

Commitment of the Philippine Government

1. During the 2nd cycle of the Universal Periodic Review of the United Nations, the Philippines, as state under review, then emphasized, *"The Government of the Republic of the Philippines affirms its continuing commitment to comply with its obligations under relevant human rights treaties to which it is a State Party. The Philippine Government consistently undertakes the harmonization of its domestic laws with these treaties under the principle of progressive realization, and continually broadens its human rights perspective in the performance of its principal role as duty-bearer."*¹
2. In its commitment, the state under review stipulated five strategic tracks of the government's human rights advocacy. Two of the major components of these tracks were *mainstreaming of human rights as a tool in good and effective governance and the establishment of complementary mechanisms to further the protection of civil and political rights.*²
3. In its report, the state under review cited a decrease of incidence of extrajudicial killings on the period between the first and second cycle of the UPR claiming: *"From 2008 to 2011, the Philippine Government, through Task Force Usig, reported 27 cases of extrajudicial killings involving media practitioners and activists. These figures are included in the 165 cases in the unit's files since 2001. The decrease in the number of cases of extrajudicial killings and enforced disappearances in 2010 was particularly noted by the European Union EPJUST experts."*³
4. Though there was a decline in the number of cases of extrajudicial killings in the last years of the Arroyo administration, Karapatan Human Rights Alliance released figures indicating 249 cases of extrajudicial killings related to political beliefs from January 2012-June 2016. In addition to this, various media outfits have counted that around 166 drug-related killings occurred from May 10-June 30, 2016. These demonstrate that killings involving state security forces as perpetrators continue.⁴

Recommendations of Various Country Missions on the Cases of Extra Judicial Killings and Impunity in the Philippines

5. With extrajudicial killings continuing unabated since the UPR first cycle in 2008, different country missions expressed their concerns and recommendations to *"further its efforts to effectively eliminate extrajudicial killings (Republic of Korea); continue its efforts to tackle extrajudicial killings and enforced disappearances to strengthen the rule of law and respect for human rights (Singapore); work towards the complete elimination of torture and*

¹ Philippine National Report to the Human Rights Council, par no. 4
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/123/16/PDF/G1212316.pdf?OpenElement>

²*Ibid.* page 2, par 5

³*Ibid* page 9, par 45

⁴Karapatan Gathered reports January 2012 to June 2016

<http://news.abs-cbn.com/specials/map-charts-the-death-toll-of-the-war-on-drugs>

extrajudicial killings, and intensify efforts to carry out the prosecution of such crimes (Holy See) ⁵.

6. Disturbed over the prevailing culture and climate of impunity, various country missions also conveyed recommendations to *"take measures to resolve the cases of delayed justice and impunity, including through judicial reforms (Republic of Korea); effectively fight impunity for cases of extrajudicial killings and enforced disappearances committed by the armed forces and the police, as well as non-state actors (Austria); address concerns about impunity, through reforms in the criminal justice system, as well as by ensuring the speedy investigation, arrest, prosecution, trial and conviction of perpetrators (Netherlands)."* ⁶

7. Obviously, massive and explicit human rights violations continue to occur despite the commitment of the Philippine government for *"more focused attention to resolution of human rights cases – The Philippine Government is dealing decisively with urgent human rights cases, re-affirming the earnest observance of the rule of law, due process, and due diligence, and demonstrating sufficient political will to resolve and put closure to said cases..."* ⁷

8. From the second half of 2012 to June 2016, Karapatan Human Rights Alliance recorded other human rights violations that include seventeen (17) victims of enforced disappearances, one hundred forty-four (144) cases of torture, eight (8) cases of rape, five hundred one (501) cases of frustrated extrajudicial killings, eight hundred ninety-one (891) illegal arrests without detention, one hundred ninety-one thousand twenty-nine (191,029) cases of threats/harassments/intimidation and numerous other cases involving communities and thousands individuals. ⁷

9. In the said period, a new Internal Peace and Security Plan coined as Bayanihan was implemented, using additional methods. In the document released by the Armed Forces, this is described as such: *"the present plan not only uses old indicators of success (i.e. combat-based); it also explores non-combat parameters of success in addressing the country's peace and security problems."* ⁸

10. Under such methods, the Philippine Armed Forces of the Philippines reached out with civil society groups including church formations in launching its "peace and development" operation since *"on a positive note, civil society organizations (CSOs) have the inherent ability to act as enablers of security and development, acting as alternate conduits for political participation and the delivery of public goods to marginalized segments of society. This makes them indispensable efforts towards internal peace and security"*. ⁹

11. Disturbingly, the Philippine military involved churches and other civil society groups in their counter-insurgency plan. The Church Military Advisory Group was created as part of

⁵Conclusions and Recommendation Report of the Working Group on the Universal Periodic Review, July 2012, par 129.12 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/151/22/PDF/G1215122.pdf?OpenElement>

⁶Ibid. par 129.29

⁷Karapatan Gathered reports January 2012 to June 2016

⁸ARMED FORCES OF THE PHILIPPINES INTERNAL PEACE AND SECURITY PLAN BAYANIHAN, p 4, par 1

⁹Ibid. page 7 par 5

Commented [AAO-11]: This needs to be put as footnote form.

Commented [AAO-12]: is there a word missing here? Like IN or TO?

their “paradigm shift” with the supposed intention to advance so-called “peace and development,” while, in fact, their motivation is counter-insurgency.

PREVAILING IMPUNITY AND CONTINUING VIOLATIONS OF HUMAN RIGHTS

12. Church people as advocates of justice and peace have been a consistent target of assassination, threat and harassment. Trumped-up charges are often filed against them, with the purpose of preventing them from working with the people and silencing them on abuses committed by the government and big business projects such as plantations and mining.

13. Since 2008, around twenty (20) church personnels were victims of extrajudicial killings, tortures, threats, harassments, intimidation and other human rights violations.

14. Less than two months after the 2nd cycle review in 2012, another church personnel was gunned down. Brother Willem Gertman, Dutch missionary was shot dead by two assailants inside his office compound in San Fernando, Pampanga in Luzon Island on July 3, 2012. Gertman worked for more than 40 years in the Philippines helping farmers and indigenous peoples. He was the executive director of an NGO involved in disaster response. Vilified by the military as a supporter of the New People’s Army, he was put under surveillance and received death threats. The prosecutor filed a case of murder and robbery, disregarding the political nature of his slay. To date, only one of the four suspects is under trial.

15. In November 2012, Philippine President Benigno S. Aquino III issued Administrative Order 35 CREATING THE INTER-AGENCY COMMITTEE ON EXTRA-LEGAL KILLINGS, ENFORCED DISAPPEARANCES, TORTURE AND OTHER GRAVE VIOLATIONS OF THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSONS.

16. From the PCPR’s submission during UPR 2012, justice has remained elusive for the victims, specifically the church people. The cases of the extrajudicial killings of Rev. Filomino Catambis, Fr. Cecilio Lucero, Bro. Benjamin Bayles, Jovelito Agustin, Rabenio Sungit and Fr. Fausto Tentorio are still unresolved.

- **Fr. Fausto Tentorio**, PIME was brutally killed by a lone assassin in broad daylight on October 17, 2011 inside his parish in Arakan, North Cotabato, Southern Philippines. Before his assassination, he was active in the promotion of indigenous peoples’ and peasants’ rights and staunchly campaigned against military presence in the rural communities and for the peace initiative of different groups. He also initiated various programs for the welfare of the poor people in his church. Prior to his death, Fr. Tentorio was vilified as a supporter of the New People’s Army and constantly received death threats.

The Aquino administration considered it a high profile and test case in 2012 when it created the Special Investigating Team for Unsolved Cases (SITU) under an inter-agency body called Inter-Agency Committee on Extrajudicial Killings and Human Rights Violation. This superbody headed by the Department of Justice is composed of representatives from Interior and Local

Government (DILG), National Defense (DND), Office of the Presidential Adviser on the Peace Process, Office of the Presidential Adviser for Political Affairs, Presidential Human Rights Committee, Armed Forces of the Philippines (AFP), Philippine National Police and the National Bureau of Investigation (NBI).¹⁰

Due to disappointment from the Aquino administration, Fr. Peter Geremia, PIME wrote to President Duterte saying, “Sad to say that with all the officials tasked to solve this case and the huge budget spent, it appears that this was an exercise in futility. Our key witnesses were kept in safe houses for such a long time that they decided to come out from the WPP and face the risk of threats, the disruptions of their families and livelihood and relocation in remote areas. They are still willing to testify but they are seeking help to survive. Other witnesses are discouraged to come out and testify”¹¹.

- **Bro. Benjamin Bayles**, a lay leader of the Philippine Independent Church in Negros Occidental, a province in central Philippines, was shot dead by two motorcycle riding men on June 14, 2010. The two suspected assailants held by the police are active elements of the 61st Infantry Battalion of the Philippine Army which is based in Negros Occidental. At the time of his death, Bayles was a member of Promotion of Church People’s Response, an active farmer-organizer of the National Federation of Sugar Workers (NFSW), a member of September 21 Movement affiliated with Karapatan, and was also a member-volunteer of Bayan Muna Partylist.¹²
- **Fr. Cecilio Lucero**, a Catholic priest from the Diocese of Catarman in Northern Samar a province in central Philippines was ambushed and killed last September 6, 2009 by five bonnet-wearing assailants while driving along a national highway. He died on the spot while one of his companions was wounded and another passenger, a policeman sitting beside him, escaped unscathed. Lucero was a staunch supporter of human rights victims especially peasants. He had been maligned as a supporter of the Communist Party of the Philippines/New People’s Army and received death threats. His secretary attested that a heated argument erupted between a group of military and Fr. Lucero over the latter’s sanctuary support to a peasant survivor of a massacre incident perpetrated by the 63rd Infantry Battalion of the Philippine Army.¹³

17. Other victims of human rights violations mostly involving illegal arrests and threats, harassments and intimidation include the following:

¹⁰Administrative Order No. 35 on CREATING THE INTER-AGENCY COMMITTEE ON EXTRA-LEGAL KILLINGS, ENFORCED DISAPPEARANCES, TORTURE AND OTHER GRAVE VIOLATIONS OF THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSONS, <http://www.gov.ph/2012/11/22/administrative-order-no-35-s-2012/>

¹¹Letter of Fr. Peter Geremia, PIME to President Rodrigo Duterte

¹²<https://docs.google.com/a/ifi.ph/viewer?a=v&pid=sites&srcid=aWZpLnBofHd3d3xneDoxOGZjZWFiMTUxMjdlOThl>

¹³<http://www.scribd.com/doc/21246407/A-journey-for-the-truth-National-fact-finding-mission-report-on-the-killing-of-Father-Cecilio-Lucero>

- Rev. Jurie Jaime, a United Church of Christ in the Philippines (UCCP) pastor and member of the PCPR-Davao, and Sr. Stella Matutina, Benedictine sister, (both active in social justice and peace work, especially for the rights and welfare of the indigenous peoples in Mindanao) are two among the 15 people who were charged with kidnapping and serious illegal detention of about 700 indigenous peoples (collectively known in Mindanao as Lumad) at the Haran Evacuation Center within the property of UCCP in Davao City. The Lumad has been in the evacuation center since March 2015 due to intense militarization in their communities. As stated by UN Special Rapporteur Dr. Chaloka Beyani during his Philippine visit, “*The community wishes to return to its lands but stressed to me that they will only feel safe to do so if the long-term militarization of their region comes to an end and they can return with guarantees of safety, dignity and protection.*”¹⁴

Karapatan officers Rev. Allen Bill Veloso and Pastor Sadrach Sabella, Chairperson and Secretary General, respectively, of Karapatan-Socskargen were also charged with attempted murder as well as Crimes against International Humanitarian Law, Genocide, and other Crimes against Humanity after they participated in a human rights fact-finding mission and later assisted indigenous peoples who evacuated to General Santos City because of militarization. In this case, 25 persons, including one other pastor, faced these trumped-up charges.¹⁵

- Amelia Pond, regional coordinator of the Rural Missionaries in the Philippines and a teacher and researcher of an indigenous people’s school, was illegally abducted and forcibly detained by government elements on August 19, 2016. She is charged with double murder and frustrated murder and is being accused as a high-ranking officer of the Communist Party of the Philippines in Southern Mindanao, using Adelfa Toledo as an alias. She is presently in jail.¹⁶
- Joel Yagao, a dedicated missionary with farmers groups and lay worker of the Rural Missionaries of the Philippines-Northern Mindanao Region, was active in community-based agrarian programs in Northern Mindanao when, on September 8, 2013, he was illegally arrested and charged with double murder and multiple murders in relation to an encounter between the New People’s Army and a city mayor.¹⁷
- Bishop Antonio Ablon, the Diocesan Bishop of the Philippine Independent Church, was a victim of threat, harassment and intimidation, violation of domicile and robbery by suspected state agents. In July 2013, his bedroom in

¹⁴Statement of the United Nations Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, on the conclusion of his official visit to the Philippines, 21 to 31 July 2015, par 12

¹⁵Karapatan 2015 HR Report p. 32

¹⁶ Karapatan Urgent Alert Aug 22, 2016

¹⁷ Rural Missionaries of the Philippines, North Mindanao Sub-region, Sept. 20, 2013

the Bishop's House in Pagadian Cathedral located in Southern Mindanao was ransacked while the bishop was preparing for a Fact-Finding Mission on large-scale mining operation in the area. A similar incident occurred in October 2015 in the Pro-Cathedral at Tubod, Lanao del Norte. The parish office was ransacked with only the computer CPU missing; perpetrators left a threatening note. Police found no leads to pursue a case.¹⁸

President Rodrigo Duterte's Effort on Peace Process and "War on Drug"

28. We commend the new administration in its effort in pursuing formal peace talks with the National Democratic Front of the Philippines (NDFP) and in opening the door for informal talks both with Moro National Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF) in southern Philippines.

29. We are optimistic that with the resumption of talks between Government of the Republic of the Philippines and NDFP, provisions stipulated in the previous agreements, most specifically the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) will be operationalized and implemented accordingly.

30. However, we are deeply alarmed over the spate of drug-related killings that started in the last weeks of the Aquino administration and have continued, and even intensified under the current administration of President Duterte. The almost three-thousand dead under this so-called "war on drugs" mainly came from poor families and are an undeniable manifestation of the states' disregard for the right to life. These killings underscore a violation of the Philippine state policy that "the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."¹⁹

Recommendations

Since the Philippine government failed to stop the killings and the blatant violations of human rights, again, the Promotion of Church People's Response reiterates many recommendations to the Philippine government to:

1. Put an end to extrajudicial killings enforced disappearances, illegal arrests and detention, torture and other human rights violations;
2. Sincerely pursue the peace talks with the National Democratic Front of the Philippines, Moro National Liberation Front and Moro Islamic Liberation Front and discontinue the internal security plan Bayanihan that targeted the civilian population;

¹⁸EXCERPTS FROM THE MINUTES OF THE DIOCESAN LEADERS MEETING HELD ON OCTOBER 9-10, 2015 AT THE CHURCH OF THE REIGN OF CHRIST THE KING, BAROY PARISH, POBLACION, BAROY, LANA DEL NORTE.

¹⁹Philippine Constitution 1987 Article 2 SECTION 5

3. Render justice to the victims of human rights violations by providing adequate compensation, indemnification, restitution and rehabilitation and establishing mechanisms for this purpose;
4. Institute special laws, procedures, remedies and courts that would effectively and swiftly prosecute cases of extrajudicial killings, enforced disappearances, illegal arrests, detention and torture carried out by state forces;
5. Enforce the implementation of the Anti-torture law;
6. Repeal the Human Security Act.
7. Conduct a financial auditing of the funds used in the years of the implementation of various programs related to human rights since 2012.
8. Stop involving civil society groups in the counter-insurgency operations.