



Iglesia Filipina Independiente
RAMENTO PROJECT FOR RIGHTS DEFENDERS
1500 Taft Avenue, Manila, Philippines

2nd Report to the United Nations Universal Periodic Review on Human Rights in the Philippines (July 2012 to August 2016)

Introduction

This stakeholder's report to the UN Universal Periodic Review on human rights in the Philippines May 2017 is the second submission of the Iglesia Filipina Independiente (Philippine Independent Church) – Ramento Project for Rights Defenders. The first report was submitted in time for the UPR Philippines in June 2012.

The Ramento Project for Rights Defenders (RPRD) is a Church-based and faith-based program for human rights defenders (HRDs) that operates in partnership with Bread for the World – Protestant Development Service of Germany. The program is named after former Obispo Maximo (archbishop) Alberto Ramento, a bishop – human rights defender who fall victim to extra-judicial killing in October 2006. RPRD began operations in January 2010 as the Church's contribution to widespread need to support and protect human rights defenders in the Philippines amid culture of impunity and state-sponsored extra-judicial killings and enforced disappearances of political activists.

RPRD's activities are: a) facilitation and mobilization of Churches in their respective ministries to provide physical sanctuaries to HRDs in danger, b) support network human rights organizations (HROs) in their burdens of supporting member-HRDs who face legal persecution, fall ill in the process of human rights work, and those in difficult situation during emergencies, c) recovery and strengthening faith-based HROs for them to accomplish their human rights commitments and to defend fellow HRDs, and d) do advocacy and networking for partnership. These services have been duly maximized and beneficial to human rights in general and to Filipino human rights defenders in particular with zero-casualty in its sanctuary services since 2010.

This report for UPR Philippines on May 2017 will continue focusing on continuing serious violations of human rights with the main purpose of contributing towards ending the persisting culture of impunity and state-sponsored human rights violations in the Philippines. The data presented are being linked to particular provisions in the Universal Declaration on Human Rights (1948), subsequent international conventions on human rights, and the UN Declaration on Human Rights Defenders (1998).

1. Denial of justice strengthens culture of impunity. Throughout the 4-year period beginning July 2012 to the present, families and colleagues of victims of extra-judicial killings (EJKs) and enforced disappearances are yet to hear a success story in the government's obligation of rendering justice to victims. Citing examples, the case on the shooting and killing of Iglesia Filipina Independiente (IFI) priest Rev. Fr. William Tadena in La Paz, Tarlac on 13 March 2005 is still undecided 10 years after the incident. Worse, the case on the murder of IFI Bishop Alberto Ramento in Tarlac City on October 3, 2006 was decided in 2014 in favor of the arrested suspects resulting to their release from prison.

2. Delay of justice is no justice. The case of Benjamin Bayles, an IFI lay volunteer from Himamaylan City in Negros Occidental is a very vivid illustration of denial of justice by prolonged years of court hearings. Bayles was shot to death and fall victim to extra-judicial killing on June 14, 2010. Fate was then on the side of justice when police personnel from the neighboring City of Kabankalan were able to apprehend the suspects while fleeing from the crime scene. Investigations that followed ascertained that the accused and detained killers were members of the 61st Infantry Battalion of the Philippine Army at the time of the killing. However more than 6 years after the incident, Private First Class (Pfc) Rafael Cordova and Pfc Reygine Laus are yet to be convicted of the crime while their command superiors who may gave the order to kill Bayles remain free. Prolonged delay in the decision and resolution of human rights cases are outright denial of justice as provided in the provision against "undue delay" as spelled out in UNDHRD Art 9 Sec 2 and in UNDHRD Art 9 Sec 3.

3. Government resources are being used to defend violators of human rights. Lawyers of the army suspects in the Bayles case, Attorneys Leon Moya, Vicente Garaygay, and Basilio Garaygay are well-known, highly paid, and veteran lawyers known in Negros Occidental. They form the formidable legal team that defends the accused murderers of Bayles. Logic tells that no lawyer will provide free legal services to accused killers. It is also impossible for the two suspects to pay the expensive lawyers by themselves as they have been out of government payroll. Thus it is easy to conclude then that government resources are being used to defend perpetrators of human rights violations. This fact is very ironic in a government whose official stand claims to be on the side of human rights. Supporting human rights violators in court hearings is condoning the killings outright, siding with injustice, and promotes culture of impunity. Using government resources for the benefit of perpetrators and not the victims stands destructively opposite to the provision on "equal protection of the law" as stated in UDHR Art 7.

4. Extra-judicial killings continue. While justice to victims of human rights violations is yet to be served, extra-judicial killings continue. The last 4 years of the Aquino administration that ended in June 2016 unveiled strong parallelism to the much despised Arroyo administration as extra-judicial killings of activists persisted with more than 300 victims. Government security forces remain to be the primary suspects as its anti-insurgency blueprints or Oplans simply changed in names and tactics but remains to be directed to those who defend human rights and those who raise questions on the structural causes of the abuses. Reduction on the number of kills from thousands down to hundreds can't claim a problem solved. Death of a single person who works for justice and for the uplift of other people's lives by standing with them against government priorities that protect the interest of mining companies and other big businesses is simply unacceptable.

5. Legal persecution by filing trumped up charges on the rise. Legal offensive by means of filing crafted criminal charges against human rights defenders are on the rise. Leaders of people's organizations including indigenous peoples are being included in charge sheets against armed rebels at war with the government. For leaders of mass organizations, it is not unusual for them to face criminal charges which are obvious deliberate moves on the part of government agents to neutralize their involvements in people's struggles. Such scheme has been very effective in preventing HRDs in exercising their right to defend human rights since the past decade. Neutralizing government critics by legal persecution is a violation of the Universal Declaration on Human Rights Defenders which states that working for human rights is by itself human rights.

6. Violent mining aggressions in indigenous communities. The year 2015 marked the peak of violence against indigenous peoples especially in the Philippine island of Mindanao. Killings of leaders of Lumad (IPs in Mindanao) organizations have been sporadic on top of death threats commonly thrown to known leaders through mobile phones. Such violations are attributable to mining companies operating or into mining exploration within ancestral domains of Lumads. For a fact, the province of Agusan del Sur has been declared the mining capital of the Philippines. It is not coincidental then that the largest number of Lumads who fled their communities to live as internal refugees in various evacuation centers came from the same province of Agusan del Sur.

7. Para-military groups in rampage. Use of violence through para-military groups has been undertaken in the aggression of mining companies in ancestral lands. In 2015, news reports on killings and massacres of Lumad leaders, members and even children were widespread. Data from human rights watchdog Karapatan reported that killings of indigenous peoples wasted 81 innocent lives while thousands suffered long-term dislocation from their homes. Around 3,000 Lumads spent a year in the evacuation center in Tandag City while hundreds more were holed up in evacuation centers in Davao City and Malaybalay City. While taking refuge from violence and harassments in their hinterland communities, human rights violators even followed the Lumads in evacuation centers. The evacuation center in the compound of the United Church of Christ in the Philippines (UCCP) Haran Mission Center in Davao City was burned in the middle of the night in February 2016.

8. Courts issued Warrant of Arrests but nobody is arrested. Suspects to killings of 3 Lumad leaders who were executed in front of community folks on September 1, 2015 were issued warrant of arrest. The suspects however remain free 12 months after the crime. Being leaders of para-military groups used by the government in the anti-insurgency campaign, human rights defenders in Mindanao believe that the perpetrators are under the protection of the military. The continued presence of para-militaries who are able to kill civilians before a terrified community continues to bring chills to Lumad people.

9. Hope in the resumption of peace negotiations with communist National Democratic Front. A glimmer of hope is on the rise from the state of blatant violations of human rights against human rights defenders engaged in political struggle. This is in relation to the resumption of formal peace negotiations between the Government of the Philippines and the communist National Democratic Front of the Philippines. The current Duterte administration has recently ended the more than 15 years of stalled peace process through formal talks that began in July 2016. The first round of talks gave way to a much needed ceasefire between the Philippine security forces and the communist New People's Army.

10. The ceasefire has technically deactivated Oplan Bayanihan. The ceasefire should have deactivated Oplan Bayanihan as counter insurgency campaign plan that activists accuse of being the master plan in the continuing repression and extra-judicial killings of hundreds of politically involved human rights defenders. The resumption of peace talks also technically means the implementation of the signed Comprehensive Agreement on Respect of Human Rights and International Humanitarian Law (CARHRIHL) including the operation of its Joint Monitoring Committee. Hope is high for human rights from this development with the Joint Monitoring Committee in the right position to do its mandate of checking human rights violations of both warring parties according to universal standards. However, human rights defenders are also cautious on how long will the formal negotiations and the ceasefire last.

11. Hope in the promises of reforms towards socio-economic and cultural rights. Hope for centuries-old severe violations of Filipino people's socio-economic and cultural rights may also be gleaned on the pronouncements of the present administration particularly on the following: a) when it appointed a peasant activist to head the Department on Agrarian Reform giving way to distribution of lands as a matter of human rights of tillers; b) when it appointed activists to head the Department of Labor and Employment who bannered as priority policy the ending of the practice of contractualization of labor and the doubling of salaries of police, soldiers, public school teachers; and c) when it appointed an environmental activist to head the Department of Environment and Natural Resources who began her stint by cancelling the mining permits of mining companies whose operations do not comply with environmental protection standards. Such actions the new environment secretary are in defense among others of the rights of indigenous peoples to clean environment and right to discretion over their respective ancestral domains.

12. Hope on the promise of curbing corruption in government. The implementation of the new president's election campaign slogan has been varied. Most visible on this however is the government's priority campaign against illegal drugs business within government's penitentiary institutions and the warning and call to surrender of generals and government officials involved in illegal drugs trade.

13. Hope on the eradication of vicious criminality and illegal drugs. The nation is also in high hopes over the promise of the new president to eradicate illegal drugs and criminality in its first 6 months in office. Towards this end, the so called 'war on illegal drugs' began operations immediately after the oath of office of the new president.

14. However these high hopes may be bound to high disappointments once again if to take the lessons of past administrations. Stories have always been like this in Philippine political, social and economic arena. A new president comes in after every national election promising the heavens, only to frustrate everyone after a couple of years in office. Thus critical and apprehensive engagement with the government remains a necessity while hoping for the best to come for the nation and its people. Being critical naturally lead to the following reactions against ongoing violations of human rights along the course of the government's so called 'war on illegal drugs'.

15. Government's war on illegal drugs has killed thousands. In its first 2 months in office (July – August), police authorities reported and confirmed media reports on almost 2,000 people killed who are suspected of involvement in illegal drugs. More than two-thirds of the deaths were attributed to vigilante killings while a third happened during police operations. Regardless of any justification over the killings, what is very obvious and grossly

unacceptable is the proliferation of vigilante groups involved in the killings. Worse, none of vigilante groups is ever arrested over the death of almost 2 thousands attributed to them. In addition, reports of rub-outs during police operations were almost un-investigated. On top of all of these, most alarming to common sense is the president's un-apologetic stand on the thousands of deaths, sustained call over the media to "kill" drug pushers, and the repeated assurance that no security personnel will ever go to jail for killing drug pushers.

16. 'Catching the fry while the big fish is free' is a resultant public opinion that can't be avoided on the process of the 'war on illegal drugs'. Most of the killings have been victimizing tricycle drivers, school drop-outs, construction workers, and other ordinary citizens who are helpless to defend themselves. On the other hand, published list of military and police generals, politicians, and other government officials are yet to result in arrests and litigation in the courts of justice. This fact will continue to cast doubts on the effectiveness of law enforcement authorities on this matter.

17. Church leaders and Churches have spoken against the killings. Killing in thousands, whether justifiable by law or by public opinion, is simply unacceptable by moral and social standards. Reactions and condemnations on the killings in the process of drugs war are mounting. Among other sectors in society, Philippine Church leaders and Churches including the Iglesia Filipina Independiente and the National Council of Churches in the Philippines have issued strong statements. Churches demand for the immediate end to the killings and denounce the violent anti-drugs campaign to be clouded with massive human rights violations.

18. Continuing and worsening culture of impunity. Sloppy investigations on the abuses and rub-outs committed during police operations, and apparent toleration of vigilante groups in war on illegal drugs are reinforcing the already entrenched culture of impunity in the Philippine society. This relates to the fact that the nation is yet to free itself from the culture of silence and impunity that has been there since extra-judicial killing of political activists began more than fifteen years ago under the leadership of former president Arroyo.

19. Universal principles and conventions on human rights have been disregarded. Regardless of motive and the tacit approval of the general public on the 'war on illegal drugs', the unprecedented number of deaths during police operations, apparent disregard of the rule of law, and the failure to curb the voluminous vigilante killings are utter violations of human rights based on universal principles and conventions.

20. Recommendations. This stakeholder hereby presents its recommendations:

- For the Philippine government to put more weight on the duty to protect human life and human rights over politics. Sustain peace process with communist rebels and effectively implement the ceasefire agreement.
- For the government Arrest and prosecute suspected drug pushers and drug lords according to the rule of law while observing universal human rights standards, and end the practice of encouraging the public and security personnel to kill drug lords and pushers that naturally result to gross human rights violations.
- To undertake every effort to arrest and convict perpetrators of human rights violations since the past decade to the present as necessary means to end culture of impunity.

- End of Report -