing the government’s hard-line, militarist policy towards political dissidents. Any local official who dares question his policy or intervenes in a military operation is branded as a terrorist or an NPA supporter.

Concepcion de Luna, Provincial Board Member of Catbalogan City, along with her colleagues in the Provincial Board of Samar, Antonio Bolastig III, Fe Arcales and Joseph Escobar know this for a fact. They are now being demonized by the military as enemies of the state and supporters of the NPA and depicted as officials people should not believe in.

De facto military rule

This year saw no let-up in the heavy militarization of the countryside. Heavy military presence was monitored in areas where the AFP believed that armed revolutionary groups, such as the NPA, Moro National Liberation Front (MNLF), and Moro Islamic Liberation Front (MILF) were strong and in areas where there was a strong resistance to government-business joint ventures or businesses of multinational companies especially in mining and logging. It was no coincidence that a few months after intensive military operations in Samar, the Department of Environment and Natural Resources lifted the logging ban in the province.

Reengineered Special Operation Teams (RSOT), a salient feature of Oplan Bantay Laya (the comprehensive counter-insurgency plan of Arroyo), were deployed at the barangay level to supposedly neutralize so-called revolutionary stronghold areas by winning the hearts and minds of the masses. However, these teams were used as surveillance and intelligence-gathering units on civilians in the villages.

The people in these areas bore the brunt of military atrocities and human rights violations. The most number of political killings and enforced disappearances were noted to happen in heavily militarized areas of the country. A virtual state of martial rule is imposed by government troops in areas with massive military operations. Local government and police forces are rendered powerless yet seldom do they complain lest they be accused of coddling “terrorists.”

Sulu was turned into a garrison when the AFP conducted massive military operations against the MNLF in February and again in November. Based on the Sulu Mercy Mission Report, “it has been part of the military strategy to attack civilian communities. Airpower and artillery bombardments have been excessively used during the military operations, resulting to the unnecessary destruction of private

properties, and causing casualties and injuries among civilian populations. No distinctions have been made between armed elements and non-combatants. It became more apparent when major public chattels such as water installation and public schools, instead of being protected, were deliberately destroyed to sow terror amongst the people.”

The local government of Tarlac City has not lifted a finger since the assassination of Councilor Abelardo Ladera who died taking up the cudgels for his poor constituents, including striking farm workers at the Hacienda Luisita. To date, Hacienda residents are complaining of more than 200 soldiers deployed in their villages.



Panglima Indanan Central School in Sulu was transformed into a military camp.

On September 27, more than 1,400 families from six barangays in San Luis, Aurora Province were hamletted. Residents were not allowed to tend to their farm for more than a week. They were told that elements of the 48th IBPA under the command of Col. Joselito Kakilala were to launch bombing operations. Days after, the military claimed that an NPA camp was ransacked and relevant documents and firearms were confiscated.

Constancio Calubid, 50 years old, a member of the Lupong Tagapamayapa (Peacekeeping Council) of Brgy San Andres, Villareal, Samar was taken from his home and beaten up by soldiers last on

16. Barangay Captain Ramon Taboy was manhandled and threatened when he tried to stop the soldiers from beating up Calubid and dragging him away. Calubid was later found dead.

In the wake of such “anti-terrorist” or “counter-insurgency operations,” human rights violations are committed with impunity, targeting entire communities, legal organizations and even local officials suspected of supporting rebel groups. There were 15 cases of strafing, indiscriminate firing and bombing/shelling/aerial bombardment, affecting **29,191 individuals, 5,210 families in 36 communities.**

Criminalizing political dissent

The act of criminalizing political dissent has not ceased with the continued arrest and detention of activists, community organizers, peasants, workers, women and even minors. Most of the political prisoners are victims of arbitrary arrest and detention. Among them are peasants involved in land disputes, political activists, suspected NPA, MNLF, and MILF supporters, ordinary Muslims and fall guys presented and paraded before the media in the government’s campaign against “terrorism.”



Angelina Bisuña Ipong, being escorted by two government agents.

To date, there are a total of **285 political prisoners** languishing in jail, 13 are women and 18 are minors.

On June 28, Donato Continente, implicated as an accomplice in the 1989 killing of US Col. James Rowe, was released after serving his maximum sentence. He could have been released much earlier as he had been recommended several times for parole since the mid 90s if not for the intervention of the US State Department.

Angelina Bisuña Ipong, a former lay missionary and a peace advocate was abducted on March 8, 2005. She was missing for 13 days before she was surfaced and she had suffered from sexual molestation and other forms of torture while in the custody of the military. Apart from rebellion, the military has filed various trumped-up criminal charges against her, including arson and homicide. (*See Appendix 10*)

Elvis Basada, a resident of Calbiga, Samar, went to the town center on June 8 to attend a supposed mass meeting called by the elements of 62nd IBPA, which turned out to be a four-day live-in seminar on counter-insurgency. On the 3rd day, the soldiers suddenly dragged him out of the seminar. A certain Tolentino ordered Elvis to accompany him to Brgy. Panayuran where he was brought to a safe house where he was tortured and made to confess on his alleged involvement in the ambush of AFP soldiers in April 2005 in Calbiga. He was detained in the safe house for three weeks and made to injure involuntary servitude before being turned over to the Calbiga Municipal Hall on charges of multiple murder. He was detained for almost five months. The court later ruled that his constitutional rights were violated and threw out the extrajudicial confession that was forced upon him by the soldiers. He was ordered released immediately. (*See Appendix 11*)

Political prisoners also suffer from inhumane treatment in prison. Cebu Capitol security consultant Byron Garcia disallowed the political prisoners from mingling with other inmates, padlocked them in their cells and denied them sunning hours. In response to the intensifying persecution of political prisoners by the new management of the Cebu Provincial Detention and Rehabilitation Center (CPDRC), detainees launched a hunger strike on August 18, 2005. The hunger strike was downgraded to fasting on September 7 and was formally lifted on September 15. Because of the said strike, the detainees were given proper sunning time and equal treatment with other inmates. (*See Appendix 12*)

Constricting civil liberties via CPR

The Arroyo administration rehashed repressive martial law-era decrees and issued additional measures to suppress the truth and the people's growing unrest.

Citing the Marcos-era Batas Pambansa 880, the PNP insisted on its "no permit, no rally" rule. On April 7, elements of the Western Police District violently dispersed peaceful demonstrators who were just beginning to gather in front of the Malate Catholic Church. The demonstrators wanted to bring the issue of the political killings to the attention of the Inter Parliamentary Union that had a conference nearby. In the said incident, a priest and a seminarian were mauled and arrested. (*See Appendix 13*)

Things were to get a lot worse by September, when Malacañang decided to discard the practice of "maximum tolerance" against demonstrators and replace it with the "calibrated preemptive response" rule. Violent dispersals of even the most benign protest actions became the order of the day. The vicinity around the presidential palace was declared a "no rally zone" to include historic Mendiola bridge, the traditional venue for airing grievances against the government.

The CPR was immediately defied by various militant and even moderate groups. A series of rallies starting on the first week of October were designed to reach Mendiola. On October 4, the "Walk for Democracy" in defense of civil liberties and in defiance of the CPR was held under the auspices of the Movement of Concerned Citizens for Civil Liberties (MCCCL). The "walk" turned into a cat and mouse chase between police and peaceful demonstrators until some 200 people reached the foot of Mendiola Bridge. In a matter of minutes, police violently dispersed the peaceful assembly, and arrested and charged some of the participants.

On October 14, a religious procession led by three Catholic bishops and former Vice-President Teofisto Guingona, Jr. was dispersed using water cannons as they approached Mendiola.

Even the freedom of belief and religion was trampled upon when the Presidential Security Guard (PSG) refused entry to four priests and a handful of church-goers attending a "Mass for the Victims of the Hacienda Luisita Massacre and Political Killings" at the San Miguel Church near Malacañang on Nov. 15.



Bro. Benedicto Zaragosa, bloodied and helpless, being restrained by 'Manila's Finest' police.

In the aftermath of the Hello Garci controversy, The DOJ emerged as an instrument to harass groups and persons opposed to the Arroyo administration. Justice Sec. Raul Gonzales threatened to file sedition cases left and right against the likes of former President Cory Aquino, Ms. Susan Roces, the widow of opposition presidential candidate Fernando Poe Jr., Ret. Gen. Fortunato Abat and other leaders of the anti-Arroyo movement.

Gonzales likewise threatened to arrest and file charges to anyone who listened to the Hello Garci tapes, including journalists covering the story and owners of mobile phones with Hello Garci ring tones, for violating the Anti-Wiretapping Act, among others.

Gonzales also threatened to file cases to stop the Citizens' Congress for Truth and Accountability (CCTA) from proceeding with the presentation of evidences against Pres. Arroyo and determine her accountability to charges of electoral fraud, human rights violations and corruption.

The DOJ has linked Sen. Panfilo Lacson to the espionage case filed against former police officer Michael Ray Aquino in the US and threatened to have the former extradited. It revived an estafa case against former presidential candidate Bro. Eddie Villanueva and issued an arrest warrant against him. It tried to link former President Joseph Estrada to several "destabilization plots" and a supposed assassination plot against President Arroyo and former President Fidel V. Ramos.

Even the media was not spared, with Malacañang deploying an officer of the PSG inside the Malacanang Press Corps office. Death threats continued to be made on journalists like News Break's Glenda Gloria for her exposé on the military's role in electoral fraud. The President herself was guilty of falsely accusing TV broadcaster Julius Babao of paying for the bail of suspected terrorist Dawud Santos.

Gag order on government officials via EO 464

In order to prevent the Senate from unearthing the truth about anomalous government contracts, the fertilizer scam, the Hello Garci tapes, electoral fraud and other scandals involving the Presidency, Mrs. Arroyo issued Executive Order 464 prohibiting heads and officials of government offices and even employees from testifying in congressional hearings unless approved by the President.

The EO is practically a gag order on government employees or officials and a violation of the people's right to information. It renders inutile the oversight functions of Congress and destroys the system of checks and balances between the legislative and executive branches of government.

First to be penalized for disobeying EO 464 were former Philippine Military Academy (PMA) assistant superintendent Brig. Gen. Francisco Gudani and Lt. Col. Alexander Balutan, assistant commandant of the PMA Corps of Cadet who were both relieved from their positions and court-martialed after appearing before the Senate committee hearing on the issue of electoral fraud on September 28.

Laying the groundwork for a police state

Side by side with the hype about "terrorists" and "destabilizers" are the barrage of measures meant to strengthen the Arroyo regime's already draconian police and military powers, namely:

- BP 880 and its accompanying "no permit, no rally" policy and "calibrated preemptive response" rule;
- EO 464 requiring Executive officials and employees to get Presidential approval before appearing in Congressional inquiries;

- EO 420 on the implementation of a national ID system
- The anti-terrorism bill scheduled for enactment by this year
- Draft EO on emergency rule as revealed by Justice Sec. Gonzales

Taken all together, these measures would practically place the country under de-facto martial rule.

III. BLEAK FUTURE FOR CARHRIHL AND THE PEACE PROCESS

The landmark Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) signed between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) in 1998 remains unimplemented till this day. While various human rights organizations, including KARAPATAN, have already filed 444 cases with the Joint Monitoring Committee (JMC) tasked to oversee the CARHRIHL's implementation, the body has yet to meet on its own to discuss and act upon these complaints. The GRP says it can do so only when the suspended formal talks are resumed, hence remedial steps that could be taken to address urgent cases have not been undertaken.

The CARHRIHL is crucial not only as the first substantive agreement between the GRP and NDFP but as a mechanism for redress for victims of human rights and International Humanitarian Law (IHL) violations. For example, in terms of IHL violations, KARAPATAN has documented 23 cases of schools being used as camps or temporary detachments by AFP troops. These affected 2,703 individuals, 484 families in four communities.

The Sulu Mercy Mission, conducted in March this year, found out that the Hadji Panglima Tingkahan Elementary School in Brgy. Kaha, and Kahuy-Sinah Elementary School in Parang have been

turned into military camps. The Indanan National High School in Lampaki, Indanan was also used as a military detachment resulting to the disruption of classes.

However, as long as the GRP ties the implementation of the CARHRIHL to the resumption of the formal talks itself, the people can not benefit from the agreement.

Unfortunately, the GRP-NDFP talks remain suspended mainly due to GRP's refusal to honor previous agreements, the latest of which was the undertaking of effective measures regarding the 'terror listing' of the CPP, NPA and NDFP Chief Political Consultant Prof. Jose Maria Sison, agreed by both Parties in the Oslo talks in 2004. Other agreements like the release of political prisoners and indemnification of the victims of martial law were not completely honored by the GRP.

Incidentally, the United Nations Development Program (UNDP) and the Human Development Network (HDN) in their 2005 Philippine Human Development Report wrote: ***"In fairness to the CPP-NPA's historical record of armed struggle, it has not as a policy -and has not as a general practice – engaged in terrorism or acts of terrorism by deliberately targeting civilians."***

The Macapagal-Arroyo government made a commitment during the peace talks to release some 49 political prisoners in 2001 and 32 more in April 2004. Of the 32, only 10 were released on recognizance, seven on the merits of their cases. No releases were made in 2005.

Part of the agreement was also the indemnification of victims of human rights violations under the Marcos regime. Being a human rights violator itself, the Arroyo regime clearly lacks the political will to indemnify the martial law victims. There are fears that a huge part of the US\$684M recovered Marcos ill-gotten

assets, part of which was originally intended to indemnify the 9,539 martial law victims, bankrolled the President's campaign during the last elections.

American Big Brother

Indeed, the 2005 data bear out the increasingly repressive character of a regime that came to power ironically via a people uprising four years ago. Instead of promoting the respect for human rights, the sitting President kept on harping on "the rule of law" which she herself violated several times.

A great cause for concern is her continued silence over the political killings being committed by the elements of the Armed Forces of the Philippines who are under her direct control and supervision. Her body language of promoting notorious human rights violators sends a chilling message that perpetrators can freely commit human rights violations because nobody will be punished but will be promoted instead.

This situation is a throwback to the dark days of martial law when impunity is the order of the day as the dictator was conveniently backed by the aegis of the US government's military, economic aid and political support. Similarly, Arroyo feels that she has power to physically exterminate her political foes especially those on the Left political spectrum because of the assured military and economic aid coming from American Big Brother George W. Bush.

After the Sept 11, 2001 attack of New York and having been declared as a major non-NATO ally in Asia under the willing support of Madame Arroyo, the Philippines has been receiving a substantially increasing military and economic aid from the American Government. According to the June 2005 World Policy Institute Special Report by Frida Berrigan William D. Hartung and Leslie Heffel, the Philippines has requested Foreign Military Funding (FMF) aid from the US government of

US\$4.5B in 2006, a full \$1 billion increase than the FY 2001 level. The report asserts that the worrisome part of this aid is ***"Arming undemocratic governments all too often helps to enhance their power, frequently fueling conflict or enabling human rights abuses in the process."*** The report also posits the fear that giving arms to countries with active armed conflict will exacerbate the conflict.

Aside from the violations of the country's sovereignty, regular joint training exercises between US and AFP troops have raised fears of a deepening US military intervention in the armed conflicts raging in the Philippines as US troops are allowed to be deployed in areas of combat, such as what is going on in Sulu, a complete violation of the Philippine Constitution. Recently 4,500 US troops came to the country ostensibly to participate in joint military training exercises with their Filipino counterparts. (The STAR, www.newsflash.org, October 15, 2005)

Also, a repeat of the past history of the political as well as social problems posed by the presence of US troops, who were virtually allowed to return to the country through the Visiting Forces Agreement (VFA), is currently being played out in the rape case of a 22-year old Filipina committed allegedly by US troops stationed in the former military facility in Subic Bay in Olongapo, Zambales.

IV. DEFENDING HUMAN RIGHTS

Alarmed over the intensity of political killings, KARAPATAN conducted a campaign against political killings and repression.

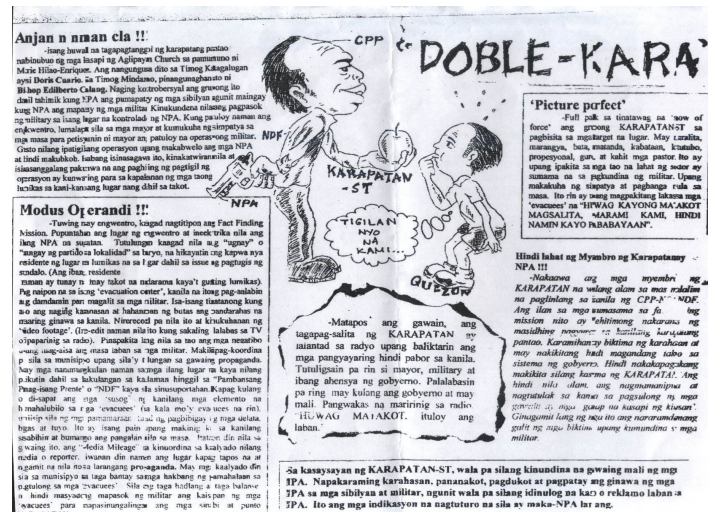
Fact-finding missions, mass actions, pickets, delegations, and dialogues were held to put the issue of political killings in the public's consciousness. Information and education campaigns, including paralegal trainings, are being undertaken

Urgent Action alerts are being issued to call attention to these violations and generate public pressure on the government to investigate and take positive action to stop it. Many organizations and individuals from across the globe furnished our office copies of their letters sent to the president, the Department of National Defense (DND) secretary, CHR commissioner, and the Office of the Presidential Adviser on the Peace Process.

However, it is deplorable that stumbling blocks continue to mount, such as the increase in the already prohibitive costs of filing fees and the unceasing harassment, intimidation and demonization by the AFP and their cohorts of victims, witnesses and our organization and our colleagues.

In November, government troops conducted pursuit operations in Quezon province, following an alleged encounter with the NPA. KARAPATAN-Southern Tagalog quickly responded to reports of intimidation and forcible evacuation by organizing a fact-finding and relief mission. On the way home from said mission, the human rights workers were held at a checkpoint by the military on

In Cagayan Valley, the names and photographs of KARAPATAN human rights workers were posted in a police station in what looks like a WANTED list.



The pertinent provision in the complaint read: ***“As the Commander-in-Chief of the Armed Forces and Chief Executive with the power of control and supervision over her subordinates, she violated her duty and oath under the Constitution mandating respect for human rights when she acquiesced in and provided impunity to the killing of political dissenters, or infringed their freedoms of expression and assembly.”***

Cognizant of the need to generate international concern on the issue of political killings and human rights violations, KARAPATAN together with the International League for People's Struggles (ILPS), the Promotion of Church People's Response, Bayan, International Association of People's Lawyers (IAPL), and Bayan Muna organized an International Solidarity Mission from August 14-19. The said mission aimed to bring to the attention of the international community the gravity of human rights violations and the extent of state terrorism occurring in the Philippines under the Arroyo administration.

The mission named, *International Solidarity Mission: In Defense of a People Fighting Repression*, was able to gather 48 foreign and 35 foreign-based Filipino delegates from 18 countries. It culminated in an International People's Tribunal, which found the Arroyo regime guilty of human rights violations.



Marie Hilao-Enriquez, expert witness, testifying before Judges at the International People's Tribunal

The verdict of the International People's Tribunal read: ***“We the COLLEGE OF JURORS of the International Peoples’ Tribunal, after considering the evidence presented by the People, find the DEFENDANTS, GLORIA MACAPAGAL ARROYO, GEORGE WALKER BUSH et al. on the charges of HUMAN RIGHTS VIOLATIONS which also constitute as CRIMES AGAINST HUMANITY, as proven by ample testimonial and documentary evidence adduced during the trial and shown specifically by the following illustrative cases, GUILTY AS CHARGED.”***

The report and evidences were turned over to the prosecution team in the impeachment complaint filed in Congress. When the impeachment complaint was junked, it was turned over to the Citizen's Congress for Truth and Accountability (CCTA), that presented the cases to the public on November 15 and 23.

KARAPATAN believes that the most effective response against the intensification of state terrorism unleashed by the Arroyo regime is through an informed citizenry conscious of their rights and willing to defend and assert those rights.

At this point, the first step towards achieving justice for the victims of human rights violations and opportunities for the improvement of the human rights situation can only be opened up with the removal of President Arroyo. ✎