

# PHILIPPINES

## ANNUAL REPORT 2007

A one-week State of Emergency was declared in response to alleged coup conspiracies. Rights of peaceful assembly were restricted and rebellion charges filed against prominent leftist politicians and others. Political killings of leftist activists continued as the government declared "all-out war" on communist rebels. A police task force and Commission of Inquiry established to investigate the killings resulted in only a limited number of arrests and prosecutions. Arbitrary arrests and enforced disappearances were reported in the context of counter-insurgency operations. Peace talks between the government and Muslim separatists in Mindanao continued. All death sentences were commuted and Congress passed a law abolishing capital punishment. Armed groups were reportedly responsible for abuses, including unlawful killings.

### **Alleged coup plots**

In February, President Gloria Arroyo declared a week-long State of Emergency in response to alleged coup conspiracies involving members of the mainstream opposition in "tactical alliance" with rightists, communist rebels, leftist politicians and members of the military.

Police enforced a ban on public assemblies and raided a newspaper office, threatening to shut down media outlets that failed to follow "responsible" reporting guidelines.

Scores of people were arrested or threatened with arrest, particularly members of legal leftist political parties which were accused by government and military officials of links with the Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Dozens were arrested and charged with "rebellion" in the period following the alleged coup plot, including critics of the government.

- In February, Crispin Beltran, Congress Representative for the Anakpawis (Toiling Masses) party, was detained on a warrant of arrest for rebellion. After the validity of the warrant and a subsequent charge of "incitement to sedition" were challenged by lawyers, he was further charged with rebellion. He had not been tried by the end of 2006.
- Police sought to arrest five other leftist Congress Representatives on suspicion of rebellion. Afforded Congressional protective custody from arrest, they remained in the Congressional compound for over two months as prosecutors conducted preliminary investigations. The charges were dismissed by a court in May but further rebellion charges were filed against the five Representatives and over 45 other leftist suspects. All remained under threat of arrest at the end of 2006.

### Political killings and counter-insurgency

A long-standing peace process between the government and the National Democratic Front (NDF), representing the CPP-NPA, appeared to be abandoned as the government declared a new offensive against communist rebels.

Armed attacks continued on members of legal leftist political parties, including Bayan Muna (People First) and Anakpawis. Reports of the number of such victims of alleged political killings ranged from 61 to at least 96 during the year. Most were killed by unidentified armed men on motorcycles. In some cases, those attacked had reportedly been under surveillance by people linked to the security forces or had received death threats.

- Rafael Markus Bangit, an Indigenous people's leader and Bayan Muna provincial co-ordinator, was shot dead in Isabela province (northern Luzon) by two masked gunmen. He was about to re-board a bus, while travelling with his son. He had earlier told colleagues that he believed he was under surveillance.

Amid reports of ineffective investigations, and with witnesses and relatives of the victims too frightened to co-operate with the police, perpetrators were rarely brought to justice. In May the authorities set up a special police investigative task force. However, only a limited number of people were arrested and few cases were filed in court by the end of the year, and no one was held accountable for cases stretching back to 2001. President Arroyo in August established a Commission of Inquiry, headed by former

Supreme Court Justice José Melo, to investigate the killings and make recommendations for remedial action, including appropriate prosecutions and legislative proposals.

As military operations intensified, there were reports nationwide of arbitrary detentions, extrajudicial executions, enforced disappearances, torture and harassment of civilians suspected of being CPP-NPA supporters.

- In February, Audie Lucero, a 19-year-old youth activist with the leftist Kilusan para sa Pambansang Demokrasya (Movement for National Democracy), disappeared after being questioned by soldiers and police at a hospital in Balanga City (Bataan, Luzon) about a wounded friend he had helped bring for medical attention. His body was found in a field the next day. The military reported that the wounded man was a rebel.

- Also in February police arrested 10 youths aged between 19 and 24 and a 15-year-old girl, who had been hitchhiking in Benguet Province on their way to a music festival at the resort of Sagada. Most reported being beaten, suffocated with plastic bags and drenched with gasoline to force them to admit involvement in an NPA attack on a military detachment. The 11 were charged with robbery and homicide, and remained in detention until December.

### **Abolition of the death penalty**

In April, President Arroyo announced the commutation of all death sentences. At least 1,230 prisoners had been sentenced to death since 1994. Death sentences were replaced with life imprisonment without the possibility of parole.

Congress voted in favour of a Bill to repeal the death penalty law, and the President signed it in June. In 1987 the Philippines had become the first Asian country to abolish the death penalty for all crimes. However capital punishment was reintroduced in 1994, and seven prisoners were subsequently executed by lethal injection.

### **Mindanao peace process**

Peace negotiations between the government and the separatist Moro Islamic Liberation Front (MILF) continued to make progress, albeit slowly. Disagreements continued over ancestral domain land claims and the amount of territory to be included in an expanded Muslim autonomous region as part of a peace settlement.

A ceasefire agreement was periodically broken by clashes between MILF and government forces. Sporadic bomb attacks on civilian targets were allegedly perpetrated by Islamists, some reportedly linked to the MILF. MILF leaders denied links with Jemaah Islamiyah, a regional network accused of involvement in violent or terrorist activity, or with Abu Sayaff, a Philippine Muslim separatist group responsible for kidnappings and killings of civilians.

In October the Senate amended an Anti-Terrorism Bill, including by reducing the time suspects could be detained without judicial authority, and by withdrawing clauses extending law enforcement powers to the military.

## **ANNUAL REPORT 2006**

Scores of leftist activists were killed by unidentified assailants, often reportedly linked to the armed forces. Peace talks between the government and armed groups – Muslim separatists in Mindanao and communist rebels – made limited or no progress. Arbitrary arrests, unlawful killings, torture and “disappearances” were reported in the context of military counter-insurgency operations. Armed groups were responsible for abuses including hostage-taking. Complaints procedures, investigations and criminal prosecutions of suspected perpetrators of human rights violations were often ineffective. Criminal suspects in custody, including women and children, were at risk of torture or ill-treatment by police. Death sentences were imposed but no executions were carried out.

### **Background**

In June, allegations that President Arroyo was linked to vote-rigging and corruption during the 2004 elections heightened political tensions. In July, amid calls for mass public protests, 10 members of her Cabinet resigned. President Arroyo denied the allegations and, responding to the crisis, called for constitutional reforms including change from a presidential to a federal parliamentary system. In September an opposition motion to impeach the President was defeated in Congress.

### **Communist insurgency and the peace process**

Peace talks between the government and the National Democratic Front (NDF), representing the Communist Party of the Philippines (CPP) and its armed wing, the New People’s Army (NPA), remained suspended. In order to resume talks, the NDF called on the government to work for the removal of the NPA’s designation as a “Foreign Terrorist Organization” by the USA and its allies. With the peace process stalled, the Joint Monitoring Commission (JMC), set up to examine complaints of human rights abuses and breaches of humanitarian laws by both sides, failed to make significant progress. Previous government pledges to release listed political prisoners remained only partially implemented. At least 251 political prisoners detained within the context of anti-insurgency operations were reported still held.

NPA attacks on government targets and clashes between the Armed Forces of the Philippines (AFP) and NPA units continued throughout 2005. Suspected NPA members and their supporters were subjected to arbitrary arrests, torture, extrajudicial executions and “disappearances”.

- In March, Angelina Bisuna Ipong, a 60-year-old woman, was abducted by armed men wearing face masks in Misamis Occidental province, Mindanao. Blindfolded and transferred between military camps, she was held incommunicado for eight days. She complained of torture and ill-treatment during interrogation, including sexual abuse and physical assaults. She was charged after reportedly being forced to admit being a senior regional CPP leader.
- In April, four farmers in Compostela Valley province, Mindanao – Adreano and Joseph Otida, Malaquias Sampan and Joshua Bustillo – were arrested by the AFP and reportedly accused of being NPA members. Their complaints of torture during military detention included being punched, kicked in the face, chest and abdomen, and hit with rifles and stones.
- In June, Elmer Osila, a senior NPA member, was arrested by soldiers at a checkpoint in Albay province, Luzon. He reported being tortured during interrogation, including by suffocation with a plastic bag and electric shocks. Three days after his arrest, investigators from the Philippine Commission on Human Rights recorded marks consistent with torture on his body.

### **Increased killings of leftist activists**

The number of attacks on leftist activists and community workers rose sharply, with at least 66 fatal shootings reported during 2005. Most of the attacks were carried out by unidentified assailants on motorcycles, at times wearing face masks, who were often described as “vigilantes” or hired killers allegedly linked to AFP members.

As well as suspected CPP-NPA members, those most at risk included members of legal leftist political parties, including Bayan Muna (People First) and Anakpawis (Toiling Masses), other human rights and community activists, priests, church workers and lawyers regarded by the authorities as sympathetic to the broader communist movement. Increased killings in particular provinces were reportedly linked to the public labelling of leftist groups as NPA “front” organizations by local AFP commanders.

A climate of impunity shielding the perpetrators of such killings deepened as ineffective investigations failed to lead to the prosecution of those responsible. In many cases witnesses were reportedly too frightened to testify.

- In March, Felidito Dacut, a lawyer and a Bayan Muna regional coordinator, was shot dead by two unidentified men on a motorbike in Tacloban city, Leyte.
- In May, Reverend Edison Lapuz, a Church minister and a Bayan Muna member, was shot dead by unidentified men in San Isidro, Leyte. He had participated in a fact-finding mission into the killing of Felidito Dacut.

At least 25 alleged “disappearances” of leftists and others were also reported.

### **Mindanao peace process**

Despite periodic breaches, the ceasefire agreement between the government and the Muslim secessionist Moro Islamic Liberation Front (MILF), monitored by military observers from Malaysia and Brunei, was maintained in Mindanao. Intermittent informal peace talks continued.

In August, the MILF boycotted local elections for the five-province Autonomous Region of Muslim Mindanao (ARMM), set up in 1990 and whose administration was headed by Moro National Liberation Front (MNLF) leaders following a peace agreement in 1996. Former MNLF members and members of the Muslim separatist armed group Abu Sayyaf were reportedly involved in periodic clashes with the AFP. Fighting on Jolo island in February led to the displacement of over 25,000 civilians.

Reports indicated that Abu Sayaff and renegade MNLF and MILF members were involved in kidnappings for ransom.

### **Administration of justice**

Public confidence in the ability of the authorities to conduct prompt, thorough and impartial investigations of human rights violations and other crimes, and to deliver justice, remained fragile.

Implementation of fair trial and custodial safeguards remained weak, and criminal suspects were at risk of ill-treatment or torture by the Philippine National Police (PNP) during extended periods of “investigative” detention. Intimidation, aggravated by a lack of effective witness protection programmes, undermined the ability of victims of human rights abuses to gain redress, especially when they were members of poor or marginalized communities.

Lack of confidence in the criminal justice system contributed to an apparent public tolerance of killings of suspected criminals, including alleged petty thieves and street-children, by unidentified “vigilantes” allegedly linked to municipal authorities and the PNP. More than 90 such killings were reported in Cebu city and at least 100 in Davao city.

Journalists were also at risk of armed attacks with at least seven killed by unidentified assailants, reportedly because of their work. In November, in a rare conviction, a policeman was found guilty and given a life sentence for murdering a radio broadcaster in 2002.

Despite an array of legislative and procedural safeguards, minors in detention continued to be at risk of physical or sexual abuse and poor prison conditions. Children were at times detained with adults in overcrowded facilities and exposed to abuse from other prisoners.

Inhumane prison conditions also affected adult male and female prisoners and incidents of excessive use of force by the authorities were reported.

- In March, 26 prisoners, mostly members of Muslim armed groups, were killed as police stormed the Bagong Diwa prison, Bicutan, after an escape attempt and prison revolt. Prisoners were reportedly shot after attempting to surrender. Three prison wardens and a police officer were also killed.

### **Death penalty**

Amid continuing concerns about failures to uphold fair trial standards, death sentences were imposed throughout 2005. A total of 1,214 inmates were under sentence of death at the end of 2005. No executions took place as President Arroyo continued to issue a series of reprieves for prisoners whose sentences had been confirmed by the Supreme Court and were facing imminent execution. Bills calling for the repeal of death penalty legislation were considered by Congressional committees.

Despite continuing reviews of their sentences by the lower courts, at least 22 young offenders remained under sentence of death for offences committed when they were under the age of 18, even though the law makes clear that child offenders cannot be sentenced to death or executed.