



MORO CHRISTIAN PEOPLE'S ALLIANCE

3rd Flr. National Council of Churches in the Philippines

879 Edsa Quezon City

email address: mcpaphils@yahoo.com

Tel. No. 4125340

NARRATIVE SUMMARY OF MUHAMADIYA HAMJA'S CASE

1. Muhamadiya Hamja was first arrested on October 30, 2001 in Zamboanga City. He is originally from Basilan but evacuated his family from Basilan to Zamboanga mainly to avoid the turmoil brought about by the atrocities of the bandit Abu Sayyaf Group (ASG) in Basilan. After his arrest he was detained at the Southern Command (SouthCom) headquarters in Zamboanga City. During detention, Hamja was heavily tortured to force him to admit that he is Abu Maja or Maja Hamja, an alleged member of the ASG responsible for the kidnapping incidents that took place in Barangay Sinangkapan, Tuburan and Barangay Tumahubong, Sumisip in Basilan on March 20, 2000. The incident is known as the "Punong Mahadji Incident" where fifty-two persons composed of teachers, school staff, elementary students of Sinangkapan and Tumahubong Elementary Schools, a number of local residents of the said barangay and a Catholic priest Father Roel Gallardo from Claret School were kidnapped by the said group.

2. From Zamboanga City, Hamja and 72 other Moro detainees were transferred to the SICA, Camp Bagong Diwa in Taguig City, Metro Manila. The accused in the "Punong Mahadji Incident", docketed as Case # 121887 – H to 121897 – H; 123181 – H to 123221 was tried in Branch 261 of the Regional Trial Court (RTC) in Pasig City. In the said case, Muhamadiya Hamja and another person named Imam Udja Sahibuddin, 64 years old, were both charged under the same alias Maja Hamja.

3. During the trial, eleven (11) out of the 52 kidnapping victims appeared and testified in court as the prosecution's witnesses. During the trial, not one of the 11 witnesses identified Muhamadiya Hamja as one of those involved in the said crime. This was the basis for the court, in its decision on October 13, 2001, to acquit Muhamadiya Hamja from any responsibility in the "Punong Mahadji Incident" (Case # 121887 – H to 121897 – H; 123181 – H to 123221), and ordered the warden of the SICA, Camp Bagong Diwa Jail, to immediately release him from detention. (*Attached herewith is the dismissal documents marked as Doc. #1*)

4. However, before the court's order to release Hamja was enforced, he was then accused of involvement in another kidnapping incidence also perpetrated by the ASG in Dos Palmas Island Resort in Palawan on May 27, 2001. Twenty (20) individuals that included American missionaries Martin and Gracia Burnham were the victims of this crime. The Dos Palmas kidnapping, docketed as People of the Philippines vs Abu Hammad Salayuddin aka "Abu Sabaya" aka "Aldam Tilao" et al. Case #: 125323 – 42 H, was tried at Branch 69 of the Regional Trial Court in Pasig City.

Again, not one of the witnesses who testified in court identified Muhamadiya Hamja as one of those involved in the kidnapping incident in the Dos Palmas case. The prosecution witnesses during the Dos Palmas case hearing includes victims from the Lamitan siege and the Golden Harvest Farm raid. (*Annexed are the list of prosecution witnesses presented during the Dos Palmas court trial and marked as Doc. # 2*)

As in the first lawsuit filed against Hamja, because none of the victims and witnesses who testified in court identified Hamja as one of those involved in the Dos Palmas kidnapping incident, the court, (Branch 69 of the RTC in Pasig City) on June 30, 2005, dismissed the second kidnapping case filed against Hamja and ordered the warden of Camp Bagong Diwa to immediately release him from detention. (*Enclosed are copy of the court, Branch 69, RTC, Pasig City decision and marked Doc. # 3*)

5. After his release on June 30, 2005, Hamja and his family, because of fear, did not return to Basilan and decided instead to live in Barangay Maharlika, Taguig City. But after almost 3 years, bad fate followed Hamja and his family. On November 28, 2008, on his way home after attending worship in the Blue Mosque in Barangay Maharlika, Hamja was abducted and was forced inside a white van by unidentified armed men. And for five days, after the abduction, his family tried to locate him in different police and military camps but failed to find him.

On December 4, 2005, Ahmad Hamja, son of Muhamadiya Hamja reported the incident to the office of the Commission on Human Rights (CHR) and appealed for their help. The CHR, then under Chairperson Hon. Leila De Lima, now Secretary of the Department of Justice, responded positively and ordered a three-man team headed by Atty. Robert Alcantara to assist Ahmad to search for his father. The group first went to the Criminal and Investigation and Detection Group headquarters (CIDG) in Camp Crame. At first, the CIDG officials strongly denied any involvement in the abduction and disappearance of Hamja. Likewise, they denied that Hamja was in their custody.

However, while at the CIDG, Ahmad was able to peek inside a slightly opened door in one of the rooms at the CIDG office and saw the pair of slippers that his father wore at the time of his abduction. Immediately, Ahmad yelled and called the attention of the CHR team. The people inside the room attempted to close the door but Ahmad and the CHR staff was able to force open it. They saw Hamja lying helplessly on a couch, visibly very weak, his eyes were swollen and dark red as if they were bleeding, his body was full of bruises. He also had wounds in his nose and hands. Obviously, Hamja was heavily tortured.

(Attached are photos taken by the CHR staff when they found Hamja at the CIDG office. The pictures marked as Doc # 4 to # 8 and the supplemental sworn statement of Muhamadiya Hamja which marked Doc. # 9)

6. The group identified the combined forces of the CIDG of the Philippine National Police (CIDG – PNP) and the Naval Intelligence and Security Force of the Philippine Navy (NISF – PN) as the units responsible for the abduction, torture, illegal arrest and detention of Hamja.

7. The consequent investigation conducted by the CHR proved that the arrest and detention of Hamja, by the CIDG and NISF operatives in November 28, 2008, was not proper, illegitimate, utterly unlawful and illegal. Furthermore, the CHR confirmed that Hamja was severely tortured while in the custody of his captors, identified as operatives of the CIDG and NISF. (*Attached is the result of the investigation, conclusions and recommendations of CHR, dated December 21, 2009, (CHR (IV) No. A2009-172, CHR Case No. 2009-046) with regards to Hamja's abduction last Nov. 28, 2008. and marked Doc.# 10*)

8. Hamja was temporarily detained at Camp Crame. But in January 2009, without the knowledge of his family and lawyer, the CIDG brought Hamja to Zamboanga City then

transferred and detained him at Basilan Provincial Jail. Later the family learned that Hamja was again implicated in the ASG raid of the Dr. Jose Ma. Torres Memorial Hospital in Lamitan, Basilan also known as “The Lamitan Siege “ that occurred in June 2, 2001 . In the said incident, several staff of the hospital including nurse Deborah Yap were also taken hostage and joined together with the kidnap victims from Dos Palmas which happened a week earlier.

Hamja was likewise implicated in the kidnapping of 15 employees of the Golden Harvest Farm that the ASG raided in June 11, 2001. A witness named Faisal Binasing, who suddenly appeared, 8 years after the incidence, pointed to Hamja as one of the Abu Sayyaf involved in the Golden Harvest Farm kidnapping case. Faisal claims he was one of the 15 employees of the Golden Harvest Farm abducted by the ASG.

The raid on the Dr Jose Maria Torres Memorial Hospital in June 2, 2001 known as The Lamitan Siege was docketed as: “People of the Philippines vs Khadafy Janjalani et al “ , Case nos. - 3537-1129 , 3608- 1164, 3611 – 1165,3674-1187 and filed at the RTC Basilan , 9th Judicial Region , Branch 2, Isabela City under the sala of Hon. Judge Danilo Bucoy.

The Golden Harvest Plantation Farm that the ASG also raided in June 1, 2001 was docketed as : Peoples of the Philippines vs Isnilon Hapilon et al, Criminal Case Nos - 3432-336, 3551-400, 3552-401, 3566-409, 3569-410, 3568 – 441, 3569-412, 3570-413 was filed at the RTC – Basilan, 9th Judicial Region , Branch 1 , Isabela City under the sala of Hon. Judge Leo Principe .

9. After the second arrest and detention of Hamja, Atty. Pura Ferrer Calleja, his lawyer, submitted separate motions in Branch 1 and 2 of the Isabela City RTC for the dismissal of the case re-filed against Hamja on the grounds of double jeopardy. On June 17, 2009, Hon. Judge Danilo Bucoy of Branch 2 of the RTC in Isabela City issued a decision in favor of the motion and dismissed the 3rd case filed against Hamja . (*Attached a copy of the decision penned by the Hon. Judge Danilo Bucoy of Branch 2, RTC, Isabela City and marked it as Doc. #11*)

10. However, the other motion failed to get a favorable decision from the sala of Hon. Judge Leo Principe of Branch 1 of the RTC in Isabela City, Basilan. To this date, Muhamadiya Hamja continues to languish in jail.

The following are the bases for the demand to immediately release Muhamadiya Hamja from detention:

1. The appropriate courts have proven Muhamadiya Hamja innocent and acquitted him of the three cases filed against him. The repeated dismissal of the cases filed against Hamja was due to the fact that no witnesses presented by the prosecutors in court pointed to Hamja as one of those responsible in the series of heinous crimes carried out by the ASG. In fact, two of the victims (Reynaldo Ariston and Ruel Aylon), who were both employees of the Golden Harvest Farm, who stood as prosecution witnesses did not identify Muhamadiya Hamja as one of those who took them hostage.

2. The most credible witnesses were the victims themselves who testified in court at the time when the trauma of the tragic fate they suffered in the hands of the ASG were still fresh in their memory. They fearlessly made a stand and identified the people responsible in the crimes committed against them. It is not somebody, named Faisal Binasing, who claims to be one of the 15 Golden Harvest Farm employees taken hostage by the ASG, who after 8 years of

silence and non-appearance made a dramatic entrance and still able to identify people whom he claimed were involved in the kidnapping incidence that took place 8 years ago.

Faisal Binasing, now stands as the government state witness, pointed to Hamja as one of those responsible in the Golden Harvest Farm incidence only after the police presented Hamja to him (Faisal) in January 2009, in Basilan Provincial Jail, 8 years after the Golden Harvest Farm incidence. Muhamadya Hamja was presented to Faisal without the benefit of a police line up. *(Attached is the testimony of Faisal Binasing marked as - Doc.# 12)*

Faisal Binasing also served as witness against Patta Hoyoh who was arrested by the combined operatives of military and police last November 3, 2010 in Tandang Sora, Quezon City. Patta Hoyoh was also implicated by Faisal Binasing in the Golden Harvest Farm kidnapping case. When Patta Hoyoh was arrested in 2010, he was only 21 years old. The raid in the Golden Harvest Farm occurred in 2001 when Patta was only 10 years old. Clearly, Faisal has been telling lies.

The Commission on Human Rights investigation of the abduction of Muhamadiya Hamja on November 28, 2008 concluded in its December 21, 2009 report that the arrest of Hamja was not proper, utterly unlawful and his detention was illegal. Furthermore, Hamja was severely tortured while in the custody of his captors from the date he was arrested on November 28, 2008 up to the time he was located at the CIDG national office in Camp Crame on December 4, 2008. The report also established that his captors were personnel of the the CIDG of the PNP and the NISF of the PN.

The CHR investigation and conclusion embodied in its December 21, 2009 report are substantial enough as basis that warrant the immediate release of Muhamadiya Hamja from detention.

3. The torture Muhamadiya Hamja suffered from his captors is now taking its toll on him. At present, Hamja is sick and his health is fast deteriorating. He always complains of internal body pain and has blood in his feces and urine. Medical attention from the prison authority is unavailable. According to Hamja, with his situation now, there maybe only a little time left for him to be with his family again, alive and outside his prison cell. #