SUBMISSION OF THE NATIONAL HUMAN RIGHTS ORGANIZATION
KARAPATAN, Alliance for the Advancement of People’s Rights
to the United Nations Human Rights Committee in its 106th Session
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This is an alternative note of the Philippine national human rights organization, KARAPATAN Alliance for the Advancement of People’s Rights to the UN Human Rights Committee (HRC) in its 106th session to review the compliance of the Philippine State Party to the International Covenant on Civil and Political Rights (ICCPR).

The note seeks to illustrate to the HRC that extrajudicial killings and arbitrary arrests and detentions, as well as other human rights violations like disappearances, torture and other cruel, inhuman or degrading treatment or punishment continue and persist with impunity in the Philippines.

KARAPATAN is a national human rights organization documenting and investigating cases of human rights violations in the Philippines. It also assists victims and their families in seeking remedies and justice for these violations. KARAPATAN has sixteen (16) regional offices in the archipelago that gather reports and send these to the National Office in Manila to be consolidated into quarterly and annual reports which the Alliance regularly come up with, publish and disseminate.

A. Introduction and context

The State, under the principle of Parens Patriae, acts as the guardian of the rights of the people.

Under the nine and a half years of former President Arroyo’s watch, Karapatan has documented 1,206 victims of extrajudicial killings, many of them activists, leaders and members of legitimate people’s organizations and progressive party list groups, but tagged by state security forces as members of “front organizations of communist groups or sympathizers of the armed revolutionary movement and enemies of the state.” The human rights violations committed under the former president’s term were found to be engendered by a counter-insurgency program carried out by the
Armed Forces of the Philippines (AFP) and the failure of the judiciary to prosecute cases and carry out convictions of perpetrators. 

Victims had no recourse to justice inside the country as remedies became unavailing or cases became subjected to unreasonably prolonged hearings in courts. Even as the Supreme Court, at that time, alarmed by the spate of extrajudicial killings and enforced disappearances, issued two important writs – Amparo and Habeas Data – the perpetrators were not deterred from committing crimes and the killings and enforced disappearances continued. Victims and human rights organizations had to find ways to bring the perpetrators to justice; seek remedies for the victims and try to put a stop to the violations.

With these objectives in mind, Karapatan, together with the victims and their families; other human rights organizations, lawyers and church groups brought the cases to the United Nations mechanisms. In fact, in 2006, two cases – the Eden Marcellana-Eddie Gumanoy twin killing and the Evangeline Hernandez cases were filed by the victims’ families through Karapatan, with the HRC under the Optional Protocol. Despite the HRC instructing the State party of restitution to the victim’s families, the Philippine Government has failed to comply with the Committee’s views.

Thus, with the promise of a new president being elected in the May 2010 elections in the country, the victims, their families and human rights defenders looked forward to obtaining justice as during his election campaign, President Noynoy Aquino promised to “resolve the cases of extrajudicial executions and other violations of human rights.”

Despite the government’s ratification of the Optional Protocol to the Convention Against Torture (OPCAT) and its adherence on August 30, 2011 to the Rome Statute of the International Criminal Court, human rights violations persist. Cases of extrajudicial killings, enforced disappearances, illegal arrests and other violations that are anchored in the government’s counter-insurgency program called Oplan Bayanihan continue to increase.

The counter-insurgency program of former President Gloria Arroyo, Oplan Bantay Laya (OBL), was extended by President Benigno “Noynoy” Aquino from July – December 2010 and a new one was put in place in January 2011 - the OPLAN BAYANIHAN. President Noynoy Aquino as well as military officials have been saying that Oplan Bayanihan is “respectful of human rights.”

However, reports reaching Karapatan, indicate that the supposed “new” counter-insurgency strategy is, in fact, the same counter-insurgency as that of the previous

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We at Karapatan would come to learn that many human rights violations being committed are directly or indirectly linked to the implementation of the current counter insurgency program, the Oplan Bayanihan, and killings continue and a disturbing human rights situation in the Philippines remains to this day.

Most of the victims of human rights violations such as extrajudicial killings and enforced disappearances are activists and political dissenters that came from almost all sectors of Philippine society. As in OBL during Arroyo’s term, these are the ones victimized – subjected to threats, harassment, intimidation, slapped with fabricated charges, illegal arrest and torture, disappearances or extrajudicial executions. Karapatan has vocally denounced these counter-insurgency programs implemented by the Armed Forces of the Philippines.

President Aquino promised to revoke Executive Order 546, a law that was enacted in 2006 which allowed the arming of civilians and the establishment of paramilitary groups to assist the Philippine Armed Forces in the war against insurgents. However, many of the powerful families abused this law and set up paramilitary groups that were not used solely for counter-insurgency operations but simply to establish their hold to power in the local politics. These paramilitary groups were also employed by mining companies and other politicians or big business to become security personnel for the vested interests. Likewise, the government failed to disband Civilian Armed Forces Geographical Unit (CAFGU) and the Special Civilian Armed Forces Geographical Unit Active Auxiliary (SCAA). In the Philippines recent history, human rights abuses committed by these paramilitary groups are still fresh in the people’s memories. The most blatant of such experience was the massacre in November 2009 of 58 people that included journalists, women human rights lawyers and supporters of the rival politician of the suspected mastermind of the Maguindanao massacre.

Aside from this incident, Filipinos are still reminded of the various human rights violations such as killings, enforced disappearances, forced evacuation, torture, harassments, divestment of properties and illegal arrests committed by these paramilitary forces during martial law.

Indeed, under the present Aquino administration, human rights violations, inter alia, extrajudicial killings, enforced disappearance, displacement, remain to be committed under a “democratic” dispensation that promised a righteous path and a difference in governance. However, the same denial of the military under the previous administration is invoked in human rights violations cases; the same failure of investigation of cases or non-conviction of perpetrators as well as unreasonably prolonged hearings of cases in court thereby rendering ineffective or no remedies for

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2Mr. Philip Alston, former Special Rapporteur on extrajudicial, summary or arbitrary executions, has described in detail how Arroyo’s counter-insurgency program was implemented on the ground.
victims ensue so that impunity prevails. Up till now, for example, the oft-repeated promise of rendering a modicum of justice to martial law victims in the form of enactment into a law of a bill compensating them has yet to be realized and the victims are getting old and dying.

It is also very unfortunate that under the present dispensation, justice still remains elusive to victims of human rights violations. The International Convention for the Protection of All Persons from Enforced Disappearance has not been ratified by the government and still under study. The administration of President Aquino displays a lack of knowledge of human rights cases brought to the attention of the UN Human Rights Committee. In the Philippine Government’s 4th periodic report (CCPR/C/PHL/4), on pages 42-43 paragraphs 164 (a)-(c), paragraphs 165 through 166 the State party explained the killing of human rights defenders Eden Marcellana and Eddie Gumanoy and the moves by the State on this case. It is quite surprising and appalling that the State Party shows no knowledge of the fact that since 2008, there has already been the Views put out by the Human Rights Committee on the Marcellana-Gumanoy case. (CCPR/C/94/D/1560/2007).

To our knowledge, the State Party has not even done anything on the Views of the Committee on the Marcellana-Gumanoy case, nor has it published the Views of the Committee on this case.

The current government also denies the existence of political prisoners in the country. Karapatan’s documentation indicates there are hundreds of political prisoners charged with trumped up charges languishing in jails nationwide.

In this submission, KARAPATAN would like to bring to the attention of the HRC examples of violations of articles 6 and 9 of the ICCPR.

B. The right to life (Article 6 ICCPR)

“1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

Ninety nine (99) victims of extrajudicial killings have been documented by KARAPATAN in two years, between July 2010 to June 30, 2012. Church workers, farmers, environmental activists, indigenous peoples, and even children are among the victims of extrajudicial killings. Below are a few cases of extrajudicial killings that remain unpunished to date, fostering impunity as a rule.

3The list of victims will be made available to the members of the Human Rights Committee upon request.
Shortly after President Aquino’s formal oath of office, a 78- year old farmer leader Pascual Guevarra was shot dead by two motorcycle-riding men, believed to be members of the military, inside his house in Nueva Ecija. Pascual Guevarra was among the 6,000 peasants struggling for the ownership of a land inside Fort Magsaysay Military reservation in Laur, Nueva Ecija in Central Luzon, by virtue of a Deed of Transfer from the Department of Agrarian Reform.

Mr. Guevarra was a leader of the Alliance of United Farmers in the 3100 Hectares in Fort Magsaysay (ALMANA 3100), a movement of displaced farmers who oppose the plan to evict them from their land. In 1991, the Administration of President Corazón Aquino awarded Certificates of Land Ownership Awards (CLOAs) over 3,100 hectares, located inside the Fort Magsaysay Military Reservation (FMMR) - home to the 7th Infantry Division of the Philippine Army - to thousands of peasants and other residents displaced by the eruption of the Mount. Pinatubo. On June 24, 2008, Brigadier General Ralph Villanueva, Commanding General of the 7th Infantry Division addressed a letter to the Provincial Agrarian Reform Officer of Nueva Ecija, Mr. Orlando Tumacay, requesting the latter to revoke the CLOAs and to defer the issuance of pending new ones. ALMANA 3100 conducted a fact finding mission on October 5-6, 2009 with the support of the Peasant Alliance in Central Luzon and the Philippine Peasant Alliance and since then the members actively lobbied and held dialogues with concerned agencies regarding the farmer’s plight. Guevarra represented the farmers and led dialogues with the military regarding harassment of peasants. His advocacy activities led the military to tag him as an “ enemy of the state.”

Guevarra’s grandson Ronnel Villoria was also wounded when he came to help his grandfather.

On November 15, 2010, Leonard Co, a renowned ethno-botanist was shot dead in a geothermal reservation in Leyte by the soldiers of the 19th Infantry Battalion, Philippine Army (IBPA). Co was killed along with his companions Sofronio Cortez and Julius Borromeo, while doing a botanical field research for the Energy Development Corporation in the forest of Kananga, Leyte, Eastern Visayas.

The military claimed that they detected the presence of the rebel New People’s Army (NPA) in the area so they conducted a military operation in the place where Co and his companions were also doing their field research on that day. The head of the military unit said that an encounter took place between his unit and that of the rebel group and that Co and his companions were allegedly shot by the rebels. A witness

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said that the area was heavily guarded by the 19th IBPA and that there were no other armed groups there. Co and his companions were begging for the military not to fire at them and told them they were not their enemies, but they were fired at and killed nonetheless.

The Department of Justice conducted a fact-finding mission to investigate the incident. However, it cleared the Armed Forces of the Philippines in the killing of Co and his companions.

In a hearing conducted by the Commission on Human Rights, Dr. Racquel Fortun, a forensic doctor, and the Philippine National Police (PNP) ballistics comparison tests revealed that the slugs gathered from the area were bullets fired from the guns assigned to the military men on the lower ground with their shells found at locations approaching that of Leonard Co and his two companions, Sofronio Cortez and Jimmy Borromeo.

On January 25, 2011, the family of Leonard Co filed criminal charges for murder against Armed Forces of the Philippines’ 19th Infantry Battalion who were present in the site during the incident. Some 38 soldiers were named respondents including two junior officers 1Lt. Ronald Odchimar and 2Lt. Cameron Perez.

The case is still pending preliminary investigation before the Department of Justice.

On February 25, 2011, in the Bicol Region, Rodel Estrellado, a member of Bayan Muna partylist was abducted by men who posed as members of the Philippine Drug Enforcement Agency (PDEA). Hours earlier, the Philippine Army’s 9th Infantry Division said a certain Elmer Estrellado was killed in an armed encounter in the Municipality of Bato, Camarines Sur. On February 27, Estrellado’s family went to the funeral parlor where the Philippine Army brought the remains of the so-called rebel they killed. The family of Rodel sadly found out and confirmed the identity of the victim who turned out to be their missing relative Rodel Estrellado.

On May 2011, the family of Rodel Estrellado filed a criminal complaint for murder against 13 individuals before the Prosecution Office through the Criminal Investigation and Detection Group (CIDG). However, the Prosecutor recommended the filing of a case for homicide against a single accused. Hence, the family, through their lawyers filed a petition for review which is still pending before the Department of Justice.

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On February 27, 2011, a farmer and indigenous peoples’ leader, Rudy Dejos and his son Rudyric were found dead in their house. Prior to their killing, the Dejoses received threats and have experienced harassment from the military. According to Rudy Dejos’ wife, she found her husband and son’s bodies with gunshots and stab wounds, their nails and fingers crushed and their bodies covered with bruises and hematoma.

On March 9, 2011, Mr. Bonifacio Labasan was shot in the street by a man in riding in tandem on a motorcycle who had been following him and his daughter. Mr. Labasan was the vice-chairperson of the Isabela chapter of the Union of Peasants in Cagayan Valley (Danggayan Dagiti Mannalon iti Cagayan Valley - DAGAMI), engaged in a campaign against the conversion of vast crop lands for the production of bio-ethanol, which would displace farmers from their lands in Isabela Province. A complaint has been lodged at the local police. It has been reported that the police is still studying the filing of charges. No one has been arrested yet.

On April 20, 2011, a joint allegation letter on this case was sent to the authorities of the Philippines by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders. The Special Rapporteurs were notably urging the conduct of an impartial and transparent inquiry into the circumstances surrounding the killing of Mr. Labasan with a view to taking all appropriate disciplinary and prosecutorial action and ensuring accountability of any person guilty of the unlawful killing. The Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, provides that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions (JAL 20/04/2011 Case No. PHL 2/2011). No reply had been received as of the publication of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/20/22/Add.4; page 40).

In Palawan province, Rabenio Sungit, a church worker and active lay leader of the Tagusao Outreach Congregation of the United Church of Christ in the Philippines (UCCP) was shot and killed on September 5, 2011 by two ski-masked men on a motorcycle in front of his wife and son. Sungit was a known human rights worker and anti-mining activist and his death is believed to be linked to his anti-mining campaign work. His brother, Avenio Sungit, a member of Karapatan-Palawan and UCCP, was also killed in 2005 by masked men, strongly believed to be military elements.


On October 17, 2011, a 59-year old Italian priest, Fr. Fausto “Fr. Pops” Tentorio, was shot dead by a lone unidentified assailant inside his parish church compound in Arakan Valley, Mindanao.

Police investigation reports revealed that Fr. Tentorio was shot at close range. He sustained gunshot wounds in the head and chest. A witness said a man wearing a helmet ran towards the main road and fled using a motorcycle driven by another, after the incident.

Since Fr. Tentorio arrived in the country in 1978, he served in various dioceses in Mindanao and worked with Muslims, Christians and indigenous peoples. He was tagged by the military as a supporter of the NPA for his strong opposition against militarization. He was previously harassed and threatened to be killed in 2003 when members of a paramilitary group known as “Bagani,” reportedly under the jurisdiction of the Philippine Army’s 73rd Infantry Battalion, came looking for him.

A joint allegation letter to the authorities of the Philippines was also sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders.

In his last report on communication, the Special Rapporteur on extrajudicial, summary or arbitrary executions reported having received a reply and welcomed the establishment of the Special Investigation Task Group FAUSTO which was created to lead the conduct of investigation on the killing of Father Pops Tentorio, and the positive steps taken to identify the perpetrator of the murder, including the creation of a computerized criminal composite illustration (A/HRC/20/22/Add.4; para 66). KARAPATAN is nonetheless concerned that no concrete investigation step has been carried out.

Three days after Tentorio’s killing, a farmer named Ramon Batoy was killed in his house. He was also a tagged as a member of the New People’s Army. The 57th Infantry Battalion of the Philippines Army claimed that Batoy’s death was due to an encounter that took place in the village in Arakan Valley. Batoy’s pregnant wife and children came to his aid but they were fired at three times by the soldiers.

On November 25, 2011, Jovito Pajanustan, a farmer in Samar, was dug up in a shallow grave in his farm, four days after he was reported missing. His neck was repeatedly hacked and a piece of his skin held his broken skull to his body. His intestines came out from a large cut on the left side of his abdomen.

In a fact-finding mission conducted by a local human rights group Katungod-Sinirangan Bisayas- Karapatan in January 2012, 37 cases of human rights violations

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were documented by the group in the villages of Las Navas and Catubig, Northern Samar in Eastern Visayas where Pajanustan hails from.

Furthermore, Pajanustan’s family was offered immediate sanctuary by the military after the killing. The village officials were also asked to sign a document clearing the military of any liability on the death of Pajanustan.

Another indigenous leader and human rights worker Jimmy Liguyon was killed on March 5, 2012 in San Fernando, Bukidnon in Mindanao. He was shot inside his house by a paramilitary group known as the New Indigenous People’s Army Reform (NIPAR) allegedly led by Mr. Alde Salusad. Subsequently, NIPAR issued a press release in the local media claiming responsibility on the killing of Liguyon because, it said, the latter was a supporter of the New People’s Army.

Liguyon was the vice chairman of Kaugalingong Sistema sa Igpasasindog to Lumadnong Ogpaan (KASILO), an organization of indigenous peoples from the southern municipalities of Bukidon. Kasilo advocates for the defense of land rights, and the sustainable use of environmental resources. Liguyon, who received threats before his killing, was a staunch anti-mining advocate, as he refused to sign agreements with mining companies that will allow such companies entry into the indigenous peoples’ ancestral land.

Prior to his killing, Jimmy Liguyon opposed the entry of mining companies in his village. He refused to join the San Fernando Tribal Datus Association (SANMATRIDA), which is a group of Lumads that has applied to obtain a Certificate of Ancestral Domain Title (CADT) over 52,000 hectares of land in several villages in San Fernando, Bukidnon, including Dao, the village of Liguyon. Unfortunately, SANMATRIDA was not able to obtain all required documents, including the consent of Mr. Liguyon who refused to sign a document that would have certified SANMATRIDA as the leading organisation of their indigenous community. The SANMATRIDA Multi-purpose Cooperative has been enticing mining investors into their domain.

The incident was initially reported and filed at the local police station of San Fernando after Liguyon’s assassination. A criminal case for murder was also filed and is at the Regional Trial Court. To date, accused Salusad and other John Does are still at large. The Commission on Human Rights is yet to release its investigation report.

An unidentified gunman gunned down another environmental activist and active leader of Task Force Save Pulangi (TFSP), Margarito Cabal, inside his house on May 9, 2012 at Palma Kibawe village in Bukidnon, Northern Mindanao.

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10 See OMCT urgent action, Case PHL 160512, Alleged extrajudicial killing of Mr. Margarito J. Cabal,
Cabal campaigned against the construction of a hydroelectric dam in Pulangi River that threatens the integrity of the ecosystem and would cause the displacement of peasant and indigenous people’s communities as 22 villages will be under water when the dam will be constructed.

Before his killing, Cabal was vilified by state-security forces as a member of the New People’s Army.

In Aurora Province, in Central Luzon, **Romualdo Palispis, chairperson of the rights group Justice and Peace Action Group (JPAG),** was shot in the head while sitting in front of his house by unknown assailants on June 30, 2012. After the incident, the gunmen immediately fled on a motorcycle. Palispis opposed a proposed law dividing the Province of Aurora initiated by Governor Angara to pave the way for the Aurora Pacific Economic Zone and Free Port (APECO) due to its adverse effect to the rural people and the environment.

Three days after the killing of Palispis, on July 3, 2012, **a Dutch lay missionary Wilhelm Geertman** and a friend of Palispis was shot dead by an unidentified gunman in his office in San Fernando Pampanga. Geertman was a member of the Missionary Volunteers (MIVO) and executive director of Alay Bayan Inc. (ABI), a non-governmental organization that works on community-based and development-oriented responses in addressing the vulnerabilities stemming from poverty, powerlessness, environmental degradation and political abuse. He devoted his life for more than four decades in community development in Central Luzon. The police simply concluded the incident as robbery when the gunman took a bag of cash Geertman was carrying at the time of his killing.

A witness to the killing said he saw Geertman struggling to pull the pistol away but the assailant managed to regain control and shot him in the back. A close-circuit television captured the escape of the perpetrators - two men riding a motorcycle, followed by a car.

Geertman also received threats and harassment from the military prior to his killing, with the Armed Forces of the Philippines tagging him as a member of the revolutionary movement.

**C. The right to liberty and security of person (Article 9 ICCPR)**

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“1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.”

Despite the enactment of Republic Act 9745 or the Anti-Torture Law in 2009, KARAPATAN documented 96 individuals, mostly abduction survivors and political prisoners who underwent torture in the hands of state security forces.

Aquino denied the existence of 385 political detainees suffering in detention centers and military facilities in the country. Among these, 107 were arrested under Aquino government for fabricated criminal charges. Consultants of the National Democratic Front of the Philippines (NDFP) on the peace negotiations were detained and arrested notwithstanding the Joint Agreement on Safety and Immunity Guarantees (JASIG) that protects them from arbitrary arrest and detention.

Of the 385 political prisoners, 48 are sickly, 19 are elderly, 14 are NDFP consultants and 30 are women. Most of them are living under repressive, unjust and inhumane conditions in jails. Below are some cases for the information of the Committee.

**Ericson Acosta**

On February 13 2011, Ericson Acosta, an artist and a cultural worker, was arrested without a warrant by elements of the 34th Infantry Battalion (IB) of the Philippine Army in San Jorge, Samar province, while conducting a research on the human rights situation in the area. He has been charged of illegal possession of explosives, after a grenade was planted in his belongings. He is currently detained in Calbayog City Sub-Provincial Jail. Acosta was interrogated by at least eight military men. His interrogation lasted for 44 hours and he was deprived of sleep.

**Tirso Alcantara**

Tirso Alcantara, a known leader of the NPA in Southern Tagalog in Luzon, was arrested without warrant on January 4, 2011. The military would rather call the incident as his capture – he was shot and when he fell down from the motorcyle he was riding on, the military men who captured him allegedly mauled him. He lost consciousness and when he came to, he found himself in a military hospital. He was charged of various fabricated criminal charges pending before the Taguig Regional Trial Court. Tirso Alcantara remains in solitary confinement for more than a year and a half now in the military detention facility in Fort Bonifacio and is experiencing ill-treatment and repressive prison conditions. He is also deprived of appropriate medical attention, despite deterioration of his health.

**Alan Jasmines**

On February 14, 2011, on the eve of formal talks between the NDFP and the Philippine government in Oslo, Norway, Alan Jasmines, a peace consultant of the
National Democratic Front which enjoys immunity from arrest being a JASIG (Joint Agreement on Safety and Immunity Guarantee) holder, was arrested in Bulacan. Jazmines, was doing consultations with organizations in preparation for the peace talks but he was arrested even as he invoked his role as peace consultant and that he carried with him his document of identification as being one. He went missing for a day before family members, together with Karapatan workers found him in Camp Alejo Santos in Bulacan. Later, he was brought to a regular detention facility in Camp Crame, Quezon City. However, when he continued to file complaints to different government and non-government agencies on the treatment he and the others are receiving inside jail, as well as reporting on the suspected rendition area inside Camp Crame, prison authorities tried to get him out and transfer him to another prison facility.

On July 29, 2012, Alan Jazmines was clandestinely transferred from his detention cell in Camp Crame PNP Custodial Center to Camp Bagong Diwa in Bicutan, without allowing him to communicate with his lawyer. He is now charged with around 25 common criminal charges.

**Marlon Villarmino and Nestor Marquita**

Village farmers Marlon Villarmino and Nestor Marquita were held captive for 17 days early April of 2011 by the military without charges. Interrogated and severely beaten, they were forced to admit that they were members of the New People’s Army (NPA) and were NPA surrenderees.

The two farmers filed separate complaints before the Commission on Human Rights against members of the 28th Infantry Battalion for unlawful arrest and illegal detention.

**Renante Gamara**

Another NDFP peace consultant, Renante Gamara, along with Santiago Balleta was arrested on April 3, 2012 by military and police agents in Las Pinas City. The warrant of arrest for fabricated charges was only shown to Gamara after he was brought to the Criminal Investigation and Detention Unit in Camp Crame and was not informed of his Miranda rights during the arrest. Balleta was charged with obstruction of justice and was released on bail. Gamara remains in detention at the Camp Crame Custodial Center.

**Sherlyn Cadapan and Karen Empeño**

In the cases of the two missing University of the Philippines students, Sherlyn Cadapan and Karen Empeño, abducted and disappeared on June 26, 2006, the mothers of the two missing students were the ones who filed the **criminal charges against former Philippine Army Major General Jovito Palparan, Jr.** and several other military men whom the court issued warrants of arrest in December 2011. However,
up to this time of reporting, Palparan and one of his subordinates, Msgt. Rizal Hilario, remains at large and continue to mock the courts.

In the meantime, two military men accused with Palparan, Jr. - Col. Felipe Anotado and Sgt. Edgardo Osorio - are now being tried at the Regional Trial Court of Bulacan for serious illegal detention and kidnapping. Palparan, however, cannot be tried in absentia unless he submits himself to the jurisdiction of the court.

**D. Recommendations**

KARAPATAN respectfully requests the Human Rights Committee to recommend to the competent authorities to:

1. Put an end to extrajudicial killings, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment as well all other violations of human rights.

2. Carry out prompt, effective, thorough, independent and impartial investigations into the circumstances surrounding the alleged extrajudicial killings and arbitrary detentions of the above mentioned persons as well as all extrajudicial killings that have occurred in the context of the counter insurgency programs in accordance with international human rights standards, such as the UN Principle on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, the results of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law.

3. Carry out prompt, effective, thorough, independent and impartial investigations of acts of torture and other human rights violations committed by State agents in accordance with international human rights standards, inter alia, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the result of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law.

4. Ensure that adequate, effective and prompt reparation, including adequate compensation, is granted to the victims of human rights violations and their families.

5. Take immediate steps to disband all paramilitary forces, including by revoking Executive Order 546 (2006);

6. Put an end to the implementation of the Oplan Bayanihan and other similar national internal security plans of the government.

7. Immediately repeal the Human Security Act of 2007 and other existing repressive laws, the Anti-terror law and other issuances and reversal of jurisprudence.
engendering or providing sanction or impunity for human rights violations (including those authorizing checkpoints, expanding warrantless searches and sanctioning saturation drives, allowing the filing of common crimes with respect to political offenses, restricting and controlling the right to peaceful assembly, authorizing the demolition of urban poor communities, legalizing paramilitary groups, lengthening the allowable periods of detention without charges, allowing the imposition of food blockades, making political offenses as continuing crimes, expanding allowable warrantless arrests, rendering inutile the remedy of habeas corpus).

8. Review legislative, administrative, executive and judicial acts that either openly violate human rights, disguise their violations or merely formally recognize protection or promotion of human rights but in practice actually contribute to the engenderment of such violations.


10. Enforce the transparent reporting of the Department of National Defense, AFP, PNP and other government agencies to Congress and to the Commission on Audit on the use of their funds and hold them accountable if these funds are used for vilification and civil military operations and not merely used to aid the government’s counter-insurgency program which victimizes civilians, human rights defenders and the public.

11. Discontinue the practice of criminalizing political offenses and charge the proper political charges instead of common crimes.

12. Unconditionally free all political prisoners arbitrarily detained.

13. Guarantee, in all circumstances, the physical and psychological integrity of all prisoners and their access to lawyers, families and guarantee that they can be examined by independent doctors and receive adequate medical care, in accordance, inter alia, with the recommendations of the UN Standard Minimum Rules for the Treatment of Prisoners;

14. Cease the public stigmatization linking political and other civil society groups including human rights defenders to those engaged in armed insurgencies.

15. Guarantee, in all circumstances, the physical and psychological integrity of all human rights defenders in the Philippines;

16. Put an end to all acts of harassment, including at the judicial level, against all human rights defenders in the Philippines, and ensure in all circumstances that they are able to carry out their work without hindrances; Comply with all the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly.
17. Encourage the meaningful and full participation of non-governmental organizations (NGOs) in monitoring and documentation of human rights abuses and effective consultations with them.

18. Adopt national and provincial laws on the protection of human rights defenders, with a specific reference to the work of women human rights defenders. These laws should be developed in consultation with civil society and on the basis of technical advice from relevant international agencies.

19. Immediate, speedy, meaningful and effective justice to all victims of human rights violations including adequate compensation, indemnification, restitution and rehabilitation and establishing mechanisms for this purpose.

20. Implement the views of the Human Rights Committee on the cases of Mr. Orly Marcellana and Daniel Gumanoy v. the Philippines (Communication N° 1560/2007, UN Doc CCPR/C/94/D/1560/2007, 17 November 2008) by investigating the case in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law.

21. Make the declaration under articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recognizing the Competence of the Committee against Torture.


23. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with the Universal Declaration on Human Rights and other international human rights instruments ratified by the Philippines.

24. Resume peace negotiations between the parties to the armed conflict to pave the way in addressing and resolving the roots of the conflict and contribute to the achievement of a just and lasting peace.

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