



Action Network Human Rights- Philippines

HEADLINES NEWS REVIEW DECEMBER 2014

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The Action Network Human Rights – Philippines *advocates the sustainable improvement of the human rights situation in the Philippines. Members are: Amnesty International, Bread for the World – Church Development Service, Misereor, Missio Munich, philippinenbüro e.V., the International Peace Observers Network (IPON) and the United Evangelical Mission (UEM).*



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HEADLINES & POLITICS
HRonlineph.com, 02.12.2014

19 tribal clans affirm no to mining in Maguindanao -LRC/KsK

The members of the affected clans of the Teduray and Lambangian indigenous peoples stood firm in their declaration against the threat of mining in their communities in Datu Blah Sinsuat, Upi and South Upi municipalities.

"We are against mining for the present and future generations of our people and for our ancestral domain which will clearly be devastated by mining", shared Rogelio Patricio during the presentation of the CSO-led fact-finding mission results of mining-related incidences in Maguindanao on November 28 in Cotabato City.

Patricio, 49, heads the organized clans whose members first reported the digging activities and taking of soil samples in barangays Rempes, Renti and Ranao Pilayan in Upi without going through the process of Free, Prior and Informed Consent (FPIC) as required by the Indigenous Peoples' Rights Act or R.A.8371.

The results of fact-finding mission conducted by civil society organizations that were led by the Kilusang Maralita sa Kanayunan (Kilos Ka) and the Legal Rights and Natural Resources-Kasama sa Kalikasan/Friends of the Earth Philippines

Philstar.com, 02.12.2014

Political prisoners to hold week-long fasting

By Dennis Carcamo

MANILA, Philippines - Political prisoners nationwide are set to holding a week-long fasting in line with the observance of the International Human Rights Day on December 10.

Starting Wednesday, more than 400 political prisoners in different detention facilities nationwide will fast until December 10.

Meanwhile, members of rights groups Karapatan and Selda and numerous peace advocates will also hold a picket in front of the

Rappler.com, 04.12.2014

Police torture 'rife, routine' in PH - Amnesty report

By Bea Cupin

MANILA, Philippines - Thirty-nine-year-old Richard*, a shopkeeper from Quezon City, is lucky to be alive.

"Lord, I don't want to die yet," was the only thing on his mind as 3 policemen apprehended him, stuffed him inside a van, tied his hands behind his back with wire, broke his left arm, and wrapped packing tape around his head before stepping on it. [...]

The 3 cops then stopped the van and dragged Richard outside. One cop ordered another cop to shoot him. Four bullets went through his body; a fifth hit his head. He hit the ground and lost consciousness.

Richard later woke up, removed the tape around his head and almost passed out again before passers-by brought him to a nearby government hospital. While recovering from his gunshot wounds, Richard said a "police investigator" visited daily, offering to pay for his hospital bills.

After 5 days, Richard was discharged, all expenses paid by the cop but on one condition - he would have to report to a designated police station that night. Richard never did and instead went to the Commission on Human Rights (CHR). He has since been admitted to the Justice Department's Witness Protection Program.

Richard's story, human rights group Amnesty International says, is only one of many that illustrates how "anyone arrested on suspicion of theft or other criminal activity in the Philippines risks being tortured or otherwise ill-treated in police custody."

The Philippines is one of 5 countries in an Amnesty study as part of its stop torture campaign, along with Nigeria, Mexico,

on September 5 to 7 verified that "illegal mining activities took place in the ancestral domains of Teduray and Lambangian in Upi and parts of Datu Blah Sinsuat municipalities as early as April 23, 2014 until September 5, 2014". So far, these activities have already "caused fear, anxiety, conflict, division and dissonance between and among community members", the mission report further divulged.

The same communities were also the sites of logging concessions operated by Maguindanao Coastal Logging Concession and Pinansaran Logging Concession, Inc. which started operations in 1999. And now with the speculations on mining as shown by the digging and soil extraction from their lands, the tribal clans are fearful of its adverse effects to their sources of livelihood which have already become scarce because of the denudation of the forests and the destruction of watersheds through the years.

These indigenous communities are part of the claimants to the 201,850-hectare unified ancestral domain claim of the Teduray, Lambangian and Dulangan Manobo currently pending at the National Commission on Indigenous Peoples (NCIP).

Department of Justice (DOJ) main office in Manila to call on the government to free all political prisoners in the country.

The groups' members will also hold a program at the Manila Regional Trial Court on Wednesday for the hearing of multiple murder case of alleged communist leaders Benito Tiamzon, Wilma Austria, Rafael Baylosis, Randall Echaniz, Vicente Ladlad, and Makabayan Chair Satur Ocampo. [...]

Western Sahara, and Uzbekistan.

Its 2014 report, "Above the law: Police torture in the Philippines," notes that despite a law that makes torture illegal, "torture is still rife, and that the overwhelming majority of reports of torture involve police officers."

This, even if the Philippines is "seen on the international stage and in Asia as a champion for human rights," said Amnesty International Secretary General Salil Shetty in an interview with Rappler.

On paper, the country's policies against torture are top notch: the Philippines is signatory to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and in 2009, passed the Anti-Torture Act. [...]

Forms of torture

The 120-page report, released on Thursday, December 4, is based on more than 50 interviews with police torture victims and their family members. But Shetty said the report is only the tip of the iceberg and many more cases remain unreported.

Amnesty interviewed Richard in 2013, almost a year after his encounter. In the interview, Richard said he was not told why he was being arrested. The 3 men were in civilian clothes but were riding a police car when they accosted him.

Shetty said Amnesty International decided to zero in on the Philippine National Police (PNP) because based on data, most cases of alleged torture involved the police.

One of the more recent and high-profile cases of [cops caught torturing suspects happened](#) in January 2014 when regional



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intelligence police based in Biñan, Laguna, were caught running its lock-up cell as a “torture facility.” [...]

Public outcry was swift and fierce.

In a matter of days, the PNP’s command ordered the lock-up facility closed. All policemen suspected of involvement were relieved, with a few officials also relieved over “command responsibility.”

“Even if somebody is suspected of a crime, there is a judicial process. In fact, many of the people we talked to, they say: sure, we committed a crime, but that doesn’t mean we can be tortured,” said Shetty.

Most of the people detained in the Biñan jail were suspected drug pushers who were still awaiting their day in court. They have since been relocated to other jails in the area.

From January to July 2014 alone, 22 out of 28 alleged cases of torture recorded by the CHR involve cops. Most torture victims, said Shetty, come from impoverished backgrounds. [...]

Based on their interviews, Amnesty International said those “at risk” of police torture are suspected juvenile offenders, suspected repeat offenders, suspects who allegedly wronged police officers or their family, and police “assets” or informants who fell out of favor with cops.

Minors are easy prey for wayward cops, according to the report. [...]

For Shetty, the 2014 report is not about the past but understanding a culture that seems to consent to human rights abuses.

One problem Amnesty International found was that some police personnel resort to “shortcuts” when investigating cases and arresting suspects.

“The PNP depends on an overstretched police force which, coupled with an underdeveloped forensic investigative capacity and dependency on testimonial evidence, means that personnel are often predisposed to taking ‘shortcuts’ in their arrests and criminal investigations,” noted the report.

This is especially true in high-profile cases “where the police’s public reputation is at stake.” [...]

The group also raised concern over the PNP’s use of “auxiliary”

forces – both formal and informal – who are “handpicked by police officers to assist them through providing information, support in covert operations and, in some cases, performance of extra-legal activities in exchange for a fee.”

These “auxiliaries,” Amnesty International noted, tend to engage in unofficial and undocumented operations where a lot of the abuses occur.

Action against a ‘national shame’

Despite the number of cases filed against the police, other law enforcement groups and even the military, there have been zero convictions made under the Anti-Torture Act of 2009.

To Shetty, this is where the problem lies: human rights continue to be violated, and torture still accepted because people think they can get away with it. [...]

There are many ways – 11 to be exact, according to police officials – wherein victims of police torture can air their grievances.

[...] In many cases though, victims are either unaware of these options or are unwilling to put their fate in institutions they feel are not independent.

The NAPOLCOM, which hears administrative complaints against police personnel, counts the PNP chief as one of its commissioners. The PNP’s IAS, meanwhile, was initially designed to be headed by a civilian.

The current IAS head is a police general and the office is also directly under the office of the PNP chief.

And then, of course, there’s the notoriously [slow Philippine justice system](#). “The only way you can break this vicious cycle is by ensuring justice and accountability. This situation of 5 years and no conviction, no accountability just has to end,” Shetty added. [...]

The organization is also calling for a review of the Anti-Torture Act on its sixth year.

The goal, said Shetty, is to turn political rhetoric into action.

“One of our goals is to make a call to the President, to the leaders in the country, to make a stand on zero tolerance. It’s not a matter of making one more speech. We’ve had enough of speeches,” he said.

The Philippine Star, 11.12.2014

Group laments unsolved human rights cases

By Artemio Dumlaog

MANILA, Philippines - The state of human rights in the Philippines is still not a rosy picture with the long list of human rights violations committed in the country, human rights groups said yesterday.

Members of Karapatan, Manilakbayan, Bayan and Defend-Southern Tagalog gathered in Manila, while other human rights groups converged at major cities and provinces to commemorate International Human Rights Day yesterday.

Karapatan cited 226 victims of unexplained killings – mostly peasants, people from Mindanao and indigenous people – and the 225 victims of frustrated killings.

In Caraga region alone, there are 162 cases of human rights violations that remain unsolved from November 2012 up to the present, the group reported.

Karapatan secretary general Cristina Palabay said that what is more alarming is the manner by which a number of victims were killed.

She noted that 15 victims of unexplained killings were tortured to death, beheaded, hogtied and dumped in shallow graves.

Karapatan also cited as a brutal crime against Filipinos the Aquino government’s alleged lack of attention to the demands of peasant and indigenous peoples group Manilakbayan to pull out the 55 battalions of the Armed Forces of the Philippines

(AFP) in Mindanao that implement Oplan Bayanihan and protect big foreign mining corporations and plantations, which plunder the country’s resources.

There are also more than 145,000 victims of the AFP’s encampment in schools, medical and religious places and other public places for military purposes. Most of the documented cases are in Mindanao, Karapatan claimed.

Palabay lamented that the government used trumped-up criminal charges against activists and community leaders to silence them and quell their protests against government policies and projects that affect communities.

There are reportedly 491 political prisoners, most of them charged with criminal offenses that Palabay said “were false.”

Karapatan also said that the Department of Interior and Local Government (DILG) and Department of National Defense (DND) have used millions of government funds as bounty for “communist leaders” in their order of battle.

For 2014 alone, the DILG and DND gave away P51.2 million to “informers” as reward money, Karapatan claimed. [...]

The Commission on Human Rights admitted that incidents of human rights violations persist in the country even as the government continues to implement measures and policies to ensure and uphold human dignity.

Hronlineph.com, 21.12.2014

The US Congress continues to be concerned about human rights violations by the Philip-

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Army". -EANP

The US Congress continues to be concerned about human rights violations by the Philippine Army".

In an appropriations bill signed by president Obama on December 15, the US Congress expressed serious concern about the lack of progress on human rights by the Philippine Army. The bill appropriates \$50 million in credits for the Armed Forces of the Philippines to buy arms from the US, but bill contains provisions that prevent funding of the Army unless the US Secretary of State certifies the Army meets three human rights restrictions. In order for the Philippine Army to be given access to the funding the Government of the Philippines must be:

- 1) investigating and prosecuting army personnel who are credibly alleged to have committed, or aided or abetted, extra-judicial executions, forced disappearances, and other gross violations of human rights, and strengthening government institutions working to eliminate such crimes;
- 2) implementing a policy of promoting army personnel who demonstrate professionalism and respect for human rights; and
- 3) taking steps to ensure that the Philippine army and paramilitary groups under its control are not engaging in acts of intimidation or violence against journalists or human rights defenders.

The Ecumenical Advocacy Network on the Philippines (EANP), a US based human rights group that has advocated for the human rights restrictions since its founding in 2007, recently sent a letter to the US Congress and the State Department documenting the lack of progress on human rights. EANP stated that the

Philstar.com, 26.12.2014

Philippines among 'most worsened' states

By Camille Diola

MANILA, Philippines — The Fragile States Index sounded off the Philippines with a "very high warning" as it ranked 52nd most fragile country and 5th "most worsened."

The study by the United Nations Foundation released earlier this year looked into 178 nations' level of stability and pressures they face based on millions of documents, data from 2013 and "comprehensive social science methodology." With 0 as the perfect score, the Philippines received an 85.1 score after an assessment of social and economic indicators such as uneven development, brain drain and poverty, as well as of political and military factors such as public services, human rights, factionalized elites and security.

[...] Finland ranked last in the index with 18.7 as the most stable state, while South Sudan figured with an 112.9 score as the most fragile.

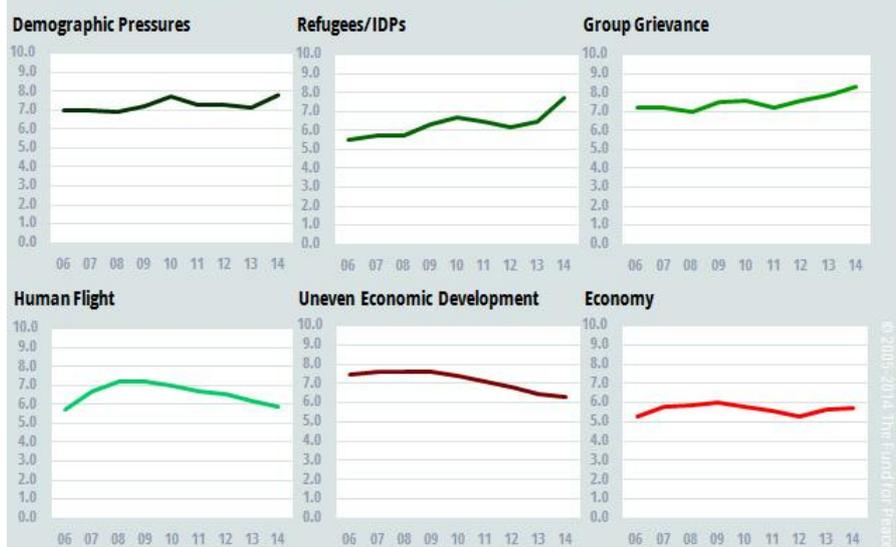
"Weak and failing states pose a challenge to the international community," said the report edited by JJ Messner and assessment directed by Nate Haken.

"Pressures on one fragile state can have serious repercussions not only for that state and its people, but also for its

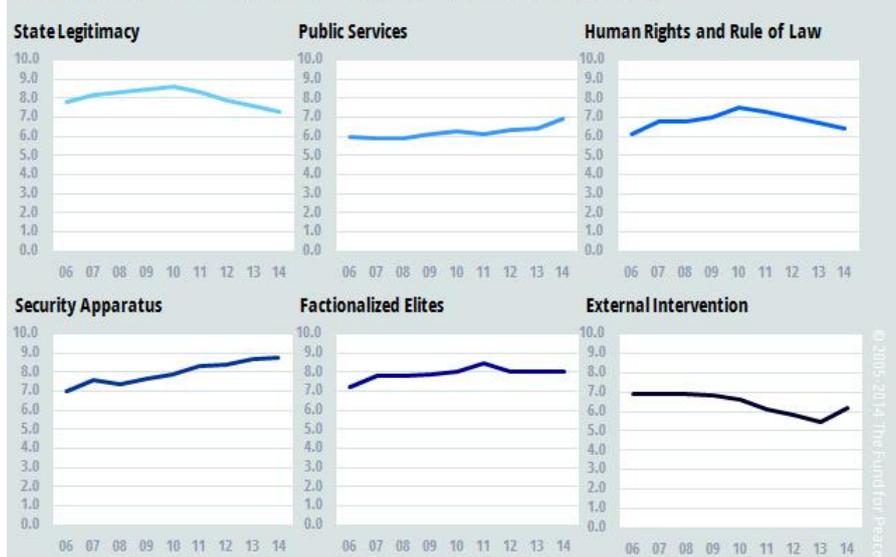
Army has a very poor record of prosecuting human rights violators. Since President Benigno Aquino was inaugurated, 152 political and environmental activists have been killed and 18 disappeared. There have been very few arrests, and only a handful of convictions and not one mastermind has been convicted. The Army continues to promote human rights violators. In 2013 the Army promoted Brigadier General Eduardo Año, Brigadier General Aurelio Baladad, Lieutenant General Jorge Segovia, and Brigadier General Ricardo Visaya, all Army officers with credible accusations of involvement in human rights violations. Killings and abductions continue. Human rights groups in the Philippines have documented over 40 killings so far in 2014, a very significant increase compared to the previous year. In addition to the killings, detentions, torture, disappearances, enforced dislocations of indigenous people, harassment and intimidation of human rights advocates, and suppression of labor rights are on the rise.

Since 2008 the AFP has lost over \$13M in funding because the US Secretary State concluded that the AFP has not sufficiently improved its human rights record.

Philippines: Social and Economic Indicator Trends 2006-2014



Philippines: Political and Military Indicator Trends 2006-2014



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neighbor and other states halfway across the globe," it added. The Philippines was found to have "worsened" since the 2013 index even as it slightly improved from 2012.

Among the country's indicators that posed a downtrend the past year were those of demographic pressures, internal displacement, group grievance, public services, external intervention.

The Philippines' security apparatus continued to worsen since 2008 while the economy somewhat carried over from 2013 with

no significant gains.

[...] Human flight and brain drain remained to deteriorate since 2009, while uneven economic development also showed signs of improvement.

The scores on human rights and rule of law and state legitimacy similarly improved.

CALAMITIES & CLIMATE CHANGE

The Philippine Star, 15.12.2014

Climate disasters changing Phl demographic profile

By Rudy Fernandez

LOS BAÑOS, Laguna, Philippines - Climate change-related disasters are shaping the country's demographic profile, experts have said.

This development is said to be exemplified by recent catastrophes that devastated several areas in the Philippines, including Super Typhoon Yolanda, which hit the country in November last year.

In a recent lecture at the Southeast Asian Regional Center for Graduate Study and Research in Agriculture (SEARCA) hosted by the government at the University of the Philippines - Los Baños (UPLB), Sen. Cynthia Villar cited that many people from affected localities moved to urban areas, including Metro Manila, after the onslaught of Yolanda.

Villar cited a report by German think tank Germanwatch indicating that the Philippines was the number one country affected by climate change in 2013, followed by Cambodia and India.

Meanwhile, a study done by the International Institute for Environment and Development estimated that more than 634 million people or about one tenth of the global population live in low elevation coastal zones and will be severely affected by climate

change effects.

The study found that the Philippines is among 10 countries with the highest population densities in coastal and low-lying areas, along with Indonesia, Vietnam, Japan, China, India, and the United States.

Former UP School of Economics dean and now Socioeconomic Planning Secretary and National Economic and Development Authority director general Arsenio Balisacan had said that looking closely at the coastal dwellers' profile, the incidence of poverty among fisherfolk is disturbingly high.

Not only are the fisherfolk among the country's poorest segment of the population. They along with farmers are also among the most vulnerable to natural disasters, particularly those generated by climate change, he said.

This theory is also acknowledged by about 400 scientists, economists, academics, farmer-leaders, and other stakeholders who attended the Nov. 12-13 Second International Conference on Agricultural and Rural Development in Southeast Asia in Makati City organized by SEARCA.

INSTITUTIONS

The Philippine Star, 29.11.2014

EU to Phl: Strengthen justice system to sustain growth

By Pia Lee Brago

MANILA, Philippines - The European Union (EU) yesterday called on the Philippines to strengthen its justice system to sustain its economic growth, alleviate poverty and to protect human rights.

EU Ambassador Guy Ledoux said transforming the justice system requires carrying out genuine problem analysis and not shying away from reality as well as performing genuine needs assessment and be accountable for change.

"If reforms of the justice system have been undertaken over the last two decades, it is indeed fair to say that the results have fallen short of expectations," Ledoux said at the launching of the Justice Zone, an initiative of the Justice Sector Coordinating Council (JSCC) aimed at shortening legal proceedings by up to 50 percent.

"It is argued that previous reforms have largely been piece-meal, scattered and isolated throughout the justice system," he added.

"Transforming the justice system therefore requires getting away from unilateral measures by its different stakeholders towards coherent and integrated reforms spanning the whole sector."

Having the biggest residential population and covering five percent of the national caseload, Quezon City was chosen as pilot area of the Justice Zone.

Besides its sector-wide approach, the concept of the Justice Zone is inscribed in a long-term vision of a well-performing justice system in which everyone plays his part to the fullest.

"It is also backed by a well thought through implementation plan which leaves no room for excuses for failure or delays in execution. The sector-wide coordination - or rather collaboration - is already by itself a guarantee that implementation will follow suit," Ledoux said.

The Philippine Star, 03.12.2014

P-Noy lobbies for higher judiciary budget

By Aurea Calica

MANILA - President Aquino appears to be extending an olive branch to the Supreme Court after lobbying yesterday for swift Congress action on budgetary requirements cited by Chief Justice Maria Lourdes Sereno for fighting corruption and carrying out judicial reforms.

"Before we forget... I hope you took note of budgetary requirements of the judiciary that should be attended to posthaste,"

Aquino said during the 2nd State Conference on the United Nations Convention Against Corruption, specifically addressing Budget Secretary Florencio Abad.

"And since the approving authority is present also, perhaps we can lobby them for the speedy inclusion of what is necessary to help the judiciary in our common fight against corruption amongst others, making sure we are compliant with all the



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directives," Aquino said, referring to Senate and House leaders in attendance.

Aside from Sereno, those present during the conference held at Malacañang were Senate President Franklin Drilon, Speaker Feliciano Belmonte Jr. and Ombudsman Conchita Carpio-Morales.

The executive branch's proposed budget for the judiciary was some P12 billion less than what the SC is seeking for the country's courts in the 2015 national budget.

In her speech, Sereno said the judiciary would continuously push for the modernization of the courts because "we strongly believe that technology can be an effective anti-corruption tool as it minimizes the areas of human intervention."

She cited as an example the e-subpoena, which has improved attendance of police witnesses in Quezon City.

"Of course, such initiatives require funding and this is the reason why we continually appeal for additional budgetary support," she said.

"But more than processes, programs and projects, the fight against corruption starts with people. I have supported the efforts of legal educators to strengthen ethical values in the law school curriculum," she said. "The qualifying exam for lawyers, the Bar examinations, now include questions of ethical dimensions in every Bar subject, emphasizing the fact that without ethical standards we are not a profession worthy of its name," Sereno pointed out.

The Chief Justice said the Philippine Judicial Academy, the

Philstar.com, 04.12.2014

Ombudsman suspends PNP chief Purisima

By Louis Bacani

MANILA, Philippines - The Office of the Ombudsman on Thursday ordered the preventive suspension of Philippine National Police (PNP) Director General Alan Purisima and several other police officers in connection with the alleged anomalous gun license delivery deal with a private company in 2011. [...]

The Fact-Finding Investigation Bureau of the Office of the Deputy Ombudsman for the Military and Other Law Enforcement Offices earlier charged Purisima with gross negligence and gross neglect of duty.

The Ombudsman probed Purisima following an anonymous complaint alleging that Purisima and other PNP officials siphoned funds from the mandatory delivery fees paid by gun

The Philippine Star, 06.12.2014

'Education, higher pay for judges can speed up justice system'

By Mike Frialde

MANILA, Philippines - Proper case monitoring, strengthening values and education in judges and law students, and increasing the pay of judges could help weed out corruption in the Philippine judiciary, a former Australian judge said yesterday.

Michael Kirby, Australia's longest serving High Court judge, said corruption in the judiciary is one problem plaguing not only the Philippines, but also the entire Southeast Asian region as well.

Kirby, who retired from the High Court of Australia on Feb. 2, 2009, was in Manila for a five-day speaking engagement that ended yesterday.

While in Manila, he engaged in discussions on judicial integrity and the fight against HIV/AIDS.

In an interview with The STAR in Makati, Kirby said delayed decisions could also trigger corruption among judges "so it is important to monitor cases."

Bulatlat.com, 11.12.2014

training school for judges and court personnel, continues to conduct regular training in the Code of Judicial Conduct and the new code for judicial personnel.

She said they also institute measures for greater transparency and public participation in the Judicial and Bar Council, which is in charge of the selection of nominees to the bench to make sure that those with questionable integrity are weeded out right away.

"Maybe this can be taken as indicator of the vigor in the judiciary now, but I can assure you that in the JBC, we are facing a very welcome problem and that is for a single slot, for example NCJR (National Capital Judicial Region), we have more than 130 applicants. So we seem to be an attractive destination," Sereno said.

The judiciary, she said, views its role in fighting corruption as part of an integrated system of ensuring people's trust in the courts.

"The court itself, through its public information office, has become more open to the public, for instance, for the first time in history and under my watch," Sereno said, noting that "oral arguments are now accessible in real time through audio live streaming on YouTube."

Documents on the court's finances may now be downloadable by the public, she said.

'Multi-headed monster'

Sereno likened corruption to a monster with many heads that cannot be stopped with a single blow. [...]

owners in securing their gun licenses, with the PNP entering into a memorandum of agreement with WERFAST for courier services in the delivery of firearms license cards.

The agreement was a result of "Oplan Katok" aimed at creating a more effective system of monitoring legitimate gun owners.

Records showed that Meneses approved the accreditation of WERFAST before the company had undergone any accreditation from the FEO Accreditation Committee.

Despite this, Purisima approved the memorandum issued by Meneses recommending the implementation of the delivery of approved firearms license cards to the accredited courier service provider.

"People tend to pay money in the hope of getting their cases decided more quickly. If you have an efficient court system, it becomes less of a problem," he said.

He admitted that proper case monitoring is something to be desired in developing countries like the Philippines. [...]

"Everyone knows that one of President Aquino's signature policy is fighting corruption. But you can't do that without finding and spending the money on improved technology, proper judicial salaries to remove temptations and on education of judges and law students. [...]

He added that it is not enough to increase the penalties against corruption and factors contributing to corruption should be addressed. [...]

He said unless the country has an effective and efficient method of changing and updating the law, people would tend to find economic solutions to problems. [...]

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Martial law victims decry 'stringent requirements' of Claims Board

By Ronalyn V. Olea and Anne Marxze D. Umil

MANILA – When President Benigno Aquino III signed [Republic Act 10368](#) on Feb. 25, 2013, thousands of victims were happy that the Philippine government finally recognized the state-perpetrated human rights abuses during the dark period of the Marcos dictatorship.

The law also provides for reparation for the victims and mandates the creation of the Human Rights Victims Claims Board that would accept and process the applications for compensation. The source of reparation would be the P10 billion (\$227 million) Marcos's ill-gotten wealth transferred to the Philippine government by virtue of the Swiss Federal Supreme Court order dated Dec. 10, 1997.

According to the Claims Board, applications for reparation reached over 39,000 as of Nov. 5. An organization of martial law victims, the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (Selda), said many more have been not been able to file their applications due to several reasons. The Selda said the Claims Board asked for stringent requirements that the group deems as not necessary.

Mabel Roxas, who was detained and tortured during martial law, said she has lost interest to claim compensation. In an interview with *Bulatlat.com*, the petite 59-year-old woman lamented that the Claims Board did not accept the photocopy of the news clipping about the raid on March 18, 1973 where she was arrested. She was 17 years old when arrested by the police. For a month, she endured torture. The soldiers pointed a gun on her forehead and put bullets between her fingers and squeezed them.

Roxas said she has lost all her papers to floods. A friend of hers went to the National Library and found the news clipping which she presented to the Claims Board. "The Claims Board said they needed the original copy. I told them that the National Library

would not release it." [...]

Roneo Clamor, Selda national coordinator, said the Claims Board is asking for more than two [...] documents and made letter (i) [Sworn statement of two (2) co-detainees or two (2) persons who have personal knowledge of the circumstances surrounding the HRV] as mandatory. "The process should have been summary but the Claims Board is putting the burden of proof on the victims. This has discouraged many of the victims to file their applications," he said. [...]

Conclusive presumption

Marie Hilao-Enriquez, Selda chairwoman, said the Claims Board does not even have the list of the 9,539 petitioners who filed the class suit against the Marcos family before the Hawaii court in 1986.

Section 17 of the RA 10368 states that the claimants in the class suit shall be extended the conclusive presumption that they are victims of human rights violations. [...]

Ill-prepared

Clamor said the Claims Board could not accommodate all the victims seeking reparation. [...]

Clamor said members of the Claims Board, in a dialogue with Selda last September, admitted they lack personnel, equipment and resources and budget.

Enriquez said the Claims Board should fast track the process and beef up its personnel and operations to accommodate thousands of applicants.

The application period for claims for recognition and reparation has been extended for six months.

Roxas said, "We had lobbied for a law that would compensate us; we worked and fought for it. I don't think it (the claim) should be that painstaking for the victims." [...]

HRonlineph.com, 17.12.2014

PhilRights Statement During the Public Hearing on the Re-imposition of the Death Penalty in the Philippines

The Philippine Human Rights Information Center (PhilRights) stands with their defenders of human rights and advocates of human dignity in opposing the re-imposition of the death penalty in the Philippines for the following reasons:

1. On June 24, 2006, the Philippine Congress enacted Republic Act 9346, prohibiting the imposition of the death penalty in the Philippines. This landmark legislation was lauded not only by Filipinos but also by the international community as a sign of the country's commitment to life and human dignity.
2. On November 20, 2007, the Philippines, through the Philippine Senate, ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. This Protocol aims to abolish the death penalty, with all States parties who have ratified the Protocol being convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life."
3. For the information of this Committee, the Philippines, as a signatory to this Protocol, has expressly agreed that "No one within the jurisdiction of a State Party to the present Protocol shall be executed. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction." (Article 1, paragraphs 1 and 2)
4. By ratifying this Protocol, the Philippines affirmed its commitment to the right to life and joined the international community in working for the enhancement and progressive realization of human rights. If the Philippines re-imposes capital punishment, it would be breaking its commitment to international

human rights standards to which it had previously affirmed.

5. In the same vein, the Philippines co-sponsored and voted for a series of United Nations General Assembly Resolutions in 2007, 2008, 2010 and 2012 which calls for a moratorium on the use of the death penalty and urged States to respect international standards that protect the rights of those facing the death penalty, to progressively restrict its use and reduce the number of offences which are punishable by death.

6. As recently as October 10, 2014, in keeping with the celebration of the World Day against the Death Penalty, the Philippines again led the global movement for universal abolition when, along with eleven other States, it signed the International Joint Declaration urging other States to abolish the death penalty.

There is no place for state-sanctioned killing in a modern justice system. PhilRights has always been firm in the belief that the death penalty is not the best deterrent to crime, as empirical evidence has proven time and again; instead, it can lead to the commission of a crime, when, for example, an innocent person is condemned to death. The risk of such a miscarriage of justice, for which there is no possible restitution or reparation, is always present even in the most ideal judicial system.

It is for this very reason that the trend is towards the universal abolition of the death penalty. Even in countries where the death penalty has yet to be abolished, they have either ended it in practice (by declaring an official moratorium or by not carrying out executions) or taken steps to narrow its scope. [...]



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CURRENT CASES OF HUMAN RIGHTS VIOLATIONS

Sun.Star.com, 01.12.2014

Justice sought in slay of labor organizer

THE General Alliance of Workers Association (Gawa) is calling for justice for the murder of a leader of the Partido ng Manggagawa (PM).

The victim Lando Pango, a labor organizer, was ambushed Saturday night at Hda. Salud, Binalbagan by unidentified gunmen.

Sancho said they believe the killers were hired a sugar planter.

He was stabbed and then shot to death, Sancho said.

"Gawa strongly condemns the killing of Ka Lando Pango the night of November 29. We will have a march rally with PM in our call for justice," he said.

Meanwhile, the Regional Tripartite Wages and Productivity Board will hold a consultation on the proposed wage increase today at the Dole Workers Livelihood Center in Bacolod City.

HRonlineph.com, 02.12.2014

PH human rights defenders, courageous, tenacious and endangered

Human rights defenders in the country should all converge at all levels and put together a people's human rights plan and a corresponding monitoring mechanism so as to ensure their effective engagement with government, according to international human rights report, The Observatory for the Protection of Human Rights Defenders (OBS), released by international human rights groups today.

The report entitled "["We are not afraid": Land rights defenders: attacked for confronting unbridled development"](#)", which documents 74 cases and studies the situation of land rights defenders in 29 countries, covering all regions, found that they have been facing multiple human rights violations, including the most extreme forms of reprisals and intimidation, such as threats and violence, forced disappearances and extra-judicial killings, smear campaigns, illegal surveillance, judicial harassment and arbitrary detention, even though the action of the defenders is not only legitimate but also protected under international human rights law."

The OBS was created in 1997 by International Federation for Human Rights (FIDH) and the Organisation Mondiale Contre la Torture (OMCT) or World Organization Against Torture. The objective of this program is to intervene to prevent or remedy to situations of repression against human rights defenders.

[...] PAHRA is a member organization of the FIDH.

"We recognize all land rights defender who were killed for having fought for our rights, particularly on this occasion, those involved in fighting for land historically-rooted issue of land rights in the Philippines like the killing of Rene Barrientos,

President of Barangay Nagasi Farmers and Farmworkers Organization (BANFFO), of Brgy. Nagasi, La Carlota City, Negros Occidental, on October 21, 2014 in Hacienda Najalin due to ongoing land conflict with landowners under the Comprehensive Agrarian Reform Program (CARP) until today," Max de Mesa, PAHRA Chairperson said.

According to the report, even if international human rights instruments indirectly provide for the protection of land rights, land users often face insecurity in the enjoyment of their land rights, which may not be recognized and respected at the national level. Indeed, national laws often fail to incorporate the requirements of the international human rights instruments that countries adhered to such as the Indigenous Peoples' Rights Act (IPRA) of 1997 of the Philippines (Republic Act No. 8371) requires the respect of the right to free, prior and informed consent (FPIC) of affected indigenous peoples.

"We call on the Philippine government for more action, less talks when it comes to its compliance with the various international human rights obligations. Until to this date, to have an official and coherent National Human Rights Action Plan, the government has failed to really make human rights the paradigm of governance and development. We are likewise disappointed at the country's National Human Rights Institution for allowing the absence of a human rights direction to persist for four years. While some new laws strengthen human rights, like the laws against torture and that criminalizing enforced disappearance, no one has been so far convicted," Rosemarie Trajano, Vice President, FIDH, concluded. [...]

Rappler.com, 02.12.2014

4 killed, 7 injured in NPA attack on civilians in Agusan

MANILA, Philippines - Four civilians were killed and 7 others were injured in an attack staged by alleged members of the New People's Army (NPA) in Rosario, Agusan del Sur, on Monday, December 1, the military said.

An 8-year-old child was among those injured. Killed in the attack were Neljoy Cerna, 27; Alfredo Cerna, 51; Nonie Mabong, 51; and Vanessa Sabas, 30.

The wounded victims were identified as Elmer Adonis, 37; Mac Roselyn Adonis, 8; Liza Casilla, 47; Diryun Mordeno; Expedito Sabado; and Reynaldo Austral. Jun Solidor, chairman of Barangay Marfil, was also injured and is now in critical condition.

The victims were on their way home from a thanksgiving service at the Wayside Baptist Church when around 20 NPA fighters attacked the ambulance ferrying them at Sitio Latay, Barangay Marfil, at around 5:30 pm. Lieutenant General Aurelio Baladad, chief of

Philippine rebels admit to deadly attack on ambulance

By Edwin Espejo

PHILIPPINES - The spokesman of the National Democratic Front (NDF) in Mindanao on Tuesday admitted responsibility for the death of four civilians and wounding of four others which included an 8-year old girl in an ambush staged by its military wing, the New People's Army.

"It is most unfortunate that a number of civilians have figured unintendedly in an ambush carried out by a unit of the New People's Army (NPA) - NEMR in Rosario, Agusan del Sur against a notorious armed barangay captain, together with his escorts, a cadreman and CAFGU members," said NDF Mindanao spokesman Jorge Madlos alias Ka Oris. [...]

On November 30, an ambulance carrying Barangay Chairman Emillio Solidor Jr of Marfil, Loreto in Agusan del Sur was ambushed by the NPAs while it was on its way home after attending a thanksgiving celebration at the Wayside Bible Baptist church.

Dead on the spot were Neljoy Cerna, 27, Noni Mabong, 51, Alfredo Cerna, 51, and Vanessa Sabas, 30.

The wounded were identified as Liza Casilla, 47, Elmer Adonis, 37, Mae Roselyn Adonis, 8, and Solidor Jr, 49.

Ka Oris said the NPAs will indemnify the victims but at the same time reiterated its strict "adherence to the signed documents between the GPH and the NDFP, particularly the Comprehensive Agreement on the Respect for Human Rights and the International Humanitarian Law, or CARHRIHL." [...]

The military has condemned the ambush claiming it is a clear act of human rights abuse. [...]

Asian Correspondent, 12.10.2014



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the Eastern Mindanao Command, condemned the attack. "This is a blatant violation of the International Humanitarian Law (IHL) that the NPAs have sworn to observe, but only in words and never in deed, as they have always demonstrated,"

DavaoToday.com, 03.12.2014

Southern Mindanao has most no. of rights violations

By Bal Kenneth Aballe and Maolen Oledan-Estomagulang
DAVAO CITY - Southern Mindanao region posted the highest in terms of the number of rights abuses cases, the militant Bagong Alyansang Makabayan (BAYAN) said.

Among the four regions in Mindanao, the region posted 145 total number of violations followed by Caraga region's 40, Northern Mindanao Region at 23, and Soccsksargen with 6 total number of violations.

Land grabbing and systematic land conversion aggravated by militarization, Lumad displacements, strategic lawsuit against public participation (SLAPP) cases, violence against women and children are the main contributors for a large number of cases.

Sheena Duazo, Secretary General of BAYAN said that farmers and Indigenous People (IP) in the hinterlands are the main victims of militarization.

"Displacement of IPs in Compostela Valley, Loreto, Agusan del Sur and Talaingod, Davao Del Norte are just few of the cases that we are assisting," she added.

"For one, encampment in schools by military troops in a school in Talaingod, Davao del Norte is a big violation of the International Human Rights law as combats could exist in that place where there are children and other civilians," Duazo stressed.

The Department of Education (DepEd) urged government troops early last month to spare Salugpungan Ta Tanu

Baladad said.

Pursuit operations are ongoing against the alleged NPA members.

Igkanogon Learning Center from military operations. [...]

In marking the International Human Rights Day, militants from various groups started a Peoples Camp in Freedom Park.

Suazo said that they are doing this in order to educate and inform others about the current situation on the human rights in the Mindanao with the help of different agencies in the city.

Kim Gargar, a former UP professor and a physicist and one of the victims of SLAPP cases, joined the protest to seek justice for persecution under Aquino Government and to call on the Aquino government to uphold human rights in the country.

Kim Gargar, was arrested by elements of the 67th Infantry Battalion of the Philippines Army on October 1, 2013 at Brgy. Aliwagwag, Cateel, Davao Oriental while conducting a rehabilitation study on typhoon-Pablo devastated areas. He was accused of being part of the New People's Army unit that the military engaged with in a nearby village. He was imprisoned for 10 months and was able to bail with the help of his colleagues. [...]

Around 300 people from Mindanao's various sectors also joined the Manilakbayan ng Mindanao, a caravan going to Manila to seek justice for human rights violations in the region. Manilakbayan started last November 12 and will culminate on December 10.

Bulatlat.com, 13.12.2014

Military encampment of communities results in violence against women - group says

Davao City - A women's group here said that women in the countryside are increasingly vulnerable to sexual abuse by state forces occupying their communities.

According to Gabriela Southern Mindanao secretary general, Mary Ann Sapar, "If not as victims of rape and sexual abuse, they are wooed by soldiers to become their mistresses."

Rape by state forces came to light with a recent reported case in Bukidnon.

The accused military man belonging to the Armed Forces of the Philippines (AFP) 84th Infantry Battalion, however, is now on AWOL.

An army official confirmed Wednesday that Private First Class (Pfc) Benjie Blancada who was accused of raping a minor in Bukidnon went on Absence Without Leave (AWOL).

Blancada who was a member of the 84th Infantry Battalion based in Bukidnon, was identified by "Jessa", a 16-year old mother from Sitio Maluos, Barangay Sinuda, Kitaotao, Bukidnon, in a press conference Tuesday, as the one who raped her. [...]

The victim has previously demanded the military to show Blancada and make him accountable for his crimes.

Gabriela challenged the military to surrender Blancada as soon as possible.

"If the Armed Forces of the Philippines is really sincere in giving justice to the victim, they should be able to find him immediately since they know where he resides," Sapar said.

Sapar added that "if the AFP fails to do it then they might be tolerating their members who are perpetrators of Violence Against Women (VAW)".

[Lt. Col. Llewelyn] Binasoy [battalion commander of the Civil Military Operations of the 10th Infantry Division], however, said that even "in absentia" the military will still "continue its inves-

tigation."

"Definitely after the time period that he went AWOL, he will be dropped from the roll and he will be discharged dishonourably. And this will not preclude whatever criminal charges which will be filed against him," Binasoy said.

Binasoy added that the 84th IB will be searching for Blancada and "a warning will be sent in all places where he might go, Mindanao or nationwide."

But Sapar said that there is no single case where a military man who is involved in a rape case was convicted.

"They usually deploy their erring personnel to another place," Sapar said.

In a news report published in Sunstar Davao last December 12, Eastern Mindanao Command (Eastmincom) deputy commander Brigadier General Alexander Balutan said there is a love triangle angle on the rape case involving Blancada.

Gabriela believes that the military could be "misleading the issue on rape".

"Rape is rape, regardless if they have a relationship or not. Even a married woman can file a marital rape case against her husband," Sapar said.

"The army's statement that this is a "personal" issue misleads the issue on rape and they do not recognize that this is impunity against women by men in uniform," Sapar said.

Gabriela said that VAW cases perpetrated by men in uniform are alarming.

Last year a 16 year-old girl was allegedly raped in two separate incidents by soldiers in Paluan, Occidental Mindoro.

"One soldier came from the 80th IB, while two from the 76th IB," Sapar

said. Gabriela national office has recorded 32 cases of rape involving military men.



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Sapar said that there are a lot of unreported cases citing the victims fear to report the case or because they are made to agree to just settle the case.

Jessa said that Blancada was reported to be involved in another rape case where the victim's family was paid. [...]

HRonlineph.com, 18.12.2014

Two Civilian Agta Women Arrested Arbitrarily and Psychologically Tortured by Police and Soldiers

Dear friends,

The Task Force Detainees of the Philippines (TFDP) is forwarding to you an appeal regarding the arrest and detention and psychological torture of Marites Dela Cruz Marquez and Rosario Marquez Loreto, both from General Nakar in Quezon Province, by police and soldiers. [...]

Two (2) women from the Agta indigenous group in Quezon were illegally arrested and charged with the kidnapping of a soldier named Master Sergeant Lino Hernandez.

On September 26, 2014 at 9:00am, while waiting for a ride in Barangay Sta. Ines in Tanay, Rizal, Marites Marquez, 43 and Rosario Loreto, 37, were approached by a group of military personnel and police who were all armed and wearing civilian clothes. The two were 'invited' for questioning and to validate their identity. The two women were accompanied by the security forces to the barangay hall where they met some barangay officials.

Marquez and Loreto were interrogated for two days by the soldiers and the police. They were repeatedly asked the same set of questions to make them admit their participation in the kidnapping of Master Sgt. Hernandez and to being NPA members. The two however denied the accusations. The police and soldiers eventually decided to bring them to the Tanay Police Station. At this point, barangay officials questioned the law enforcers' decision since there was no proof that Loreto and Marquez committed a crime, therefore, there was no reason to detain them. Eventually, they both agreed to sign a blotter, with the condition that the police and soldiers will release Marquez and Loreto after the interview and crosschecking.

On the following day, September 27, Barangay Councilor Liwayway delos Reyes went to the Tanay Police Station to fetch Marquez and Loreto and bring them back to their families. The police at the station ignored her plea.

UPDATES ON CASES OF HUMAN RIGHTS VIOLATIONS

Sun.Star Cebu, 16.12.2014

Arrest 3 cops in Archival murder, court orders

By Gerome M. Dalipe and Kevin A. Lagunda

CEBU -- Three former members of the Highway Patrol Group (HPG)-Central Visayas are facing arrest for their alleged involvement in the ambush that killed lawyer Noel Archival and two other men in Dalaguete, Cebu 10 months ago.

Regional Trial Court Judge Maximo Perez in Argao, Cebu issued the warrant of arrest for Senior Inspector Joselito Lerion, Senior Superintendent Romualdo Iglesia and PO1 Alex Bacani.

The three respondents are facing cases of multiple murder and frustrated murder, which are non-bailable offenses.

HRonlineph.com, 17.12.2014

Women and LGBT groups pressed for PH custody over Pemberton

Women's groups issued a joint statement in December 17, 2014

According to the Annual Comparative Statistics on VAW by the Philippine Commission on Women - Region 11 (Davao) posted as the second highest reported VAW cases with 4,411 cases accounting for 18.5 percent of the total reported VAW cases nationwide from 2004 to 2013.

Sierra Madre tribe to AFP, NPA: Leave us alone

By Delfin T. Mallarie Jr.

LUCENA CITY—A group of indigenous people living on a mountain range that has become a battleground in the counterinsurgency campaign called on government soldiers and communist rebels to spare its ancestral land from clashes.

Ramcy Astoveza, Agta tribe chieftain, said that while his people welcomed the government declaration of a one-month holiday truce in its offensive against the New People's Army (NPA) and expected the NPA to reciprocate, his tribe just wanted to be left in peace.

Astoveza said what the tribe really wanted was for soldiers and rebels to spare communities of Agta in the Sierra Madre mountain range from fighting.

"What we desire is for a total stop to any form of violence from both of them," Astoveza said.

"What we want is total peace in Sierra Madre," he said. [...]

Astoveza said the Agta people should not be caught in the crossfire of the counterinsurgency campaign but the construction of military camps in their midst was driving the tribal folk into the middle of the war.

The military has defended the camp inside the ancestral land of the Agta tribe, saying its presence there was approved by the landowner. [...]

But Astoveza said the camp, though on a land owned by a lowlander, was still inside a tribal community.

"We're peace-loving people. Our children are not used to seeing persons with guns," he said

Philippine Daily Inquirer, 17.12.2014

On September 28, Barangay Councilor Reyes informed Fr. Pete Montallana about the whereabouts and situation of Marquez and Loreto. Fr. Montallana went to visit the two at the Tanay Police Station.

According to Fr. Montallana, Marquez and Loreto were accused of kidnapping and serious illegal detention and robbery, in relation to the abduction of a soldier named Master Sergeant Lino Hernandez by the New People's Army (NPA). He added that the military and police linked Marquez and Loreto to the case because the choker necklace (made out of black cloth) they wore [...] during the arrest was the same type [...] worn by the Agta NPAs who kidnapped Master Sergeant Hernandez. [...]

Marquez and Loreto denied all allegations against them. Before they were arrested, both sold vegetables, did traditional gold panning, and did household chores for a living. [...]

The warrant dated December 11 commands "any officer of the law" to arrest Lerion, Iglesia and Bacani, who are temporarily in the Personnel Holding Administrative Section in Camp Crame. They were relieved from their posts in Central Visayas last April 16. [...]

Barangay Talamban councilor Nelson Archival, Atty. Noel's brother, welcomed the development, saying they waited long for the arrest warrant to be issued. [...]



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Scott Pemberton, in the face of the US government's demand to retain custody of the accused. The arrest warrant was issued by an Olongapo City court on Tuesday in connection with the killing of Filipino transgender woman Jennifer Laude. Subsequently, the Department of Foreign Affairs sent the warrant and demand for custody to the US Embassy on the same day.

However, the US, earlier in the day, issued a statement about its "right to retain custody."

"The issuance of the warrant of arrest is a welcome development," according to Jelen Paclarin, coordinator of Philwomen on the ASEAN. "However, our government must be firm with its position that the custody must remain with us. Our government must not forget that Jennifer Laude was murdered and her family wants justice," Paclarin added.

"Murder is an extraordinary case where jurisdiction and custody lie in the Philippines. Even if request is made by the US — since this is murder — request should be denied," according to lawyer of Laude's family, Virginia Suarez. "We challenge the Philippine government to assert full jurisdiction over the accused murderer," added Proleta Nunez of Scrap VFA Coalition. This is the time when the government should stand for the Filipino women and the Filipino people, according to the advocates.

The women are also anxious about the US demand, remember-

ing what happened to the case of US soldier Daniel Smith, accused of raping "Nicole" in 2005. After conviction by a Makati Trial Court and despite rejection of US request by the same court and by the Court of Appeals, law enforcement agencies transferred Smith from the Makati City Jail to the US Embassy, shortly before midnight of Dec. 29, 2006.

"The US government and our government then have been shameless in trampling on our judicial process, our national laws and integrity," stated Jean Enriquez of the World March of Women - Pilipinas. "The Visiting Forces Agreement never guaranteed protection of our people, much less our women, from transgressions by US military forces," added Enriquez.

Ging Cristobal of the International Gay and Lesbian Human Rights Commission (IGLHRC), calls on all Filipinos "to continue monitoring and to remain vigilant, and hold the Philippine and US governments accountable in ensuring that justice will not be denied to Jennifer."

Dindi Tan, Board member of the Association of Transgenders in the Philippines (ATP), believe that the Jennifer Laude case dramatically changed the complexion of the national lobby for the enactment of the anti-discrimination bill pending in Congress. "We hope that the case will underscore among legislators the need to immediately decide for the bill," Tan stated.

MAGUINDANAO MASSACRE

ManilaStandardToday.com, 26.12.2014

Massacre victims' families assured

By A. Perez Rimando

AMPATUAN, Maguindanao --- Families of 58 people, including 32 journalists, who were massacred in this town in 2004, complained against the slow justice system but Justice Secretary Leila de Lima said at the weekend the process was moving.

De Lima and Gov. Esmael Mangudadatu joined families of the victims at Barangay Masalay last Sunday for a simple ceremony to recall the massacred on November 23, 2004, which the justice secretary described as "the worst ever politically motivated violence" in Philippine history.

"Justice for the slain people is slow but it is moving," De Lima said. "We will continue our fight for our rights and justice."

Maguindanao political kingpin Andal Ampatuan, Sr and his two sons --- Andal Jr, former Ampatuan mayor, and Zaldy, former

governor of the Autonomous Region for Muslim Mindanao --- have been in jail on charges of multiple murder. Their trial is being held in Quezon City. [...]

President Aquino has expressed determination that "my administration will complete the unfinished work of achieving justice for the Maguindanao carnage victims," according to palace spokesman Herminio Coloma.

He said Aquino challenged the Department of Justice "to convict at least the principal accused before he steps down from Malacanang in 2016" and the nation can depend on government "to uphold and protect freedom of expression and vigorous journalism." [...]

PEACE PROCESS

The Philippine Star, 25.12.2014

MILF launches political party

By John Unson

MAGUINDANAO, Philippines - The Moro Islamic Liberation Front (MILF) is converting itself into a political party to be able to take part in elections in the envisioned Bangsamoro government.

It has sought accreditation from the Commission on Elections (Comelec) for the new United Bangsamoro Justice Party (UBJP) to field candidates for local positions.

Last Wednesday, thousands of MILF fighters and supporters converged at Camp Darapanan in this province in a show of force and to highlight the launching of UBJP.

Sammy Al-Mansour, UBJP secretary-general, said the gathering of "volunteers" at Camp Darapanan is an initial decentralization stride meant to organize community-based partisan blocs to help educate the public on their party's peace and development objectives.

"This is the start of the MILF's evolution from an armed revolutionary group into a political organization that would continue struggling for peace and development in the homeland in another arena - governance and politics," he said.

Among the prominent people who showed up for the UBJP's first ever conclave were former ARMM vice governor Benjamin

Loong and several Tausug leaders from Sulu.

Loong is the younger sibling of Sulu Rep. Tupay Loong, a member of the 75-member House of Representatives ad hoc committee on the Bangsamoro bill.

Autonomous Region in Muslim Mindanao (ARMM) Gov. Mujiv Hataman said he is elated with the MILF's entry into politics to pursue its development agenda for Moro communities.

"That's a move worthy of our support, far from being bloody and disastrous," he said. [...]

Congress is expected to pass the proposed Bangsamoro Basic Law next year.

It would replace the ARMM with a more administratively empowered MILF-led Bangsamoro government.

The ARMM comprises Maguindanao and Lanao del Sur in mainland Mindanao and the island provinces of Basilan, Sulu and Tawi-Tawi.

The ARMM provinces will form part of the central core territory of the proposed Bangsamoro government.

Its creation is part of the March 27, 2014 Comprehensive Agreement on Bangsamoro, the final peace agreement between the government and the MILF.



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Next year, the House of Representatives ad hoc committee will start to tackle the different sentiments about the Bangsamoro Basic Law gathered this year.

Misamis Occidental Rep. Henry Oaminal told The STAR they are collating all the data gathered from the 34 consultations and hearings conducted nationwide.

Oaminal, who served as ad hoc committee vice chairman, said all pros and cons will be on the ad hoc committee's agenda when it meets again.

"But we will meet first in January the different factions of the

Rappler.com, 27.12.2014

Ex-AFP chief eyed as chief negotiator with NDF

Carmela Fonbuena

MANILA, Philippines – The Office of the Presidential Adviser on the Peace Process (OPAPP) recommended to President Benigno Aquino III the appointment of retired General Emmanuel Bautista as the government's chief negotiator with the Communist Party of the Philippines' (CPP) political wing, the National Democratic Front.

This was disclosed to Rappler by three sources involved in getting the two camps back to the negotiating table. [...] The recommendation awaits the signature of the President.

Bautista retired as chief of staff of the Armed Forces of the Philippines in July this year and later joined Malacañang as [executive director](#) of the Cabinet Cluster on Security, Justice, and Peace, tasked to lead policy discussions on key issues such as territorial disputes and peace talks. He has the rank of undersecretary.

If his appointment is approved by the President, Bautista will be replacing Alex Padilla, who has moved on after the [collapse of the talks](#) in 2013 to head Philhealth. Padilla is still involved in getting the NDF back to the negotiating table, however.

OPAPP Secretary Teresita Deles and Bautista did not respond to our text messages.

Revived talks

Talks between the Aquino government and communist guerrillas are being revived after a [two-year impasse](#). January will be a getting-to-know-each-other phase between Bautista and the NDF panel, said one of the sources privy to the talks.

CPP founder Jose Maria Sison revealed in interviews that an informal meeting is set for January before both parties return to the negotiating table for formal talks in February.

During the CPP's 46th anniversary celebration on Friday, government peace emissary [Hernani Braganza](#) joined high-ranking CPP officials in an NPA camp in Surigao del Sur for [consultations](#).

Oplan Bayanihan

The OPAPP recommendation is a curious one.

Bautista, as the military's former deputy chief of staff for operations (J3), is one of the architects of the government's Internal

The Philippine Star, 29.12.2014

House to remove unconstitutional BBL provisions

By Paolo Romero

MANILA, Philippines - Leaders of the House of Representatives yesterday vowed to pass by March the proposed Bangsamoro Basic Law (BBL) but not before removing what the chamber considers as unconstitutional provisions.

Cagayan de Oro Rep. Rufus Rodriguez, chairman of the ad hoc committee deliberating on the BBL, issued the statement after Malacañang appealed to Congress to approve the measure that will create a new autonomous region in Mindanao before the election fever sets in.

"We assure the administration we aim to finalize the committee report (of the BBL) by February and present it to the plenary for deliberations, and approve it in plenary early March so the

Moro National Liberation Front," he said. "Then the executive committee will ascertain all the inputs." [...]

The general sentiment in the core territory of the Bangsamoro is in favor of the proposed basic law.

However, some adjacent areas are opposed to some provisions of the bill, he added.

Zamboanga City and Iligan City are two of the adjacent areas whose leaders have voiced strong opposition during the series of hearings and consultations this year, Oaminal said.

Security and Peace Plan (IPSP), dubbed Bayanihan, which has been blamed by the communist movement for alleged human rights abuses.

It was also under his term as Armed Forces chief when alleged CPP leader Benito Tiamzon and wife Wilma were [arrested](#) in a military-led intelligence operation in Cebu in March 2014.

Another source however pointed out that Bautista's military background is precisely his asset. "Warriors make the best peace negotiators because they know the pain of war," said the source who spoke on condition of anonymity.

The sourced added that the CPP can be assured that as former AFP chief, Bautista has influence over the military and can deliver on his promises.

Oplan Bayanihan pushes for a "hearts and minds" approach to the insurgency problem. It replaced the military's notorious Oplan Bantay Laya counter-insurgency campaign, which was blamed for the spate of killings of political activists during the time of President Gloria Arroyo.

Asia's longest-running insurgency, the Philippine communist rebellion is on its 4th decade, with NPA rebels still holding strongholds in select provinces in northern Mindanao, eastern Visayas and southern Luzon.

Bautista graduated at the Philippine Military Academy in 1981, the peak of the insurgency.

After his J3 post, Bautista became commander of the Capiz-based 3rd Infantry Division and then Army chief before taking the top post in the Philippine military. For the top Army and AFP posts, he bypassed more senior commanders – proof that he enjoys Aquino's confidence.

President Aquino and Bautista worked closely together in the back-to-back man-made and natural disasters in 2013 – the 3-week long siege in Zamboanga and the aftermath of the Bohol earthquake and Super Typhoon Yolanda in the Visayas.

Bautista's father, the late Army general Teodulfo Bautista, was slain by Moro National Liberation Front guerrillas when he was set to talk peace with them in Jolo, Sulu in 1977. [...]

President can sign it by March 30," Rodriguez told The STAR. [...]

Doubtful constitutionality

However, Rodriguez admitted that the panel saw some unconstitutional provisions, including the creation of new offices in the envisioned autonomous region whose functions should remain with the national government. [...]

Among the provisions that are expected to be scrapped are those creating a separate Commission on Audit (COA), Civil Service Commission (CSC), and Commission on Elections (Comelec) for the proposed autonomous region.

Rodriguez said the COA, CSC, and Comelec "should continue to



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have power and jurisdiction” over the envisioned Bangsamoro autonomous region.

The ad hoc committee will also delete the provision that removes the jurisdiction of the Office of the Ombudsman over officials of the autonomous region.

The provision that allows 10 percent of the population of contiguous areas to seek inclusion in the autonomous region will likely be scrapped as the section may cause instability, the lawmaker explained.

But some contested provisions on security, particularly on the relationship between the Armed Forces and the Philippine National Police (PNP) and the proposed autonomous government, will be retained.

“We see no constitutional issues because there is only one Armed Forces, one PNP, and the President remains the commander-in-chief,” Rodriguez explained.

He said the proposed autonomous government would have its own police force for internal security but it would still be under the PNP.

The Philippine Constitution Association has also expressed concerns over the BBL. The group questioned the nature of the relationship between the national government and the

Bangsamoro government and the inclusion of areas that do not want to become part of the new region like Cotabato City and Isabela City. [...]

The BBL grants full political autonomy to the proposed autonomous region. But Rodriguez said the panel is still discussing the constitutional implications of the provision that has the proposed autonomous government in a parliamentary form.

“The new autonomous region will have 14 concurrent powers and 58 exclusive powers, including those of health, social services, social welfare, infrastructure, these are already devolved anyway and they know better,” Rodriguez said.

MILF open to changes in BBL

The Moro Islamic Liberation Front (MILF) said it is open to improvements of the proposed BBL but cited the need for cooperation to ensure that they would benefit all stakeholders. [...]

“Bearing all these factors in mind, the MILF’s position is clear: We welcome an improvement of the BBL. Who does not want an improvement?” the editorial read.

“But a reminder has to be earnestly said: an improvement to one group may not necessarily be so, to another group. To plug the gap, this is where the spirit of partnership and cooperation between parties works best,” it added. [...]

FURTHER READINGS

HRonlineph.com, 16.11.2014

Framework Discussion on HRD Protection Platforms

By Renato G. Mabunga

Though use inter-changeably and oftentimes carries the same meaning, intent and even connotation, there is a THIN LINE DISTINCTION between Security of Human Rights Defenders (HRDs) and the Protection of Human Rights Workers. Coming from an Organization Development (OD) perspective: *Security of*

HRD speaks more of the assessment of the internal realities of individual defenders and their organizations vis-à-vis their actual experience and perceptions in the conduct of doing human rights work.

To read the full article please click [here](#).

Rappler.com, 28.11.2014

DOCUMENT: Bangsamoro Basic Law Primer

MANILA, Philippines – A product of the [final peace deal between the Philippine government and the the Moro Islamic Liberation Front](#), the proposed Bangsamoro Basic Law seeks to address decades-old grievances by creating a new regional government with greater fiscal and political powers than the current Autonomous Region in Muslim Mindanao.

As the bill passes through deliberations in Congress, what have been the most frequently asked questions on the measure?

Read the primer prepared by the Bangsamoro Transition Commission, the group that crafted the initial draft of the law, in cooperation with the Centre for Humanitarian Dialogue and the European Union, below.

Read the proposed Bangsamoro Basic Law as submitted to Congress: [DRAFT Bangsamoro Basic Law](#) by [Office of the Presidential Adviser on the Peace Process](#)