



# AMIHAN

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*Post Alston Situation of Human Rights Defenders in the Philippines*

## **The Killings and Repression Continue!**

After Alston's country visit, Supreme Court Justice Reynato Puno, through Administrative Order 25-2007 designated trial courts in the country as special tribunals to try cases of extrajudicial killings in the country, and to give them the highest priority.. Puno in his directive stressed that the "speedy and expeditious resolution of these criminal cases deserve the highest concern of the judiciary, involving as they do, the most brazen violation of human rights." He further stressed that, "the extrajudicial taking of life is the ultimate violation of human rights. It can not be allowed anywhere. Extrajudicial killings also constitute brazen assaults on the rule of law." This directive stemmed from a recommendation of the Melo Commission and apparently also from UN special rap Philip Alston, during his visit in the country.

To date, there is little indication that this priority is taking place.

What the justice department has busied itself about was the building up of cases and eventually the filing of multiple murder charges against Bayan Muna Rep. Satur Ocampo, and 50 others, including prominent leaders of peoples organizations such as Randal Echanis, the deputy secretary general of the Kilusang Magbubukid ng Pilipinas (KMP), Rafael Baylosis, Vice president of Anak Pawis party list, Vicente Ladlad, of the Bayan Muna Party list, and Dario Tumada, of the KMP – Eastern Visayas chapter, and leaders of the Communist Party of the Philippines. The multiple murder charge stemmed from an internal purge undertaken by the Communist party of the Philippines in the 1980s. A warrant of arrest was subsequently issued. The charge is nonailable. Rep. Satur Ocampo yielded himself to the authorities, after filing a petition for temporary restraining order and petition for certiorari to the Supreme Court. A wide manhunt is likewise now ongoing for the arrest of the other leaders of people's organizations and party lists.

But what makes this move by the government in filing charges particularly against these leaders of peoples organizations, preposterous is the fact that these leaders, who are already in their 60s and 70s, and already suffering from various ailments because of their age and partly because of the torture they suffered in the hands of the Marcos' military, were in prison, some were in solitary confinement, during the time of the Marcos dictatorship – the same time when the multiple murder was allegedly committed.

Meanwhile, the killings continue.

Renato Pacaide, 53 years old, was standing at the corner of Rizal Avenue and Lim street in Digos City, with his daughter when he was attacked around 10am, March 2, 2007. He was shot with a .45 caliber pistol and took four bullets according to police investigators. Her daughter was unharmed. Pacaide, was the provincial coordinator of Anakpawis partylist in Davao del Sur. (Digos Left leader is casualty no. 274, PDI, Saturday, March 3, 2007). Earlier on February 7, 2007, Pacaide attended a

conference of small coconut farmers held in Quezon City, sponsored by the Kilusang Magbubukid ng Pilipinas and Amihan, National Federation of Peasant Women.

On March 10, 2007 at around 3pm, Siche Bustamante-Gandinao, a 56 year old woman farmer from Brgy Guinalaban, Silay, Misamis Oriental was walking home after harvesting crops with her husband and children. An unidentified man on board a red and yellow motorcycle suddenly passed them by and shot Siche. She sustained four gunshot wounds, was rushed to the hospital, but later died. The place of the incident was only 50 meters away from the 9<sup>th</sup> IBPA detachment .

Siche Bustamante-Gandinao, was one of the witnesses interviewed by UN Special Rapporteur, Philip Alston during his visit to the country last February, 2007. She testified on the summary execution of Dalmacio Gandinao, her father-in-law, and the provincial chairperson of Misamis Oriental Farmers' Association(MOFA). Siche herself is a member of MOFA. MOFA, is an organization allied to KMP and AMIHAN.

A day after Siche's murder, Carlito Getrosa, 49 years of Purok Narra, Brgy Midpapan 2, Pigcawayan, North Cotabato, was shot in the head at around 8pm, on Sunday, March 11, 2007. The assailant wearing dark long sleeves and a bonnet, fled in a motorcycle. Getrosa died on the spot. Getrosa is a member of the Bayan Muna partylist.

Grapevine sources as reported in a national prime time radio station, DZRH, peg the price for each leftist head felled to as high as P100,000.00 (roughly \$2062, Euro1538 ). This financial incentive if indeed true, would really swell to unprecedented levels the number of extrajudicial executions in the country. Underpaid security forces or even people in the underworld of criminals and gangsters, are easy sources of men who would do the job for such a high fee.

The Melo Commission in its findings noted that:"all the victims were non combatants, either leftists or media personnels, they were not killed in armed clashes or engagements with the military, but were killed, it is said, by motorcycle- riding hooded killers in assassination manner." But what is highly disturbing is the fact that the government is admitting that only a few of its security forces committed the killing, and classifies the rest as "unexplained." UN special rap Philip Alston stated in his preliminary that the executions were committed mostly by security forces.

One of the Melo Commission's recommendations is to hold the military commanders responsible for the deaths in their areas of command under the principle of command responsibility. There is also no indication that this recommendation is being implemented. General Palparan, who was given the tag "butcher" by peoples organizations, because of his record of steep increase in the number of people summarily executed and disappeared in places where he is assigned, was cleared by an investigator of the Commission on Human Rights, and is reportedly running as number one nominee of a military backed party list group, Alliance for Nationalism and Democracy (ANAD).

Surveillance of leaders and members of peoples organizations also continue not only in the provinces but also in Metro Manila. Offices and seminar houses frequently used by peoples organizations are likewise being monitored.

Less than two months, before the May 14, 2007 elections, that would include members of the Senate, Congress, party list representatives, and local governments, a series of legal maneuvers has been unleashed on party list groups, designed to cripple if not stall their full participation in the coming elections.

The party list system was a novel provision introduced in the 1987 Philippine Constitution. Its intention was to give representation of the poor and marginalized sectors to the Philippine Congress

which traditionally had been composed of the elites in the Philippine society. The party list law provides a seat to a party of poor and disadvantaged sectors, which can garner at least 2% of total party list votes cast. The participation of the partylist groups in the Congress has resulted in the introduction and enactment of progressive and pro-people legislations. But partylist groups especially the progressive ones have also become a pain in the neck for the administration of Gloria Macapagal Arroyo, as they also become the mouth pieces against all forms of corruption and anomalies happening in the government. The filing of impeachment case against Gloria Macapagal Arroyo in 2005 and 2006 was participated in by these party list groups.

Alston in his press statement delivered to civil society organizations a few hours before he left the country, noted that:” Neither the party list system nor the repeal of the Anti-Subversion Act has been reversed by the Congress. But the executive branch, openly and enthusiastically aided by the military has worked resolutely to circumvent the spirit of these legislative decisions by trying to impede the work of the party list groups, and to put in question their right to operate freely.”

Apart from the incarceration of party list Rep.Satur Ocampo and the more than one year detention of party list Rep. Crispin Beltran, multiple murder charges were filed against three more party list representatives, Reps Teddy Casino, of Bayan Muna, Liza Masa of the Gabriela Women’s Party list and Rafael Mariano of the Anakpawis party list, in a regional trial court in Nueva Ecija, in Central Luzon. Rep Crispin Beltran was arrested in February, 2006, with the declaration of a state of emergency. Beltran, Casino, Masa, Ocampo, Mariano and Virador, together with 50 others were charged with rebellion, and attempt to topple down the government of Gloria Macapagal Arroyo, but the Supreme Court issued a status quo order, directing the court to stop any further proceedings in the case.

Ironically, despite repression, these partylist groups continue to enjoy the trust of the people. Successive, poll surveys conducted both by private and even government entities, place these partylist groups the people’s top choices in the coming May 14 elections.

Furthermore, the Arroyo government is building its arsenal of weaponry against her political opponents and the people. Republic Act No. 9372 or The Human Security Act of 2007 was signed into law by President Gloria Macapagal Arroyo on March 7, 2007. Highlights of the anti-terror law as published in a daily newspaper are the following:

- Ø DEFINES terrorism as any of at least 12 violent crimes including rebellion, kidnapping and murder that causes widespread and extraordinary fear and panic to force the government to give in to an unlawful demand
- Ø PENALTY is 40 years in prison without parole
- Ø ALLOWS court-authorized surveillance of terror suspects, including through wiretaps and tracking devices, but bans communications with lawyers, doctors and journalists
- Ø PERMITS detention of terror suspects without charge for three days, which could be extended during actual or imminent attacks.
- Ø PUNISHES authorities who torture or allow suspects to escape with up to 20 years imprisonment
- Ø ALLOWS house arrest of terror suspects on bail who can be barred from using telephones, the internet and other means of communications
- Ø ALLOWS examination and freezing of suspected terrorists’ bank accounts and other personal assets.
- Ø COMPENSATES any person by P500,000 (US\$10,350; 7,990 euros) in damages for each day of wrongful detention or assets seizure.
- Ø OUTLAWS groups engaged in terror acts
- Ø CREATES an Anti-Terrorism Council to oversee the counterterrorism fight

- Ø BANS extraordinary rendition, the CIA practice of arresting foreign terror suspects and sending them to third countries for interrogation
- Ø ENFORCEMENT of the law is automatically suspended a month before and two months after any elections.

What sends a chilling effect on this anti-terror law, is the vague definition of what constitute terrorism, and what determines “widespread and extraordinary fear and panic,” that warrants the calling of the situation, an act of terrorism.

The detention of terror suspects without charges for three days, and which could be extended during actual or imminent attacks. Before the enactment of this law, a person arrested without warrant must be delivered to the proper judicial authority – that is, charges must be filed in court against said person – within a maximum period of 36 hours from his/her arrest. This provision places an arrested person under the hands of police for a very long period of time, opening the possibility of abuses and possible planting of evidences to sustain the eventual filing of charges in court.

### **The people’s resistance continue**

We continue to resist in all fronts! We will fight under the laws of the country!

As stated by Rep. Satur Ocampo to the media upon learning that a warrant of arrest was already issued by a judge in Leyte province, “I am ready to face their ammunitions. But my appeal to the government, to President Macapagal- Arroyo, Executive Secretary Eduardo Ermita, the inter-agency legal action group (IALAG) headed by National Security Adviser, Norberto Gonzales, Just play fair, and I will stand my ground.”

At the ground level, we continue to resist by ensuring that work among the people is not disrupted, even as we implement a system of relief, evacuation and provision of sanctuary for leaders and members tagged and included in the military’s order of battle list.

We continue our work to expose the deteriorating state of human rights in the country to the international community. The visit of UN Special Rapporteur on extrajudicial and summary executions, Mr. Philip Alston and his initial findings after his visit, paved the way for more concern and interests on the deteriorating human rights situation in the country.

Through the intercession of church groups, particularly, the United Methodist Church and the United Church of Christ in the Philippines, two religious denominations, that have the highest number of members extrajudicially killed, through their US chapters facilitated the intervention and presentation of testimony of six members of the human rights community in the Philippines, to the United States Congress and Senate. The testimonies resulted in a clear statement from the United States lawmakers, that President Macapagal-Arroyo, has not done enough to deal with security forces under her command who were allegedly involved in extrajudicial killings.

A week later, the US Senate sent a clear signal to the Manila government to leash its security forces or face a possible slash in the \$360-M aid to its counterinsurgency campaign.(Philippine Daily Inquirer, March 19, 2007)

The UN Human Rights Council, through its various mandates continue to be accessed as one of the remedies, in the continuing peoples resistance against extrajudicial killings and other forms of human rights violations.

We continue to count on solidarity groups, human rights defenders groups, and human rights groups' support in various forms, as we believe that no human rights defender in any country will remain silent and be at peace, as long as he or she knows that fellow human rights defenders continue to be violated and arbitrarily executed, in other parts of the world.

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