

## Action Network Human Rights- Philippines

### HEADLINES NEWS REVIEW NOVEMBER 2012

#### **Headlines & Politics**

UN Human Rights Committee review revealed “several areas of deficit”	2
5-year extension of Carp sought	2
Youth group praises council resolution on army stations	3
The Asean summit on the South China Sea and human rights is a flop	3
Pillay encourages ASEAN to ensure Human Rights Declaration	4

#### **Institutions**

Aquino names Leonen as new SC justice	4
85 armed groups maintained by politicians – PNP	4
Super body formed to probe extrajudicial killings	5
Rights group, lawyer want more from De Lima’s ‘superbody’	6
Law vs violence against women pushed	6

#### **Current Cases of HR Violations**

Ambush of Surigao anti-mining leader condemned	6
Alleged official nabbed	7
Activist gets back at judge, prosecutor for ‘fabricated charges’	7
529 families displaced in Maguindanao	8
Human rights group says AFP targeting farmers as rebels	8
Albay councilman shot, beheaded by suspected soldiers	8

#### **Updates**

‘Don’t be a ghost’ parents of abducted UP students tell Palaparan	9
Tampakan Killing Update: Army commander ‘voluntarily’ leaves post	10
27 <sup>th</sup> IB’s replacement in Tampakan has EJK record	10
Kidapawan: military behind Fr. Tentorio Fausto’s assassination	11
Arrestment of accused in Olalia slay set	11
Trial of falsely charged Sulu activist now in Manila	11
Asean NGO brings Subanen tribe case to UN	12
Arroyo’s plea vs Morong 43 civil case junked	13

#### **Ampatuan Massacre**

Another suspect in Ampatuan Massacre falls	13
No media coverage of massacre trial	13
‘Create another court for Maguindanao massacre case’	14
Maguindanao massacre and the absence of genuine justice	14

#### **Further Reading**

Keep Soldiers Out of Schools and Universities	15
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## Action Network Human Rights- Philippines

www.omct.org, 17.10.2012

### UN Human Rights Committee review revealed “several areas of deficit” in the Philippine human rights records

By OMCT, CCPR, KARAPATAN, Center for Reproductive Rights, IGLHRC, irct, PAHRA, TFDP

Geneva 15 – 16 October 2012. The United Nations Human Rights Committee concluded the examination of the fourth periodic report of the Philippines on the implementation of the *International Covenant on Civil and Political Rights* (ICCPR). This review took place on 15 and 16 October 2012 in Geneva and was attended by a dozen Civil Society Organisations (CSO) from the Philippines that submitted several reports.

On October 16, the Chair of the Human Rights Committee, Zonke Majodina, concluded the dialogue on the state of human rights in the Philippines. She referred to positive developments that took place since the previous examination in 2003, including the recent adoption of the Framework Agreement between the Government and the Moro Islamic Liberation Front (MILF) and the 2009 anti-torture act.

The Human Rights Committee remained concerned about many difficulties faced by the State. The Chair noted “several areas of deficit” in the implementation of the ICCPR. She expressed the need for clarification on the status of the ICCPR in domestic law, whether it was regarded as binding or only persuasive authority, and she expressed concern about the absence of existing measures to implement the Committee’s views under its individual communications procedure.

The Committee noted the continuing occurrence of extra-judicial killings and the high rate of enforced disappearances; the poor results of investigations and the lack of prosecution, including the slow progress in the 2009 Ampatuan massacre. The Commit-

tee is concerned about the role of the private armed and the military auxiliary groups as well as the high number of loose weapons in circulation in the country.

In addition, the Committee is alarmed by the problem of overcrowding in prisons in Philippines, a matter that was already raised by the Committee during the last review, but which has not been addressed to-date. With regard to torture, the Government did not provide any statistics to substantiate its claim that torture is not prevalent.

With regard to women’s rights, the Chairperson said the Committee is deeply concerned about the “sharia laws and their impact on women”. The Committee was also alarmed that reproductive rights are still not guaranteed, that access to contraception is highly restricted, and that abortion without exception is criminalized. According to the State Delegation, the maternal mortality ratio has increased by a quarter from 2006 and 2010.

The Committee welcomed the landmark Ang Ladlad ruling of the Supreme Court that allowed an LGBT party to participate in the election but stressed that more needs to be done due to the continuing absence of anti-discrimination legislation, presence of a vague public scandal law, and anti-LGBT prejudice by military and election officials. The State delegation responded by noting persistent, “prejudices against LGBTs.”

The Human Rights Committee will make its recommendations public at the end of its session, on 1<sup>st</sup> November 2012.

Philippine Daily Inquirer, 02.11.2012

### 5-year extension of Carper sought

By Leila B. Salaverria

Two lawmakers are seeking a five-year extension of the agrarian reform law expiring in June 2014, saying the Aquino administration is far from meeting its objectives of completing land acquisition and distribution.

The House bill that would extend to 2019 as well as strengthen the Comprehensive Agrarian Reform Program (Carper), filed last month by Representatives Rufus Rodriguez of Cagayan de Oro and his brother Maximo of Abante Mindanao, has been referred to the committee on agrarian reform.

In their explanatory note to House Bill No. 6614, the lawmakers said the program had yet to fully meet its objectives 25 years after it was implemented by President Aquino’s mother, democracy icon Corazon Aquino.

For example, the Department of Agrarian Reform (DAR) is far from fulfilling its 2012 target of processing 180,000 hectares of land and has been able to process just a little over 32,000 ha, according to the lawmakers.

The DAR plans to acquire 17,524 ha of land under leasehold agreements this year, but latest figures show it has processed only 7,724 ha.

“These are just some of the data that will show that the work of the DAR is far from finished. There is still more to be done, which makes it necessary to extend the life of the DAR and the effectivity of the Carper law,” the Rodriguez brothers said.

In their bill, the lawmakers want the Carper with reforms law, or Carper, to be extended until June 30, 2019. The law expires on June 30, 2014.

#### 3 phases

The bill mandates the DAR and the Presidential Agrarian Reform Council to plan and program the acquisition and distribution of all the remaining unacquired and undistributed lands until 2019. The bill also provides new deadlines for the process in three phases.

In the first phase, all estates above 50 ha would have to be distributed by June 30, 2017, instead of 2012. These include all private agricultural lands of landowners with aggregate landholdings over 50 hectares; idle and abandoned lands; and all lands foreclosed by government financial institutions, acquired by the Presidential Commission on Good Government, or owned by the government and suitable for agriculture.

In the second phase, estates measuring 24 to 50 ha, alienable and disposable public agricultural lands, arable agricultural lands already cultivated, and all public agricultural lands to be opened for new development and resettlement should be distributed by June 30, 2017, as well.

All other private agricultural lands, starting with large holdings, and then medium and small ones, have to be distributed by 2018 and 2019. Properties 10 ha to 24 ha have to be distributed by 2018 instead of June 30, 2013, while those up to 10 ha have to be distributed by June 30, 2019.

The bill provides funding for the program until June 30, 2019.

#### On track

During a budget hearing in August, Agrarian Reform Secretary Virgilio de los Reyes said some 322,000 ha were expected to remain undistributed by the end of the Carper law in June 2014, but he added that the process to distribute these to farmers would continue.

De los Reyes said the balance would cover landholdings with pending cases or unresolved technical problems.

To be able to continue distributing these properties beyond the Carper law, the DAR would issue notices of coverage for these landholdings before the program ends, he said.

Under the Carper law, all landholdings with pending cases as of June 30, 2014, can still be processed even beyond that date, until the cases are terminated, according to De los Reyes.

Section 30 of the law states: “Any case and/or proceeding in-

## Action Network Human Rights- Philippines

volving the implementation of the provisions of Republic Act No. 6657, as amended, which may remain pending on June 30, 2014, shall be allowed to proceed to its finality and be executed even beyond such date."

De los Reyes has been criticized by farmer and Church groups for incompetence for his failure to pursue the distribution of

nearly 1 million ha of the nation's prime agricultural lands barely a year and a half before the expiration of the program. Posters calling for his resignation are all over the DAR headquarters in Quezon City.

But De los Reyes insists he is on track in spite of the criticism.

Sun.Star Davao, 12.11.2012

### Youth group praises council resolution on army stations

A YOUTH group welcomed the approval of the resolution of the Davao City Council that sought to relocate military detachments away from civilian communities and its outlying villages.

"We commend Councilors Leah Librado-Yap and Jimmy Dureza for addressing such concern through this legislation. The SP (City Council) Resolution that Librado authored and supported by Dureza was truly an urgent necessity because militarization of civilian communities is detrimental to the security and safety of the residents, especially on the holistic development of the children and the youth," Niel Brene Lopez, regional coordinator of Kabataan Partylist, said in a statement.

The group cited human rights group Karapatan-Southern Mindanao Region's claims that human rights violation committed by the Armed Forces of the Philippines (AFP) in Paquibato District alone includes three cases of extrajudicial killings (EJK), four cases of hostage and one case of "child rebel" accusation.

Moreover, the AFP's 69th IB has solid encampments inside all the 13 barangays in the area, it added.

Speaking in her weekly press briefing on Monday, Davao City Mayor Sara Duterte said she would recommend that complaints against the presence of military detachments in barangay halls must be verified first before doing any actions.

"Resolutions are general statements of the city council," she said.

As far as complaints for pullout of military detachments, which were reportedly inside the barangay hall, she said there is a need to verify complaints before concluding.

"Tanan accusations, gina-validate (All accusations are validated)," she said.

Meanwhile, the Philippine Army said it already pulled out its detachments situated near barangay halls and other public buildings in Paquibato district in Davao City.

Lieutenant Colonel Lyndon Paniza, spokesperson for the 10th

Infantry Division (ID), earlier said they received the directive from the 10th ID commander Major Jacob Obligado.

He added that government facilities in other areas where Peace and Development Outreach Program (PDOP) is being implemented were also pulled out.

He added though that even as they have dismantled their detachments, they are still bent on doubling their efforts to hasten the implementation of PDOP.

"We are still conducting a study whether it is necessary to add more troops for a faster implementation of the PDOP," Paniza said.

The Davao City Council approved under suspended rules a resolution urging the AFP to relocate military detachments in Paquibato District, particularly those set up in barangay halls and other public buildings.

The resolution was passed during the special session on November 9.

Davao City Councilor Leah Librado-Yap, chair of the council committee on women and family relations, authored the resolution.

This resolution was reportedly in answer to increasing demands for the AFP to pull out its military detachments, specifically in barangays Lumiad, Mabuhay and Pandaitan.

During the visit of Councilor Jimmy Dureza in the area on October 20, he found out that the detachment was not just in the center of the Barangay Pandaitan but was right where the barangay hall and day care center are.

Librado cited the need to pull out the detachments as these endanger the lives of residents especially the children.

Librado and Dureza also authored a similar resolution ordering the pull-out of military detachment in Paradise Embac, also in Paquibato.

www.asianews.it, 19.11.2012

### The Asean summit on the South China Sea and human rights is a flop

Phnom Penh - The Asean summit being held in Phnom Penh is likely to flop because of pressure from China, which in no way intends to allow any supranational body to settle the territory's unresolved issues. The member countries have tried to convince Beijing to adopt a multilateral approach in terms of territorial disputes, but without success: to try to keep up appearances, they then signed a declaration on human rights which in practice does not change the current situation one iota.

[...] The leaders of the Asian-Pacific countries [...] agreed to sign a declaration - non-binding and full of grey areas - on the issue of human rights. Despite Washington's requests and those of several NGOs, yesterday the heads of state and of government agreed on a deal that - according to critics - does not prevent new atrocities. The declaration calls for the end of torture, arbitrary arrests and other human rights violations committed in the

member countries. In addition, the signatories commit themselves to "promote and protect human rights, democracy, the rule of law and good governance."

However, the text provides broad exemptions "for reasons of national security, public order or morality." In addition, the text reads, "the realization of human rights should be considered in the regional and national context, having clear in mind the difference between the various countries in the political, economic, legal, social, cultural, historical and religious context." They are in fact the same words the Chinese government has always used to justify the atrocities and abuses committed in its country.

Through a spokesman, Obama, too, criticized the agreement, then flying to Myanmar. [...]

## Action Network Human Rights- Philippines

### Pillay encourages ASEAN to ensure Human Rights Declaration is implemented in accordance with international obligations

GENEVA (19 November) – The UN High Commissioner for Human Rights Navi Pillay welcomed Monday the renewed commitment by ASEAN leaders to universal human rights norms, but expressed concern that the new ASEAN Human Rights Declaration (AHRD), adopted on 18 November, retains language that is not consistent with international standards.

“The international human rights mechanisms will continue to hold ASEAN member states to their international obligations and encourage ASEAN to strengthen further its regional human rights framework,” Pillay said.

In the Phnom Penh Statement on the adoption of the ASEAN Human Rights Declaration, the ASEAN leaders committed “to ensure that the implementation of the AHRD be in accordance with our commitment to the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Program of Action, and other international human rights instruments to which ASEAN Member States are parties...”

The High Commissioner has previously drawn attention to elements of the Declaration that fall below international standards, as well as expressing concern at the lack of inclusive and meaningful consultation with civil society in the region during the preparation of the Declaration.\*

“Other regions have shown how regional human rights systems can evolve and improve over time, and I am confident this will be the same for ASEAN”, the High Commissioner said. “Looking ahead, it is essential that ASEAN ensures that any language inconsistent with international human rights standards does not become a part of any binding regional human rights convention.”

United Nations OHCHR, 19.11.2012

Inquirer.net, 21.11.2012

### Aquino names Leonen as new SC justice

By Tech Torres

MANILA – President Benigno Aquino III on Wednesday appointed government’s chief peace negotiator Marvic Leonen as Associate Justice of the Supreme Court.

With his appointment, Leonen has become the youngest member of the high tribunal this century. Leonen will be turning 50 on December 29.

Before Leonen, the youngest to be appointed Associate Justice of the Supreme Court was Chief Justice Maria Lourdes Sereno. She was 50 when she joined the high court in 2010. Sereno was born in 1960.

Leonen will fill the position vacated by Sereno after she was appointed Chief Justice last August.

He was credited for crafting the framework peace agreement between the Aquino government and the Moro Islamic Libera-

tion Front. He has been the head of the peace panel since 2010. Prior to his stint as head of the Philippine peace panel, Leonen served as dean of the University of the Philippines College of Law.

Leonen graduated magna cum laude from the UP School of Economics in 1983 and obtained his law degree in the same state university in 1987. He became a member of the Bar when he signed the Roll of Attorneys on May 28, 1988.

Leonen also co-founded the Legal Rights and Natural Resources Center Inc.-Kasama sa Kalikasan, a legal and policy research and advocacy institution focusing on giving legal services to the poor and indigenous communities.

Leonen will stay at the Supreme Court for 20 years or up to 2032. [...]

Rappler.com, 24.11.2012

### 85 armed groups maintained by politicians – PNP

By Gemma Bagayaua Mendoza

MANILA, Philippines – The Philippine National Police (PNP) has vowed to go after private armed groups (PAGs) ahead of the 2013 elections, and says there will be no sacred cows in this campaign.

*"Lahat ng private armed groups di natin sasantuhin, whether they are related to any organization, any party or any individual,"* Task Force Safe commander Deputy Director General Alan Purisima said in an All Soul’s Day statement.

Fine words. Except for two things:

- The police seems to make this vow every election season, yet there remain PAGs or private armies across the country.
- Authorities cannot even agree on the number of private armed groups they are supposed to crack down on.

For instance, maps obtained by Rappler showing the PAGs being monitored by the police indicate that there are 86 of them existing in 30 provinces.

The maps, which were dated September 15, 2011 and January 31, 2012 included the location of the armed group under surveillance, the names, designations and positions of the leaders of the armed group, as well as their political party affiliations.

Only one non-politician was listed by the police as a leader of a private armed group.

The numbers were based on the PNP’s definition of terms. It says private armies are organized groups of two or more persons, legally or illegally armed, who use their weapons to intim-

idate for political or economic purposes.

“Private armed groups” therefore are not necessarily classified as “armies.” Retired General Edilberto Adan told this writer in a 2011 interview: “[In effect] they only become private armies when used by their patrons to terrorize by their patrons.”

These private armed groups often become dormant or inactive when the need for the group to exist is no longer there.

Adan was a member of the Zeñarosa Commission, which was formed soon after the Ampatuan massacre of November 23, 2009. Its mandate was to study the nature of the private armed groups and to recommend policies to prevent their proliferation.

#### Inconsistent count

By October this year, the number of alleged private armies had increased to nearly 250. PNP spokesman Chief Superintendent Generoso Cerbo said these are working for politicians in various parts of the country and can have a major impact on the outcome of the national and local elections in May next year.

Days later, however, Cerbo gave a significantly lower figure. He said the PNP’s Directorate for Intelligence gave him a working number of 60, with 9 allegedly based in the ARMM.

Since 2009, in fact, official numbers of private armies cited by various authorities in their public pronouncements have vacillated significantly.

On January 7, 2010, months after the Maguindanao massacre, then Defense Secretary Norberto Gonzales said there were at least 132 private armed groups in the country.

That same day, Director General Jesus Verzosa, chief of the PNP, said there were 68 confirmed private armed groups. Of this

## Action Network Human Rights- Philippines

number, 25 were in the Autonomous Region in Muslim Mindanao (ARMM), while 43 were found outside the region.

Verzosa said at the time that they were still "verifying" 102 other private groups suspected of possessing firearms—77 of them in the ARMM, and 25 in other regions.

### Defining the problem

Part of the problem involves semantics, those who have studied the issue explain.

In its report, the Zeñarosa Commission noted that there is no law that specifically bans the maintenance of private armed groups. One of the key recommendations in fact is to enact a law to this effect.

It is difficult to crack down on private armies in the Philippines, Adan said, because more often than not they are not really armies in the sense that they have barracks or regular quarters.

"They are not static. They are not always with a patron," he explained. "They are not in uniforms. Some of them are legally armed."

Sometimes, Adan said, these armed groups are formed for a particular mission. For instance, members of one private armed group in Masbate were imported from other areas of Bicol for 2010 elections.

Some of them are contractual employees or legally employed by local governments as civilian volunteers.

### Force Multipliers

The definition gets more complicated because the Philippine military, the police, with the support of various executive issuances, also routinely encourage the formation of militia groups—such as the Civilian Volunteer Organizations (CVOs), Citizens Armed Forces Geographical Units (CAFGUs), and even vigilante groups—in conflict-afflicted areas.

The military considers them as "force multipliers," said Jennifer Santiago Oreta, a former member of the Commission Secretariat.

In many cases, though, they perform the role of armed guards of dominant local political personalities. "Politicians often register their bodyguards as civilian volunteers, thus legitimizing them," Oreta said.

This gray area between private armed groups and government recognized "force multipliers" makes it possible for dominant political clans to accumulate firepower.

It is precisely what happened to the Ampatuans of Maguindanao.

On the lookout for allies in the fight against rebel forces in the area, the 6th Infantry Division, whose jurisdiction covers most of Maguindanao, cultivated an alliance with Ampatuan by supporting and arming his vigilantes.

Much of the clan's firepower, according to sources, came from the military. Concerned military insiders had cautioned against the practice to no avail—until that fateful November day.

After the massacre, the military turned against its long time ally and claimed that members of the powerful Ampatuan clan, who were accused of perpetuating the massacre, had as many as 3,000 armed men under their control.

### PNoy yet to revoke GMA's order

This situation was enabled by Executive Order 546, issued by President Gloria Macapagal Arroyo, which allows local officials to deploy CAFGUs and CVOs as auxiliary bodies for the Armed Forces of the Philippines to fight insurgents.

This executive issuance is still in effect today, making one wonder just how serious the administration is in going after these private armed groups.

In a text message sent to this writer on November 22, Adan said, "I believe some of the measures we recommended are being done. But much more needs to be done."

Philippine Daily Inquirer, 27.11.2012

## Super body formed to probe extrajudicial killings

By Christine O. Avendaño

President Benigno Aquino has created a super body that will investigate old and new cases of extrajudicial killings, enforced disappearances, torture and other grave human rights violations, with "greater priority" to be given to those committed under the administration of President Gloria Macapagal-Arroyo. Justice Secretary Leila de Lima on Monday released to reporters Administrative Order No. 35 creating this body, which she said the President signed on Nov. 22, the eve of the third anniversary of the infamous massacre of 58 people allegedly by members of the Ampatuan clan and their followers in Maguindanao in 2009. Under the AO, the President created a nine-member "Inter-agency committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons."

### No room for political violence

"The present administration declares as a matter of paramount policy that there is no room for all these forms of political violence and abuses of power by agents or elements of the state or nonstate forces," the six-page order reads, noting that the committee aims to resolve unresolved cases.

Headed by the secretary of justice, the members of the committee include the chairman of the Presidential Human Rights Committee, the secretaries of the interior and local government and national defense, the presidential adviser on the peace process, the presidential adviser for political affairs, the chief of staff of the Armed Forces of the Philippines, the director general of the Philippine National Police and the director of the National Bureau of Investigation. Serving as observers and resource persons to the committee are the chairman of the Commission on Human Rights and the Ombudsman.

The committee is tasked to conduct an inventory of unsolved cases as well as those under investigation, under preliminary investigation and under trial in its first 30 days.

After the inventory, the committee will assign special teams to investigate the cases "for the possible identification of the perpetrators." The order says priority will be given to "high profile" cases that were perpetrated under the Arroyo administration.

A special oversight team will monitor developments in cases under investigation, preliminary investigation and under trial.



## Action Network Human Rights- Philippines

A special team of investigators and prosecutors will also be created to look into "new cases."

### Committee updates

The committee is expected to submit a report to the President "after six months from its creation and every six months thereafter."

The AO supersedes AO 211, dated Nov. 26, 2007, which created the Task Force on Political

Violence tasked to undertake the prevention, investigation, prosecution and punishment of political violence.

Former President Arroyo had armed the task force with the powers and funding to stem the tide of killings of leftist activists and all other cases related to "political violence."

The task force initially handled the high-profile murders of the following: Basilan Rep. Wahab Akbar on Nov. 13, 2007; Vice Mayor Zaldy Raga of Lumban, Laguna, on Oct. 4, 2007; former Mayor Rogelio Ilustrisimo of Bantayan Island on May 2, 2007; Kalinga Vice Gov. Rommel Diasen on April 7, 2007; and Abra Rep. Luis Bersamin on Dec. 16, 2006.

Sun.Star Zamboanga, 29.11.2012

## Law vs violence against women pushed

By Bong Garcia

HOUSE Deputy Speaker for Mindanao Ma. Isabelle Climaco-Salazar urged the Senate to approve the proposed law declaring November 25 of each year as "Nation Consciousness Day for the Elimination of Violence Against Women."

Salazar, consistently pursuing her advocacy on elimination of violence against women, is strongly pushing for Senate approval of the proposed law.

Salazar, who is Zamboanga City's first district representative, is a co-author of House Bill 4443, which was approved at the Lower House and is now pending in the Senate.

House Bill 4443 is authored by Representative Luzviminda Ilagan of Gabriela party-list.

Salazar said the Senate approval of the bill will help ensure awareness and consciousness on elimination of all forms of violence against women.

House Bill 4434 was filed on March 23, 2011 during which the House of Representatives approved to consider the explanatory note of the bill as sponsorship remarks on the measure, Salazar said.

The body also terminated the period of sponsorship and debate and also terminated the period of amendments and approved the same on second reading, she said.

The House of Representatives approved the bill on third reading on May 16, 2011 with 219 members voting in favor with no abstention negatives votes, she said.

Press Release, KALIKASAN-PME, 30.10.2012

## Ambush of Surigao anti-mining leader condemned

By Clemente Bautista

Environmental groups condemned another attempted assassination of an environmentalist in Carmen, Surigao del Sur. At around 3:30PM on October 29, Dr. Isidro Olan, executive director of the Lovers of Nature Foundation Inc., was shot by unidentified assailants in an abandoned lumber-scaling area as he was driving homebound. Dr. Olan survived the attack and was rushed to the Madrid Municipal Hospital.

"Dr. Olan was a passionate environment defender who opposed destructive and large-scale mining as well as illegal logging activities in Cantilan and other areas of Surigao del Sur. We ask for everyone's prayers for Dr. Olan's immediate recovery, and for justice to be swiftly exacted upon the assassins and their clients as well," said Fr. Oliver Castor, spokesperson of Task Force Justice for Environment Defenders (TF-JED).

The physician-activist and his group Lovers of Nature Founda-

## Rights group, lawyer want more from De Lima's 'superbody' vs extrajudicial killings

By Mark Meruenas

A human rights group and a private prosecutor in the Maguindanao massacre trial said they wanted results and not just pronouncements about the creation of a "superbody" against extrajudicial killings in the Philippines.

The reactions came following Justice Secretary Leila de Lima's statement on Thursday that she has proposed to President Benigno Aquino III the creation of a "high-level inter-agency superbody" to monitor investigations on human rights violations, especially extra-legal killings.

On Friday, Cristina Palabay, secretary general of Karapatan (Rights), lamented that despite various human rights offices in different government agencies, killings under the Aquino administration have not stopped and no perpetrators have been punished yet.

Currently, the Philippine National Police and the Armed Forces of the Philippines each have their own human rights office. The DOJ itself has a special task force on extrajudicial killings called "Task Force 211" and is headed by Justice Undersecretary Francisco Baraan III.

"Impunity continues, despite so-called efforts by the government to conduct investigations. What now is our assurance that the killings will be solved by this so called 'superbody?'" said Palabay.

According to Palabay, her group has so far recorded 114 cases of extrajudicial killings since Aquino assumed the presidency in June 2010.

De Lima earlier said the government already has a "working number" of extrajudicial killings in the Philippines, but was still working on a database to come up with an official and final figure. [...]

### Unresolved killings

The Karapatan official then pointed to the unresolved killings of famed botanist Leonard Co and Italian priest Fausto "Pops" Tentorio.

According to the military, Co was killed in Leyte on Nov. 15, 2010 after allegedly being caught in a crossfire between supposed communist rebels and government troops. [...] Meanwhile, Tentorio, who was a known staunch anti-mining advocate, was killed in North Cotabato on October 17 last year.

"The cases of Leonardo Co and Fr. Fausto 'Pops' Tentorio have long been pending before the DOJ under the supervision of Under Secretary Francisco Baraan. Up to now, [the] DOJ has not shed light on these cases that will lead to the arrest and prosecution of the perpetrators and masterminds," said Palabay.

For his part, University of the Philippines law professor Harry Roque, a private prosecutor in the Maguindanao massacre representing families of the 15 of the 32 journalists slain in the carnage, said he thought De Lima's "superbody" was already "superfluous."

De Lima earlier said she had suggested to Aquino to approve her proposal for the "superbody" before the third anniversary of the gruesome Maguindanao massacre on November 23. [...]

GMA News, 16.11.2012

The bill was transmitted to the Senate on May 24, 2011, she added.

tion were planning to launch a voter education campaign in the province's schools to promote an environmental agenda in the coming 2013 elections, particularly local government officials that have supported environmentally destructive corporations such as the logging company Surigao Development Corporation and the large-scale Marcventures Mining and Development Corporation.

"It's not even Halloween and yet this latest attack on Dr. Olan already produces a chilling effect to environmental advocates. 2012 is already the bloodiest year for environmental advocates in this new millennium, and it infuriates us to remember that Pres. Noynoy Aquino dismissed the ever mounting cases of human rights violations in the country is dismissed as just propaganda of the Left. Is the attempt to take the life of Dr. Olan for his defense of the environment not real enough for Aquino?"

## Action Network Human Rights- Philippines

said Clemente Bautista, convener of the Defend Patrimony Alliance, a network opposed to resource plunder particularly in mining.

In this year alone, the TF-JED recorded 13 extrajudicial killings of environmental advocates. Beyond killings, the frustrated murder of Dr. Olan is the second case of attempted assassination and at least the 20<sup>th</sup> overall incident of human rights violations (HRVs) in the country in 2012. Recently, Juvy Capion and her sons Pops and John were massacred by elements of the 27<sup>th</sup> IBPA of the Philippine Army.

"There could be no other motivation to assassinate Dr. Olan than his staunch opposition to ecologically destructive projects in their areas. If the Aquino government claims to be hard workers for the protection of human rights, we demand to hear about their work on Dr. Olan's case now. In fact, we would like to hear what about what they have done now about the 61 extrajudicial killings of environment defenders we recorded since 2001 that remains languishing in court up to the present," challenged Fr. Castor.

Locals have noted the saturation of military operations from the

Philippine Army's 30<sup>th</sup> and 38<sup>th</sup> IBPA and its 3<sup>rd</sup> Special Forces of the 402<sup>nd</sup> Brigade in the area started with the entry of Marcventures and other mining operations.

"Militarization of Surigao del Sur as a means of protecting mining investments have brought a spate of not only HRVs but also the violation of the economic, social and cultural rights of its indigenous people and other grassroots communities. Militarization could well be linked to Dr. Olan's assassination. We demand the pullout of military operations along with Marcventures from Surigao as an important step to the quelling of HRVs in the area. Aquino must also prioritize the junking of various mining liberalization policies that have legalized the militarization of mining areas as an incentive for foreign mining investments," said Bautista.

The Defend Patrimony called for an immediate and independent investigation of the attempted assassination, and the demobilization of Investment Defense Forces (IDF) which allows military and police forces to be employed by corporations to protect their mining facilities and operations.

Visayan Daily Star, 31.10.2012

### Alleged official nabbed

By Gilbert Bayoran

An alleged finance officer of the Komiteng Rehiyal-Negros was apprehended at about 6 last night by a combined team of police and military operatives in Cadiz City, Negros Occidental, by virtue of an arrest warrant for the crime of murder issued by Cadiz City Regional Trial Court Judge Renato Munez.

Policemen, assisted by military personnel, nabbed Sarah Alvarez, alias Ka Olsen, finance officer of the KR-Negros headed by priest-turned rebel Frank Fernandez, Col. Oscar Lactao, 303rd Infantry Brigade commander, said last night.

Lactao said the arrest warrant against Alvarez stemmed from the death of 1Lt. Archie Polenzo, commander of the 62nd Infantry Battalion Bravo Company, in Brgy. Caduha-an, Cadiz City, who was killed in an encounter with suspected rebels in Cadiz City, on February 2010.

Alvarez, who is now detained at the Cadiz police jail said in an interview with DYHB, last night that the charges filed against her were fabricated. She claimed that, because of the frustration of the Armed Forces of the Philippines to cripple the NPA revolutionary movement in Negros, ordinary civilians are now being targeted by the military.

Alvarez was also linked to the raid of a fish farm owned by Joseph Edgar Sarrosa, a nephew of Governor Alfredo Maranon, in Cadiz City, in 2001.

Various cause-oriented organizations had earlier slammed the military and police for the inclusion of the names of some of their members, along with alleged NPA leaders, in charge sheets and warrants of arrest, for "trumped up" criminal charges.

Alvarez was reported to be connected to progressive groups Anak Pawis, Bagong Alyansang Makabayan and as an education officer of Karapatan-Negros.

Christian Tuayon, secretary general of the Bagong Alyansang Makabayan, Ronald Ian Evidente, secretary general of the Kilusang Mayo Uno-

### Activist gets back at judge, prosecutor for 'fabricated charges'

By Ronalyn V. Olea

MANILA - For the first time, a public prosecutor and a judge have been charged with administrative complaints for ordering the arrest of a Bacolod-based activist in 2010. Romulo Bito-on, coordinator of Makabayan coalition, filed the complaint against Second Assistant Provisional Prosecutor Estefanio S. Libutan Jr. and Regional Trial Court Judge Katherine Go, Nov. 16, at the Supreme Court.

Bito-on was arrested in April 2010 by virtue of the affidavits of two persons, and a "John Doe" warrant upon the motion of Libutan and issued by Go. "John Doe" warrants, according to the Department of Justice (DOJ) Department Circular No. 50 circa 1990, are issued when the identity of the accused is unknown, and must be amended only when there is certainty as to the names. He was charged with arson and detained for three months.

The activist filed the complaints against the Bacolod prosecutor and the judge for "gross ignorance and misapplication of the law in trumped-up charges" against him.

"Karapatan supports Mr. Bito-on in his quest for justice and accountability," Karapatan secretary general Cristina Palabay, said. "All lawyers as social agents of change are duty-bound to ensure the efficient and effective administration of justice. Hence, they should be held accountable if they become party to the military's scheme of slapping trumped up charges against activists to silence opposition and dissent."

#### Irregular

Libutan indicted Bito-on for arson allegedly in connection with demands for "revolutionary tax." The prosecutor indicted "15 John Does", on the strength of the affidavits of two persons, who later executed disclaimers.

According to Bito-on's complaint, despite the non-appearance of witnesses and lack of specific description pinpointing him as an accused and to establish probable cause, the initial warrant was amended to name him.

Bito-on was unaware of the charge against him until he was arrested by four men in plain clothes identifying themselves as police, armed with a photocopied arrest warrant. He was detained at the provincial jail and later arraigned, without the benefit of a preliminary investigation to establish probable cause. He was eventually granted bail after the prosecution failed to present a witness.

No witnesses for the prosecution appeared during the case hearings - and the alleged witnesses eventually denied that they ever executed such affidavits. The case has been dismissed provisionally. Ultimately, a new affidavit was filed by the prosecution which did not include Bito-on in the list of alleged perpetrators.

Bito-on decried malicious prosecution and was released in July 2010 and cleared of the charges against him.

Bito-on filed the complaint with the Supreme Court Office of the Court Administrator.

Libutan and Go face possible suspension or disbarment as lawyers, if found that they applied the law with prejudice and gross negligence, in contravention with lawyer's ethics.

"We denounce the pernicious practice of using "John Doe" warrants to arrest anyone, especially to muffle opposition by progressive groups," Palabay said.

Palabay said such practice has been blatantly employed in harassing, intimidating and detaining activists and ordinary citizens, as in the cases of the 72 Southern Tagalog activists and 73 Moro detainees from Basilan who were arbitrarily arrested and detained by virtue of John/Jane Doe warrants. [...]

Bulatlat.com, 20.11.2012



## Action Network Human Rights- Philippines

Negros, and Julia Tabat, alias Pinay/Gab, who was killed yesterday in an encounter with 47th Infantry Battalion soldiers in Brgy. East, Candoni, were also among those charged for robbery-in-band, in connection with the raid on the fishpond of Sarrosa.

Sun.Star, 11.11.2012

### 529 families displaced in Maguindanao

By Edgardo Fuerzas

COTABATO CITY - A total of 529 families were displaced by sporadic gun battles between two conflicting armed groups in Maguindanao since last week.

Several families moved out from their homes in Barangay Tilapas, Tunggol, Dungguan and Poblacion 1 in Datu Montawal to safer areas for fear that they might be caught in the crossfire. The Philippines Army's 7th Infantry Battalion commanding officer Colonel Benjamin Hao said the clash sparked since Tuesday last week between an armed group led by Andy Montawal and another armed group headed by certain Kumander Bhuto who is believed part of the separatist Moro Islamic Liberation

Philippine Daily Inquirer, 11.11.2012

### Human rights group says AFP targeting farmers as rebels

By Desiree Caluza

BAGUIO CITY—The Cordillera Human Rights Alliance (CHRA) disclosed this week a purported list of military targets that includes farmers and a CHRA official who have been tagged as communist rebels or sympathizers.

A photocopy of what appeared to be a military document from the Army's 5th Infantry Division based in Ifugao was circulated at a news conference here on Thursday.

Listed in the document were names of 28 residents of Tinoc, Ifugao, complete with their addresses and affiliations, and their alleged relationship with communist rebels in the area.

Jude Baggo, CHRA secretary general, who was No. 22 in the list, was classified as the "brains of the New People's Army."

"What is their point [when they target] people like us? That we can be neutralized anytime? This is a clear violation of our right to life and security," Baggo said.

But the military's Northern Luzon Command (Nolcom) disowned the list, saying it does not exist.

"We did not make that list and we are not making that kind of list anymore. It is a different time now. We deny that the military is involved in making the list. This is the handiwork of

Bulatlat.com, 16.11.2012

### Albay councilman shot, beheaded by suspected soldiers

By Ina Alleco R. Silverio and Ronalyn V. Olea

MANILA — A village councilman in Guinobatan, Albay province was found beheaded, November 12. According to reports from the Karapatan chapter in Bicol, the councilman, 60-year-old Ely M. Oguis, was accused of being a tax collector of the New People's Army (NPA) by the Philippine Army and was shot and decapitated.

Oguis, 60, was a member of the Albay People's Organization. Early on the morning of November 11, Oguis left his house to report for duty as village councilor at Cabaloan village. [...]

Later that evening, he met with fellow village councilor Juanito Sumaupan, and neighbor Rodrigo Mirabite for a drink. Eventually, they were joined by the detachment commander of the 2nd Infantry Battalion Cpl. Gilbert Ramos and another soldier known only as "Patoy."

Sumaupan said they drank a few bottles of beer before they moved to another store, this time owned by the victim's daughter, Marlyn. The two soldiers left past 10 p.m., and Oguis followed some 30 minutes after.

Based on reports gathered by Karapatan Bicol, at around 11p.m.,

In 2004, Tabat and her two companions, Medardo Villamayor and Isabel Necessario, were also arrested by the 61st Infantry Battalion in Brgy. Molobolo, Cauayan, for illegal possession of explosives, military records show.

Front (MILF).

Hao said the conflict between the two armed groups stemmed from a dispute over land ownership, which later on developed into family feud.

Montawal, who is Datu Montawal Municipal Mayor Datu Utto Montawal's brother, is currently hiding from the authorities because of the charges that were filed against him.

At least two residents were reported killed in the encounter.

The victims were identified as Robaina Hassan, 2, who died of a gunshot wound from a stray bullet, and Mongca Montawal who is a relative of Datu Andy.

other people and we don't know what their motives are," said Lt. Gen. Anthony Alcantara, Nolcom commander.

#### Harassment

He said the military in Ifugao has been involved in civic activities such as building schools. "We cannot (target) the people there. We love them," he said.

Baggo said people who were in the list have either been harassed

or abused, including government workers like Gabino Lindawan, an administrative aide of the Ifugao provincial agriculture and environment and resources office. Lindawan had been detained on a charge of possession of explosives.

Modesto Hanggoy, the first name in the list, had been getting frequent visits from soldiers, who interviewed him about rebel sightings in Tinoc, Baggo said.

On Nov. 5, Grayson Naogsan, son of the spokesperson of the Cordillera People's Democratic Front, was arrested by the police at a mall in Baguio and was detained at the Ifugao provincial jail.

some of the residents heard gunfire. Sumaupan went back to Marlyn's house, who is also a neighbor, to ask if she knew if her father had arrived home safely. Marlyn, in turn, called a sibling living in their parents' house. She was told that Oguis had not returned. Not suspecting anything, Sumaupan returned home.

At 1:00 a.m. the following morning, November 12, another village councilor Minda Sumaupan, with three others were returning home from a wake in another village. When they reached Palapbuton subvillage, Cabaloan, the group's flashlight shone upon a person lying along the road. At first, the group thought the person was asleep in a drunken stupor. They were shocked when, after coming closer to the person, they found the body with no head.

They immediately informed the village chief. Because of the darkness, the village captain decided to wait for daylight before investigating. At around 5 a.m., village officers examined the body. They found the decapitated head more than a meter away from the body, almost buried in mud, and identified it as Oguis. The ears had been hacked off.

## Action Network Human Rights- Philippines

The victim's wife, Nila, and other family members were immediately informed. The body was taken to a funeral parlor in Guinobatan town proper for autopsy.

Initial information gathered by Karapatan-Bicol revealed that Oguis sustained five gunshot wounds in the chest causing severe damage to the lungs and heart. The decapitated head also bore signs of being hit with a hard object.

In the meantime, units of the Armed Forces of the Philippines have already released statements, each one in conflict with the others.

On Nov. 12, Major Narzan Obuyes, spokesman of the 2nd Infantry Battalion of the Philippine Army, said that an encounter between the NPA and the military occurred at the military detachment in Cabaloaon village. Col. Ricardo Visaya, commanding officer of the 901st Brigade based in Daraga, Albay, said that Oguis was an NPA tax collector and may have been killed by the NPA as punishment for not remitting collections.

Another military spokesman, Maj. Angelo Guzman of the 9th Infantry Division said that Oguis was a small-scale coconut plantation owner and that he was killed by the NPA for not paying taxes.

The National Democratic Front of the Philippines (NDFP) in Bicol, however, has already issued its own statement, saying that there was neither NPA presence in the village nor an encounter.

In a statement sent to *Bulatlat.com*, Vince Casihilan, spokesman of Karapatan-Bicol and among those who conducted an independent investigation of the incident, quoted the residents as saying that they never heard any firefight. The gunshots did not last for even a minute, Casihilan said.

"The military is lying to cover up for their heinous crime," Casihilan said. "They are the only ones who have the motive to kill Oguis."

The heavy deployment of soldiers in Guinobatan, Albay began in July 2011. The 2nd IBPA arrived in 11 villages, including Cabaloaon. The soldiers first used the village hall as their headquarters before forcing the residents to set up their detachment in the village center. It is still, however, right near the village hall.

Karapatan-Bicol has previously documented several incidents of the military issuing threats and harassing residents, among them Oguis.

On August 21, 2011, soldiers known only as Ontolan and

Amolar invited Oguis to their detachment. In a sworn statement, a copy of which was sent to *Bulatlat.com* through email, the councilman said the two soldiers accused him of being a member of the NPA, and told him to leave the group. Oguis vehemently denied the accusations and asserted that he was only a village councilor.

In the same affidavit, Oguis related that sometime in August of the same year, the military ordered the residents to bring bamboo and other materials for their headquarters. Oguis said that out of fear, the residents obeyed and built the structure without any payment.

Karapatan-Bicol noted that the military also did the same to Bayan Muna member Rodel Estrellado.

On February 25, 2011, Estrellado was walking home from a local market in village 3, Malilipot, Albay, after buying food for his family. According to witnesses, at around 9 a.m., around four men who introduced themselves as members of the Philippine Drug Enforcement Agency (PDEA) accosted Estrellado and forced him inside a gray car [...].

It was found out later that three hours before Estrellado's abduction at 6 a.m., the spokesman of the 9th Infantry Division Maj. Harold Cabunoc issued a statement that an alleged member of the NPA named Elmer Estrellado was killed in an armed encounter in the village of Buluang, Bato, Camarines Sur.

Also on the same day at 1:25 p.m., a certain Major Danilo Ambe and 2nd Lt. Maribel Donilla based in Mabaludbalud, Tigaon, Camarines Sur filed a blotter report at the PNP Bato that they conducted a strike operation in Buluang, Bato that resulted in the death of one Elmer Estrellado.

Two days after Estrellado's abduction, February 27, Estrellado's family decided to go to a funeral parlor where they heard an "Elmer Estrellado" had been taken. They had previously looking for Rodel in various army camps, but the military denied having him in custody.

In the funeral parlor, the family found their loved one's body under the name "Elmer Estrellado."

Casihilan said the killing of Oguis is part of the implementation of the Aquino administration's counterinsurgency program Oplan Bayanihan. "The state forces who present themselves as Community Peace and Development Team (CPDT) are no different from the bloody Special operations teams of Arroyo's Oplan Bantay Laya I and II.

Bulatlat.com, 03.11.2012

### 'Don't be a ghost' parents of abducted UP students tell Palparan

By Ronalyn V. Olea

MANILA - The parents of the two missing students of the University of the Philippines (UP) are enraged over retired Gen. Jovito Palparan's recent legal move. Palparan<sup>[2]</sup> and co-accused M/Sgt. Rizal Hilario recently filed a petition<sup>[3]</sup> before the Court of Appeals seeking to stop the court proceedings in the Bulacan Regional Trial Court Branch 1.

In their 14-page petition, Palparan and Hilario, two of the four suspects in the kidnapping and serious illegal detention of Karen Empeño and Sherlyn Cadapan<sup>[4]</sup>, claimed that the court proceedings "smacks and reeks of persecution rather than prosecution."

"Sobra siyang walang hiya," Mrs. Concepcion Empeño, mother of Karen, told *Bulatlat.com* in an interview. "He is a coward who is afraid of his own ghost."

Mrs. Erlinda Cadapan said, "Ghosts are not allowed in court." "He should present himself in court first. How did he become a congressman if he did not know the law?"

Palparan, who served as representative of Bantay party list, and Hilario, remain at large more than ten months after the Bulacan court issued a warrant of arrest against the suspects. A P2-

million reward has been put up for the capture of Palparan but authorities have yet to arrest him and Hilario. Two other suspects - Col. Felipe Anotado and Staff Sgt. Edgardo Osorio - surrendered to the authorities and are now detained at the military camp in Fort Bonifacio, Taguig City.

"If he could write and sign a petition, why does he not face us in court?" Mrs. Empeño said. "He is guilty. If he committed no wrong, he would be ready to face us."

Mrs. Empeño also shared her husband's reaction on Palparan's legal tact. "They [Palparan and Hilario] want to nullify the charges against them when they did not even give a chance for Karen and Sherlyn to be charged in court for a fair trial," Mrs. Empeño read Mr. Oscar Empeño's text message. "They should have been incarcerated long ago," Mr. Empeño said in his text message.

The two UP students, along with farmer Manuel Merino, were abducted allegedly by Palparan's men in Hagonoy, Bulacan on June 26, 2006. The three remain missing to this day. According to testimonies of witnesses in court, the two students were tortured and raped.



## Action Network Human Rights- Philippines

### Recycled?

The lawyers of Palparan and Hilario argued that the charges of kidnapping and serious illegal detention were not the subject of the preliminary investigation conducted by the Department of Justice Panel of Prosecutors last year.

In May 2011, Mrs. Empeño and Mrs. Cadapan filed the complaint against Palparan et.al. A panel of prosecutors from the DOJ conducted a preliminary investigation and issued a resolution recommending the filing of charges against Palparan et.al.

"They were only investigated for rape, serious physical injuries, arbitrary detention, maltreatment of prisoners, grave threats, grave coercion, violation of RA 7438," Palparan's petition said. Earlier, Palparan also filed a similar petition before the Bulacan RTC but it was dismissed<sup>[5]</sup> by Judge Teodora Gonzales, citing that "the crimes of kidnapping with serious illegal detention are deemed included and described in the joint complaint and affidavits for which they [the accused] were investigated."

MindaNews, 05.11.2012

## Tampakan Killing Update: Army commander 'voluntarily' leaves post

By Bong S. Sarmiento

GENERAL SANTOS CITY—The battalion commander of the 27<sup>th</sup> Infantry Battalion, Lt. Col. Alexis Noel Bravo, relinquished his post today following the controversial death of the family members of a tribal leader waging an armed resistance against the massive Tampakan copper-gold project of foreign-backed Sagittarius Mines, Inc.

Lt. Col Shalimar Imperial, previously the intelligence officer of the 10<sup>th</sup> Infantry Division, replaced Bravo, who turned over the position hours before the Board of Inquiry, which was formed to investigate the deaths of the civilians, presented its findings in a press conference here this afternoon.

The Board of Inquiry (BOI) found a possible violation on the rules of engagement, and recommended the conduct of general court martial proceedings for 13 soldiers under Bravo, said Maj Gen. Ariel Bernardo, commander of the 10<sup>th</sup> Infantry Division.

The 13 soldiers, headed by 1Lt. Dante Jimenez, conducted an operation to arrest Daguel Capion that ended in the death of his wife Juvy and sons Jordan, 13, and John Mark, 8, last October 18 in the boundary of Tampakan in South Cotabato and Kiblawan in Davao del Sur.

Relatives said Juvy was two months pregnant.

Capion has resorted to an armed struggle against SMI on concerns on the environment, and because of the alleged trampling of tribal rights by the mining company. He admitted killing three workers of a construction company hired by SMI for a road project in March last year.

Bernardo said that Bravo voluntarily gave up his post "not because of the Capion slayings" that drew widespread condemnation from environment and human rights groups, which described the incident as a "massacre."

"He is due to be relieved even without the incident [because his tour of duty is ending]," said Bernardo, who praised Bravo as a "high performing commander."

"I admire him for his professionalism and for taking it upon himself to vacate his post," Bernardo said.

Bernardo said that Bravo would be taking a leave of absence from the service but will make himself available if needed by the General Court Martial.

"I volunteered to be relieved not because I feel guilty [for the death of Juvy Capion and her two sons]. For the past two weeks, I slept well every night. I eat my meals with gusto and my conscience remains crystal clear," Bravo said in his remarks during the relinquishment of command, a copy of which was given to reporters

An earlier press advisory from the military said the turnover of command would follow after the 1 p.m. press conference where

"Palparan's 'new' yet belated and recycled plea before the Court of Appeals is an obvious attempt to circumvent the denial of his earlier petition," Edre Olalia, secretary general of the National Union of People's Lawyers and one of the private prosecutors in the case, said in a statement. "It is an afterthought as he is clutching at the remaining thin straws of legal maneuvers that he could futilely resort to. Probably his world is getting smaller every day so he is desperately trying to preempt and delay the inevitable."

"He must play by the rules. He cannot invoke the trial court's jurisdiction to ask for a favorable ruling and then question it when it does not," Olalia said. "He wants to trifle with the judicial process by remaining a fugitive."

Olalia said Palparan "exhibits utter hypocrisy to claim due process, a basic right he is charged with having routinely denied those who remain missing."

Press Release, Karapatan, 06.11.2012

### 27th IB's replacement in Tampakan has EJK record

Karapatan scoffed at the Philippine Army's (PA) recent move to transfer the 39th Infantry Battalion (IB) in the Kiblawan-Tampakan-Cumbio area in place of the 27th IB, the military unit being held responsible for the massacre of B'laan anti-mining activist Juvy Capion, and her two sons, Pop, 13, and John, 8 on October 18.

Cristina Palabay, secretary general of Karapatan said that the "39th IB is also tainted with blood as it was the same unit responsible, with its attached paramilitary group, for the killing of father and son, Rudy Yalon-Dejos, 50, and his son Rody Rick, 26. Both were found dead with gunshot and stab wounds inside their house on February 27, 2011. Like Juvy, they were from the B'laan tribe in Sta. Cruz, Davao del Sur."

Rudy and Rody Rick Dejos were found dead, their bodies bathed in blood. Their hands and nails were smashed and there were bruises on their bodies. Their tribe was tagged by the 39th IB-PA to be in the "front-line of the underground movement" and the New People's Army. Rudy was vice chairperson of Zone-1 Farmers Association (ZOFA), an affiliate of Kilusang Magbubukid ng Pilipinas. Both underwent interrogation and threat from the military and paramilitary groups because of their involvement with KMP.

Palabay added that "the grave rights violations committed against the Capion family, and to the Dejos for that matter, cannot be resolved by playing musical chair, deploying another terror unit in place of one terror unit to supposedly appease the indigenous communities' disgust over these killings. The recent massacre took three lives, aside from the dislocation it caused the Capion family. This is a matter of justice. Military troops should be pulled out from all communities immediately."

Moreover, Palabay stated that aside from the replacement of troops, the reported court martial proceedings and the hazy reports on the relief or resignation of the commanding officer and troops responsible for the killings are meant to deceive the community and the public into buying that good-cop act of the Armed Forces of the Philippines.

"These military personnel should be held criminally liable for this massacre. They should stop justifying these heinous crimes by weaving tales about an encounter," she quipped.

Karapatan also noted that the 10th ID's former Commanding General, Jorge Segovia was promoted by Noyoy Aquino despite the charges filed against him for his involvement in the torture of the 43 health workers known as Morong 43. "It wouldn't come as a surprise if any of the officers involved in these killings, both of the Capions and the Dejos, would also be given the same privileged positions in the government. After all, this is 'respect for human rights' ala Oplan Bayanihan," said Palabay.

the BOI findings would be presented at the Joint Task Force GenSan headquarters here.

The turnover of command took place earlier Monday morning. "I volunteered to be relieved as CO [commanding officer] of



## Action Network Human Rights- Philippines

27<sup>th</sup> IB because I believe it is the right thing to do," Bravo said in his speech.

Col. Glorioso Miranda, 1002<sup>nd</sup> Infantry Brigade commander, told reporters moments after the press conference that Bravo's decision "caught" him by surprise.

Miranda said that Bravo should have stayed because there was no order from the higher headquarters to replace him as a result

www.asianews.it, 12.11.2012

### Kidapawan: military behind Fr. Tentorio Fausto's assassination

A member of a paramilitary force admitted today that his group was behind the murder of Father Fausto "Pops" Tentorio, an Italian missionary with the Pontifical Institute of Foreign Missions (PIME) who was shot to death in Arakan, North Cotabato province, on 17 October 2011. The Bagani Special Force is fighting the New People's Army (NPA), a Maoist movement.

PIME regional superior Fr Giovanni Re confirmed the information carried by Filipino papers, but warned that "investigations are still underway and the reliability of witnesses must still be determined."

For its part, the Filipino military has denied any involvement in the clergyman's murder. However, they disliked him Fr Tentorio because he worked on behalf of Manobo tribal groups threatened by mining activities.

According to the military, he had links with the NPA who on

Philippine Daily Inquirer, 12.11.2012

### Arraignment of accused in Olalia slay set for Wednesday

By Kristine Felisse Mangunay

MANILA, Philippines—The Antipolo Regional Trial Court has set the arraignment of one of the accused in the 1986 killing of a labor leader and his driver for Wednesday.

According to a one-page notice of hearing sent by the Office of the Clerk of Court Branch 98 to the lawyers of the complainants and private prosecutors, the reading of the murder charges against T/Sgt. Dennis Jabatan will be held in the sala of Judge Ma. Consejo Gengos-Ignalaga at 1:30 p.m. Wednesday.

Jabatan, who was arrested on Oct. 24 in Taguig City, is one of 13 accused in the murder of Rolando Olalia, then the chair of the militant Kilusang Mayo Uno, and his driver, Leonor Alay-ay.

Their mutilated bodies were found in Antipolo City in November 1986.

While a well-placed source at the Office of the Clerk of Court Branch 98 who refused to be identified said the court has already received a return of the warrant of arrest against Jabatan, he said that it had yet to receive a report from the Criminal

Asian Human Rights Commission - Urgent Appeal Programme, 16.11.2012

### PHILIPPINES: Trial of falsely charged Sulu activist now in Manila

Dear friends,

The Asian Human Rights Commission (AHRC) has been informed that the trial of Temogen "Cocoy" Tulawie, an indigenous activist who is prosecuted on evidence of forced confession, would now be heard in Manila. Temogen would be moved from a prison in Davao City to Manila; but, despite serious concern over the plot to kill him inside prison, no adequate measures have been taken to protect him.

UPDATED INFORMATION:

In our previous appeal[...] we have expressed concern over the impending transfer of Temogen "Cocoy" Tulawie from Davao City, where he is detained, to Manila because of the plot that he would be killed, allegedly by hired killers once he is transferred to a prison in Manila. In our letter [...] addressed to the Supreme Court (SC), we pointed out: "...we are gravely concerned about the safety and security of Tulawie once his transfer is completed. We have just been informed of the plot allegedly by the com-

of the death of the three civilians.

Capt. Jimmy Yasol, 10<sup>th</sup> ID staff judge advocate, said they recommended that the court martial be conducted in the Philippine Army headquarters in Manila.

Yasol said that the 10<sup>th</sup> ID has its own court martial but to "avoid bias perceptions," they recommended Manila to conduct the court martial proceedings.

several occasions praised his work. Nevertheless, the clergyman also spoke out against crimes committed by the Maoists who used the problems of tribal peoples to wage an ideological struggle against the military and the government.

Back in December, police arrested the priest's alleged murderers, Jimmi Ato and Robert Ato, but so far nothing is known about who sent them and why.

Nicknamed 'Pops,' the missionary had been in the Philippines for 32 years. When his funeral was held on 25 October 2011, thousands of people came from all over Mindanao, some travelling long distances, to say goodbye to the slain clergyman.

Fr Tentorio is the third PIME clergyman to be killed in the Philippines after Frs Tullio Favali and Salvatore Carzedda were assassinated in 1985 and 1992 respectively. (S.C.)

Investigation and Detection Group-Taguig on where the suspect was detained after his arrest indicating his transfer to the Rizal Provincial Jail.

Quoting information he received, Edre Olalia, one of the private prosecutors, said however that officials of the Rizal Provincial Jail had requested that Jabatan be detained at Camp Bicutan in Taguig instead.

Olalia said the management of the civilian facility had cited the lack of facilities in making the request.

Later sought for comment, the source at Branch 98 said, however, that the court had yet to receive such a request.

"Officially, (Jabatan) should be in the Rizal Provincial Jail," the source said.

Jabatan's two co-accused, retired military officers Desiderio Perez and Red Kapunan, are being held at the Rizal Provincial Police Office and the National Bureau of Investigation, respectively.

plainant, Governor Tan, to kill the accused once he is transferred from Davao City to Manila. It has been alleged that the complainant had contracted notorious Abu Sayyaf suspects currently detained at Camp Bagong Diwa, Bicutan, Taguig, to carry out the murder. This plot to murder him is already known inside."

However, despite the urgency in the content of the AHRC's letter, the SC did not respond. While this plot is public knowledge there is no indication as to whether the jail officers at the Camp Bagong Diwa have taken any measures or acted in any way to ensure the security arrangement to protect the Temogen. No police investigation has been conducted to ascertain the extent of the plot to kill Temogen or the allegations against Governor Tan, the complainant, is behind the plot.

On October 4, 2012, the Regional Trial Court, Branch 11, in Davao City, proceeded in sending the record of the case of Temogen to Manila. The transfer of the court records was in accordance with the order of the Supreme Court (SC).



## Action Network Human Rights- Philippines

On October 16, 2012, the Office of the Clerk of Court (OCC) in Manila confirmed receipt of the case folders and scheduled to raffle the case. The raffle was to ascertain which court branch would take jurisdiction to hear the fabricated charges on Temogen.

Rappler.com, 22.11.2012

### Asean NGO brings Subanen tribe case to UN

By Voltaire Tupaz

MANILA, Philippines - While seeking justice for the killing of his 11-year-old son, Jordan, Subanen Timuay (tribal chieftain) Locencio Manda had to move his wife and two other children out of their ancestral land into safety.

[...] Manda, one of the claimants of the Subanen Indigenous Community Ancestral Domain, has been leading the Subanen tribe's efforts to claim and protect their ancestral domain from mining and logging operations. [...]

#### On to the UN

[...] Manda found an ally in his fellow indigenous peoples from other countries in Asia who are taking his plight to the United Nations (UN).

On Tuesday, November 27, the Asia Indigenous Peoples Pact (AIPP), a Thailand-based network of 43 indigenous peoples' organizations from 14 countries in Asia, included Manda's case in a submission to James Anaya, special rapporteur on the rights of indigenous peoples.

[...] The AIPP submission sought an "urgent intervention on the killings of indigenous leaders and activists and their families in the Philippines." Militant indigenous groups say at least 30 indigenous peoples have become victims of extrajudicial killings under the Aquino government.

#### Letter of concern

AIPP felt the Philippine government failed to address its concern over the ambush of Manda and his son Jordan on September 4 in Bayog, Zamboanga del Sur.

"We're still pushing the government to establish a task force that would look into the case. We will also bring this to the attention of the UN Special Rapporteur on the Rights of Indigenous Peoples," Richard Guyguyon Gadit, AIPP human rights advocacy officer told Rappler.

Immediately after the ambush, AIPP sent President Benigno Aquino III a letter expressing "deep concern and condemnation" over the attempt on Manda's life that killed his son.

Replying to the letter, Undersecretary Severo Catura, head of the Presidential Human Rights Committee (PHRC), said that authorities have already filed a murder case and a separate complaint for illegal possession of firearms against 3 suspects. Three other suspects remain at large.

#### Motive

In a letter to Catura last October, police Chief Supt Francisco Don Montenegro, acting director of the directorate for investigation and detective management, said their probe revealed that "the only plausible motive of the incident is Brgy Chairman Manda's position as chieftain of the Pigsalabukan Gukom de Bayog (PGB) because it carries with it some political power."

But AIPP doubted the result of the police investigation and did not discount the possibility the incident could be related to mining.

"[...] We still believe that Manda's involvement in the anti-mining campaign is the reason," Gadit said.

The ancestral domain of Manda's tribe in Bayog has 8 mining permit applications, 3 approved mineral production sharing agreements (MPSA), one approved exploration permit, and numerous illegal small-scale mining operations.

In August 2012, Manda joined Catholic bishops and concerned groups in filing a writ of *kalikasan* to protect the Pinukis Forest

On November 8, the victim's wife, their legal counsel and also those who supported her husband's case, attended the raffling of the case.

The AHRC also sent its local representative. The case is now under the jurisdiction of Judge Marlo A. Magdoza-Malagar of the Regional Trial Court (RTC), Branch 19, Manila City.

Range, considered by the Subanen people as a sacred site and one of the remaining forest frontiers in the Zamboanga Peninsula covered by various mining applications.

#### Mining caused conflict

Manda himself believes that the alleged perpetrators, who turned out to be his fellow indigenous peoples, are also victims of the worsening division in his community that, he thinks, is brought about by mining operations.

[...] "The conflict in our town in Bayog, Zamboanga del Sur is caused by various interests in the ancestral domain -- it's really the mines," Manda told Rappler in an earlier interview.

[...] "In my heart, I pitied them. What they did angered me. But I'm sure it was not their decision but the mastermind's." Manda told Rappler in an earlier interview.

#### Divided by mining

Manda feels that his community is being used and divided by various mining interests in his ancestral land.

[...] "Our name -- like Lupa Bigatawan -- is being used. We are being divided because they're also organizing other members of our community," Manda said.

He said in Filipino, "As a leader, I don't treat my fellow tribal leaders [who don't share my position on mining] as an enemy because I know their hearts and minds are not like that. The mining company just influenced them."

AIPP expressed concern over efforts to "divide and sow intrigue among indigenous peoples and the defenders of their rights."

The group particularly reacted to the circulation of a statement attributed to Manda but which the tribal leader later disowned.

The statement which reached media [...] in September, suggested that the indigenous leader was not supporting the "anti-mining advocacy."

Another news item was on September 5, 2012 issue of Remate. While I appreciate the sympathy of some groups about what happened and their condemnation to the assailants, I cannot afford to make this matter as their avenue for expressing their anti-mining advocacy to which I do not subscribe.

To set the record straight, I am not anti-mining. I am, instead, **anti-illegal mining**. I am a government official -- a barangay captain of Barangay Conacon, Municipality of Bayog, Zamboanga del Sur -- and I swore to uphold the law. We have our laws in mining and other  
FAKE STATEMENT. Excerpt from the press statement falsely attributed to Timuay Manda. Screenshot from pinoy-buzz.com

#### Misrepresentation

He could not have issued the statement because according to him, when the statement was released, he had not yet even buried his son. [...] "How could I have gone out? No media interviewed me so how did it come out? I could not even attend to the case of my son."

Manda said he released an official statement which he signed only after the burial of his son.

Manda also clarified that whatever the label of his advocacy is, it essentially opposes mining operations that violate the rights of his tribe.

[...] "We are pursuing how we could establish our rights as indigenous peoples. We will confront anyone who will trample on our rights," he added.

## Action Network Human Rights- Philippines

Bulatlat.com, 23.11.2012

### Arroyo's plea vs Morong 43 civil case junked

By Ronalyn V. Olea

MANILA - After years of gloom, health workers saw a ray of hope as a local court denied President Gloria Macapagal-Arroyo's motion for reconsideration.

In today's hearing, Judge Afable E. Cajigal of Quezon City Regional Trial Court Branch 96 dismissed Arroyo's motion for reconsideration seeking to reverse the court's earlier decision junking the former president's plea to dismiss the case against her.

Arroyo and her top military officials were sued for damages for human rights violations committed against the 43 health workers or the Morong 43. Six of the Morong 43 filed the P15-million damage suit in April last year. The Morong 43 were arrested in February 2010 and detained for ten months on trumped-up charges of illegal possession of firearms and explosives.

"We are elated that the court found the basis of our arguments valid and that Mrs. Arroyo and her cohorts have an equal peg in terms of accountability for the human rights abuses we underwent in the hands of our captors," Dr. Alex Montes, one of the complainants, said.

In his decision, Cajigal said Arroyo's arguments in her motion for reconsideration were "reiterations and mere rehash of the grounds relied upon in the defendant's Motion to Dismiss." The order explained that the Motion to Dismiss was "exhaustively

passed upon" by Branch 226 of the QC RTC presided by Judge Ma. Luisa Padilla, which handled the case before.

In an earlier decision junking Arroyo's motion to dismiss, Padilla said the allegations in the complaint are "sufficient to constitute a cause of action for damages."

Cajigal, in his decision, found no "cogent reason to depart from the previous ruling of Branch 226" and denied the instant motion of Arroyo.

Montes deemed the court's decision as "a small victory for the Morong 43 and all victims of human rights abuses under the Arroyo presidency."

He added that today's decision "only proves that no head of state or top military and police official can get away with what their minions on the ground do to innocent civilians."

The pre-trial was reset January 31, 2013.

The decision was issued in time for the International Day to End Impunity."

In May this year, the Morong 43 also filed torture charges against Arroyo and military and police officials before the Department of Justice.

"We remain resolute to push on with this case until we claim justice for ourselves and all victims of human rights abuses," added Dr. Montes.

MindaNews, 02.11.2012

### Another suspect in Ampatuan Massacre falls

By Allen V. Estabillo

GENERAL SANTOS CITY - A former town councilor in Datu Unsay, Maguindanao who was allegedly involved in the gruesome Ampatuan Massacre has been arrested in Surallah, South Cotabato, a police official said on Friday.

Senior Supt. Randolph Delfin, South Cotabato police director, said that Abedin Alamada alias "Kumander Bedi" was nabbed at around midnight Wednesday by a joint police team in a house in Sitio Lanas, Barangay Upper Sepaka in Surallah town.

He said Alamada allegedly headed the Civilian Volunteer Organization (CVO) of Datu Unsay town and was directly involved in the November 23, 2009 massacre of 58 persons, including 32 media workers, in Sitio Masalay, Barangay Salman in Ampatuan town.

"His arrest was the result of efficient intelligence gathering and cooperation by concerned residents in the area," Delfin said.

The police official said Alamada, who did not resist arrest, was nabbed based on a warrant of arrest issued by Quezon City Regional Trial Court Branch 221 Judge Jocelyn A Solis-Reyes.

The arresting team was composed of elements from the South Cotabato Police Provincial Office, Provincial Police Public Safety Company, Special Action Force, Surallah municipal police station and the Region 12 police intelligence division.

Delfin said the suspect is still in their custody but they were already preparing his transfer to the Criminal Investigation and Detection Group-Region 12 headquarters at Camp Fermin Lira here.

The Department of Interior and Local Government (DILG) had placed a P250,000 reward for the arrest of Alamada, who was

listed as a resident of Barangay Meta in Datu Unsay.

The Department of Justice had filed 58 counts of murder against former Maguindanao governor Andal Ampatuan Sr. and his sons Andal Jr., former mayor of Datu Unsay; Zaldy, former governor of the Autonomous Region in Muslim Mindanao; and several other clan members and at least 180 CVO members or militiamen in connection with the massacre.

A group of armed men allegedly led by Ampatuan Jr. held and later killed members of the family of then Vice Mayor Mangudadatu, their lawyers and 32 media workers who were on their way to file Mangudadatu's certificate of candidacy for Maguindanao governor at the Commission on Elections provincial office in Shariff Aguak town. The media workers were there to cover the filing.

In an interview with a local television station, Alamada vehemently denied any involvement in the killings.

"I did not give much effort in hiding (from authorities) because I'm innocent," he said.

Two weeks ago, police also arrested massacre suspect Norhato Kamino in Sitio Talambong, Barangay Mongocayo in T'boli town in South Cotabato. Kamino, who worked in a banana plantation in the area, was allegedly a CVO member of Datu Unsay town.

One hundred ninety six persons stand accused in the Ampatuan Massacre, around 100 of them still being hunted by authorities.

Ampatuan Sr. and Ampatuan Jr. have pleaded not guilty to the massacre case. Zaldy has yet to be arraigned.

Inquirer.net, 12.11.2012

### No media coverage of massacre trial

By Tech Torres

MANILA, Philippines - The Supreme Court on Monday ruled that it is prohibiting the live media broadcast of the

Maguindanao massacre trial.

## Action Network Human Rights- Philippines

In a resolution released Monday, the high court partially granted the motion filed by Andal Ampatuan Jr. who told the high court that in allowing the public trial will deprive him of his rights to due process, equal protection, presumption of innocence, and to be shielded from degrading psychological punishment.

"While this court recognizes the freedom of the press and the right to public information, which by the way are rights that belong to non-direct parties to the case, the rights of the direct parties should not be forgotten. In a clash among these competing interests and in terms of the values the Constitution recognizes, jurisprudence makes it clear that the balance should always be weighed in favour of the accused," the high court said.

The high court pointed that constitutional rights specific to the accused such as right to due process of law, right to be presumed innocent until proven guilty, right to an impartial and public trial and the requirement of the highest quantum of proof prompted them to take a second look at the high court's June 2011 decision that allows live media coverage of the trial.

It said the rights of the accused are enough justification that "a camera that broadcasts the proceedings live on television has no place in a criminal trial because of its prejudicial effects on the rights of the accused individuals."

On June 14, 2011, the high court, through then Associate Justice now Ombudsman Conchita Carpio-Morales allowed the live media coverage of the Maguindanao massacre trial on several conditions: 1. Voice overs are prohibited except on brief annotations of scenes depicted on the trial; 2. Prohibiting repeat audio-visual recording except upon finality of judgment or of brief footage and still images depicted on cartographic sketches of the scenes based on the footage but only for news purposes and 3. It has to be a continuous broadcast with no commercial break except when the trial has adjourned or during break.

Relatives of the victims filed a partial reconsideration on the ruling saying it constitutes prior restraint because it tells the media what to do. They said such a condition would produce a "chilling effect" on all forms of expression about the court proceedings.

Principal accused Andal Ampatuan Jr. also filed a partial motion for reconsideration saying the high court should be more vigilant in safeguarding his rights as an accused.

He argued that the immense publicity and adverse public opinion which the live media coverage can produce would affect everyone including the judge, witnesses for the accused and families of all the parties concerned.

Ampatuan said "live media coverage of the trial is cruel and degrading punishment for the accused even before he is convicted by final judgment."

In granting Ampatuan's motion, the high court said the media can still be accommodated during the trial but no live coverage. Instead, it will install closed circuit viewing areas outside the courtroom for those who want to watch the proceedings, similar

to what the high court does during oral argument.

The high court will also install closed circuit viewing areas in selected trial courts in Maguindanao, Koronadal, South Cotabato and General Santos City where most relatives of the accused and victims reside.

### 'Create another court for Maguindanao massacre case'

By Dennis Carcamo

MANILA - An official of a human rights group based in Southeast Asia on Wednesday proposed that the Department of Justice request a creation of a court that would only handle motions related to the Maguindanao massacre case.

H.R. Dipendra, Media Legal Defense-Southeast Asia director, said this would save time allotted for the trial proper of the multiple murder case.

"The court would only take care of all the motions by both parties... The court should not allow for any delay [of the trial] and do away with frivolous motions," Dipendra said during a media briefing at the UP Law Center in Quezon City.

Dipendra also suggested that Judge Jocelyn Solis-Reyes to reduce the number accused being tried and just focused on the principal accused.

"Maybe we focus on the principal accused...three years is too long for this case to be tried," he said.

For his part, private prosecutor Gilbert Andres called on President Benigno Aquino III and Interior and Local Government Secretary Mar Roxas to double the government's efforts to arrest the 91 more accused who remain at large.

On Nov. 23, 2009, several members of the Ampatuan family and private army allegedly brutally shot to death 58 people, including 32 media workers and journalists, in Ampatuan town, Maguindanao.

Three main accused in the case--former Maguindanao governor Andal Ampatuan Sr., ex-Datu Unsay town mayor Andal Ampatuan Jr., and former ARMM governor Zaldy Ampatuan-- are now detained at Camp Bagong Diwa in Taguig City.

*Philstar.com, 21.11.2012*

Recording will be allowed but only for documentary purposes, the high court said. The original audio-visual recording shall be deposited in the National Museum and the Records Management and Archives Office. The camera will be operated only by the Supreme Court.

Aside from the rights of the accused, the high court said the judge and the witnesses must also be protected.

"In this case that has achieved notoriety and sensational status, a greater degree of care is required to safeguard the constitutional rights of the accused. To be in the best position to weigh the conflicting testimonies of the witnesses, the judge must not be affected by any outside force or influence. Like any human being, however, a judge is not immune from the pervasive effects of media," the high court said.

"A witness' behaviour and self-consciousness before the camera in a high profile case such as this case might compromise the reliability of the fact-finding process which in turn could skew the judge's assessment of his or her credibility," it added.

Bulatlat.com, 22.11.2012

## Maguindanao massacre and the absence of genuine justice, press freedom, and good governance

By Benjie Oliveros

MANILA – The Maguindanao massacre is the worst attack on the media and press freedom; it is the most gruesome face of impunity in the country; it is the scourge of political dynasties and warlordism that rule over the countryside, which, in turn, begets corruption and the politics of guns, goons and gold.

The Committee to Protect Journalists called it as the single deadliest event for journalists in history. The sheer number of journalists killed, 34 of the 58 victims, had earned it this infamy. Add to the number of victims the brazenness of the crime – which was done in broad daylight, on a highway, and the fact that the digging of the grave for the victims was done two days

before and that the perpetrators did not even exert any effort to conceal their identities – makes the Maguindanao massacre the most gruesome display of impunity in killings in the country's history.

What gave the Ampatuan clan the temerity to commit such a blatant crime?

The Ampatuan clan is one of the most powerful clans in Mindanao and incontestably, the most powerful in Maguindanao province. The patriarch Datu Andal Ampatuan Sr. was appointed officer-in-charge of Shariff Aguak by the late president Cory Aquino, the current president's mother, after the People Power

## Action Network Human Rights- Philippines

uprising in 1986. He was subsequently elected as governor of Maguindanao. His two sons also held key positions in the province: Zaldy Ampatuan was the governor of the Autonomous Region in Muslim Mindanao and Andal Ampatuan Jr. was the mayor of Datu Unsay, Maguindanao at the time of the massacre. His son-in-law Akmad Ampatuan is the mayor of Mamasapano, Maguindanao. Grandson Anwar Ampatuan was the mayor of Shariff Aguak, the capital of Maguindanao. Even while in prison, they were able to order the brutal killings of key witnesses to the massacre.

Their mansions stand out among the sea of poverty. Their 2000-strong private army rivals that of the Philippine Army and the local police in terms of arms at their disposal. The Ampatuan clan reportedly ensured the "victory" of Gloria Macapagal-Arroyo during the 2004 presidential election through the manipulation of the elections in the province, if ever there was any election held at all in the province in 2004. The Ampatuan clan's impunity and control over the province is the best argument against the perpetuation of political dynasties.

When President Benigno Aquino III took over the reins of government, he vowed to engender change, render justice, battle corruption and usher in good governance. But why is it that more than two years after President Aquino assumed the presidency, we are still nowhere near attaining justice for the victims of the Maguindanao massacre?

Some would justify this by saying that the Aquino government could not do anything about it because it is up to the court. But the court is not immune to political pressures. Even the Supreme Court responds to political pressures, and that is not exclusive to the High Court under impeached chief justice Renato Corona. Besides, are the evidences not obvious and did the witnesses not positively identify the accused? How could the rules of court hostage justice? How could the judge and prosecutor allow the defense to delay the proceedings of the case?

If one were to analyze deeper, it would not be too difficult to discern why justice has remained elusive to the families of the 58 victims.

First, impunity still reigns. Not even one perpetrator of killings of journalists and political activists has been brought to justice. Not even one disappeared victim has been surfaced and no officer and unit of the Armed Forces of the Philippines have been held accountable even if evidences clearly point to them as culprits. Worse, the killings and enforced disappearances con-

tinue and the response of the Aquino government has either been to ignore or to deny that these are still happening.

Second, political dynasties and warlords still hold sway not only in the countryside but in national politics as well. Traditional political families control national and local politics by having the patriarch, his wife, sons, daughters, cousins and in-law in office and running for key positions in government. The Enriles control the political and economic life of Cagayan Valley; the Angaras control Aurora province; the family of the late dictator Ferdinand E. Marcos controls Ilocos Norte province; the Estradas control San Juan City and the Binays control Makati City; and the list goes on and on. The country is still half a year from the 2013 elections and yet, the death toll in election-related violence has already begun.

Third, the Aquino government has repeatedly shown contempt for a critical press. He has, time and again, taken potshots at the media for publishing reports critical of his government. And instead of fulfilling his campaign promise of transparency in government and support for the Freedom of Information Bill, he has thrown his full support to the Data Privacy Act, the Right of Reply bill, and the Cybercrime Prevention Act, which will effectively shield the government from the critical eye of the press and the public and penalize those who expose wrongdoings in government.

Of course, the Aquino government would say that it is implementing changes in government. But what President Aquino merely did was to replace the secretary of justice and impeach the chief justice of the Supreme Court. Clearly, changing the head of the department or the court is not enough without changing the system. And change is something that the Aquino government has not done.

If the Aquino administration is really serious in dispensing justice, it should throw the full weight of its government toward pushing for justice for the victims of the Maguindanao massacre, as well as for the other cases of killings of journalists and political activists; run after and prosecute those responsible for extrajudicial, arbitrary, and summary killings and enforced disappearances; dismantle political dynasties, private armies, and paramilitary groups; ensure transparency and accountability in government, starting with the enactment of the Freedom of Information bill, repeal of the cybercrime prevention act, and the decriminalization of libel; encourage a free and critical press; and undertake sweeping political and electoral reforms.

Press Release, Global Coalition to Protect Education from Attack, 20.11. 2012

### Keep Soldiers Out of Schools and Universities

(New York) – The use of schools and other education institutions for military purposes by armed forces and non-state armed groups during wartime endangers students and their education around the world, said the Global Coalition to Protect Education from Attack in a study released today.

The 77-page study, "Lessons In War: Military Use of Schools and Other Education Institutions during Conflict", examines the use of schools and other education institutions for military purposes by government armed forces and opposition or pro-government armed groups during times of armed conflict or insecurity. Schools are used for barracks, logistics bases, operational headquarters, weapons and ammunition caches, detention and interrogation centers, firing and observation positions, and recruitment grounds.

"The moment troops establish a base inside a school, they can turn it into a target for attack," said Diya Nijhowne, director of the Global Coalition to Protect Education from Attack. "When soldiers use schools and universities they are often putting their

own convenience over the safety and education of students."

Countries around the world should adopt policies and laws to restrict military forces and armed groups from using schools and other education institutions during times of armed conflict, the coalition said.

Between January 2005 and October 2012, the study found, armed forces and armed groups used education institutions in at least 24 countries, a substantial majority of the countries with armed conflicts during this period. The list included countries in Africa, Asia, Europe, the Middle East, and South America.

[...]The countries with reported military use of education institutions between 2005 and October 2012 are: Afghanistan, Burma/Myanmar, Central African Republic, Chad, Colombia, Cote d'Ivoire, Democratic Republic of Congo, Georgia, India, Iraq, Israel/Occupied Palestinian Territory, Libya, Mali, Nepal, Pakistan, the Philippines, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Thailand, Uganda, and Yemen.

The report can be found online at:

[http://protectingeducation.org/sites/default/files/documents/lessons\\_in\\_war.pdf](http://protectingeducation.org/sites/default/files/documents/lessons_in_war.pdf)