

Undeclared Martial Law: The Violation of Fundamental Human Rights in the Philippines

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Human-rights violations in 2009 are “numerous and varied and no sector of society is exempted,” belying the Arroyo government’s claim that steps have been taken to improve the Philippine government’s human-rights record, according to Karapatan. And with Oplan Bantay Laya 2’s deadline in 2010 fast approaching, more abuses are certain to occur, it said.

Human rights took a beating from the Arroyo regime in 2009, a period that saw the continuation of violations of basic rights that began to worsen ever since President Gloria Macapagal-Arroyo came to power in 2001.

In its [annual report](#) on the human-rights situation in the Philippines between 2001 to 2009, Karapatan not only called attention to the myth of democracy in the Philippines — it also pointed to the myth of Philippine sovereignty, the myth of the rule of law under Arroyo and the [myth of the existence of a government](#) that is supposedly for the people.

Examining the [Ampatuan massacre](#) for example, except for the large number of victims extrajudicially killed all in one day, what happened in Maguindanao last November 23 had been happening all over the Philippines for nine years now. Under Arroyo’s undeclared [martial law](#), the Ampatuan massacre was actually a “carnage waiting to happen,” Karapatan said in its report.

As with the other human-rights atrocities recorded in the country, the [Ampatuan massacre is directly traceable](#) to the Arroyo government’s “blueprint for terror and impunity” called [Oplan Bantay Laya \(OBL\)](#). A national policy that “unleashes state terrorism on the people,” the Arroyo government’s OBL shrouded the entire country under an undeclared martial law from 2002 up to now, Karapatan said.

Under the Arroyo government’s undeclared martial law, human-rights atrocities continuously occurred, victimizing thousands of Filipinos particularly those who are critical of Arroyo’s “[neoliberal policies](#) favoring big business and foreign capital” and of her government’s corruption, said Marie Hilao-Enriquez, chairperson of Karapatan.

The Philippines is supposedly a sovereign and democratic country, but in the nine years Arroyo has been its president, Karapatan was able to document how the “[US-backed Arroyo regime](#) is trying to silence her most vocal critics and political opponents with Oplan Bantay Laya 1 and 2.”

OBL aims to militarily eliminate the “enemies of the state” whom Arroyo and her security

forces identified as not just the armed resistance movement but also the unarmed protest movement. It resulted in the government, its security forces and agencies accusing activists and protesters as members of “front organizations” or sympathizers of “communists or rebel groups.” The [labelling](#) usually exposes to violence and rights abuses those who were labeled, Enriquez said.

“Oplan Bantay Laya is by far the bloodiest and most brutal [counterinsurgency campaign](#) unleashed on the Filipino people by any president,” Enriquez said. She said Gloria Macapagal-Arroyo “fosters a reign of terror and climate of impunity that encourages her warlord minions to massacre scores of men and women, including journalists, broadcasters and two women lawyers in a gruesome carnage” in broad daylight in Maguindanao.

Under OBL, the Arroyo government has not only relied on the police and the Armed Forces of the Philippines (AFP) but also on paramilitary groups such as the Cafgu (Civilian Armed Forces Geographical Unit) and CVOs (Civilian Volunteers Organizations) in an attempt to end the insurgency by 2010. These paramilitary groups are placed under the supervision and control of the military. Indeed, they are “being used by government forces,” said the police in the recent Senate hearing on disarming CVOs and paramilitary groups.

From 2001 up to this year, Karapatan said these paramilitary groups, the police and the military have been repeatedly tagged as “responsible for various human-rights violations happening around the country.”

Undeclared Martial Law and the Resulting Impunity in the Philippines

“From the time Arroyo assumed the presidency through People Power II in 2001 and up to October 2009, there are a total of 1,118 victims of extrajudicial killings (EJK) and 204 who have been forcibly disappeared (desap) and are still missing. With the 57 victims of the Ampatuan massacre in November 23, the 2009 EJK total has surpassed those in all the years of Arroyo’s rule except in 2005 and 2006,” Karapatan noted in its 2009 report.

The years 2005 to 2006 recorded the highest number of rights violations in the decade because, as Karapatan pointed out, these were the years leading to the deadline of Oplan Bantay Laya 1. Under pressure then to meet its targets toward crushing the insurgency, the US-Arroyo regime committed the highest number of EJK, disappearances and other human-rights violations. This bodes ill for Filipinos this year and next, said Enriquez, as the OBL2’s 2010 deadline looms.

The high number of Filipinos extrajudicially killed and abducted in 2005 to 2006 is also partly explained by the fact that since 2007 when OBL 2 took off where the OBL 1 had failed, Enriquez said the “US-Arroyo regime had to temporarily de-escalate extrajudicial executions and involuntary disappearances because of strong national and international condemnation.”

Still, the killings and disappearances persisted. According to a report by Special Rapporteur Philip Alston in April to the UN Human Rights Council, the AFP has not, to his knowledge, “changed its counterinsurgency techniques in such a way as to eliminate the likelihood that leftist activists will be killed. Moreover, forced disappearances and illegal detentions remain all too common, as does the [bringing up of trumped charges](#) against Filipino activists and human rights abuse victims.”

Karapatan condemned the boast of Arroyo and its “killing machine AFP” that there was an “improvement” in its human-rights record “when the trend in political killings had been reduced to once a week in 2007 and 2008 from once every other day in 2006,” while enforced disappearance occurred “only” twice a month in 2007 compared to the six cases per month in 2006.

To make up for “de-escalating” the killings and disappearances, the [US-backed](#) Arroyo regime seems to have “shifted to illegal arrests which increased by 109 incidents (by 48%) in 2007 and 94 (by 42%) in 2008 compared to 2006,” Karapatan said.

While some public statements have been made, reported Philip Alston in April, he said he has not received “evidence of any institutional reforms by the Government designed to prevent the targeting and execution of civil society activists. Deeper reforms thus remain essential in order to pull back the curtain of impunity that has existed for many years, and to prevent a return to those policies.”

Gloria Arroyo’s Many Firsts and Worst in 2009

Countless atrocities happened to the Filipinos’ rights and welfare, many of which occurred in 2009, the year leading to the 2010 deadline of OBL2.

Human-rights violations in 2009 are “numerous and varied and no sector of society is exempted,” belying the Arroyo government’s claim, echoed by the US state department secretary Hillary Clinton, that steps have been taken to improve the Philippine government’s human rights record.

In fact, it was this year when an “unparalleled massacre happened in Ampatuan, Maguindanao.” Far from just a simple election-related violence that went overboard, the massacre is clearly a direct result of the government’s “zealous implementation of OBL” because all the actors of OBL’s counter-insurgency campaign, including the paramilitary groups which act as auxiliary units of the military and the police, have been tagged by witnesses as perpetrators,” Karapatan said in their report.

A first, too, in post-martial law years, a Roman Catholic priest, Father Cecilio Lucero, 48, parish priest of a Samar town, was summarily killed. Fr. Lucero “had taken up the cudgels for victims of military abuses in the province.”

It was in 2009, too, when unidentified armed men believed to be members of the military committed the seven-day abduction and torture of Filipino-American writer and activist Melissa Roxas. Despite her trauma and the threats of her erstwhile captors to her life and family, Roxas appeared in court and affirmed her testimony about her [torture](#) and how her captors had tried to force her to admit she was a member of the New People’s Army.

In 2009, a 20-year-old teacher, Rebelyn Pitao, was “killed for her father’s revolutionary zeal.” Rebelyn was the daughter of Leoncio Pitao, a top NPA commander in the Davao region. Her death, according to Karapatan in Davao, signaled a shift in the military’s counter-insurgency campaign, this time targeting relatives of NPA guerrillas even if they were not guerrillas themselves. [There are other cases similar to Rebelyn’s.](#)

A national artist, Dr. Bienvenido Lumbera, was harassed when his address was given to a member of the Philippine Marines for supposed “surveillance exercises,” along with a storyline that his house is being “frequented by communist insurgents.”

Two pregnant women and a [child](#) — “collateral damages” in military parlance and an excuse devised by [US troops](#) who “inadvertently” killed unarmed civilians in other countries --lost their lives in 2009 as a result of separate military operations.

In 2009, two activist doctors, Dr. Rogelio Penera and Dr. Bartolome Resuello, were assassinated by masked armed men in separate incidents in Davao City and Northern Samar.

No thanks to OBL coupled with Arroyo’s insistence on her neoliberal economic programs that allow almost unhampered exploitation of the country’s resources by foreign multinationals, Karapatan reported that the indigenous peoples opposed to mining have also become military targets in 2009.

According to Karapatan, the [Lumads of Agusan](#) in 2009 saw some of their leaders gunned down by paramilitary units formed by the military among their fellow Lumads as well as by forces from CAFGU. The Lumads of [Surigao](#), meanwhile, saw the schools they built from non-governmental assistance destroyed because they were accused of being an “NPA school.” The [Ata-Manobos’ local school in Davao del Norte](#), set up by the Rural Missionaries, was likewise occupied at one time and labeled by the military as a “communist school.”

Entire [communities in the Philippines fell prey to various military operations](#) which included food restriction, forced evacuation, conscription to the CVO to help the soldiers monitor the NPA, and “clearing operations” for RP-US Balikatan exercises such as the one held in Sorsogon in 2009.

Even legitimate political exercises such as an [electoral consultation in Cagayan Valley](#) were raided by suspected military men, who, armed with M16 rifles and .45 caliber pistols, barged into the sleeping quarters of representatives of peoples’ organizations and partylist groups. They reportedly threatened to kill the victims and took all of their personal belongings including laptop computers, personal documents and money.

As if these were not enough, Karapatan called attention to attacks on [human rights defenders](#) who, in 2009, increasingly became prey to “wholesale filing of trumped up charges.”

Bayan Muna partylist representative and aspiring senator Satur Ocampo said it is precisely the Arroyo government’s emphasis on military victory over dissent and armed rebellion, as devised and implemented by OBL, that is behind the sorry human-rights record of the Arroyo government.

Arroyo had personally announced the OBL phase 2 and its target to “finish off all enemies of the state by 2010,” Ocampo said. But by all indicators, “[their targets are unattainable](#),” he said. This much had been revealed by the defense secretary at the time, Gilbert Teodoro, who justified the high budget of the defense department in past congressional hearings as needed for increasing battalions of Scout Rangers and companies of CAFGUs. Teodoro had claimed that AFP lacks manpower and arms to decisively defeat armed opponent.

“Despite the huge armed forces and undetermined number of paramilitary troops, they cannot finish off the NPA which they have constantly belittled,” Ocampo said.

Arroyo’s security forces and their OBL cannot defeat the insurgency and protest movement because they’re not “addressing the basic problems that beset the Philippine society,”

Karapatan said. Instead, [the Arroyo government has only worsened the poverty and iniquity in the country.](#) “The socio-economic component of OBL includes clearing the way for ‘economic projects’ which are actually multinational mining ventures, agro-industrial and other foreign and big business interest,” Karapatan said.

Karapatan further traced the worsening poverty of the people to Arroyo’s commitment to globalization, which has driven the country into heavy debt, huge deficit and the financial crisis. “Her government resorted to increasing tax burdens and drastic budget cuts on health, education and other social services while increasing debt servicing and military spending. It also further opened up the country’s mineral resources to multinational corporations and accelerated the program of exporting cheap labor.”

Given all that, “there will always be protest and resistance especially from the most economically deprived and politically marginalized sectors,” Karapatan said. Thus, they concluded, OBL is “doomed to fail just like any program that goes against the people.”

Indicting Gloria Macapagal-Arroyo

The year 2009 “further proves that president Gloria Macapagal-Arroyo, as Commander-in-Chief of the Armed Forces of the Philippines, knowingly and willfully leads the implementation of OBL and has repeatedly exhorted the military and related government agencies to meet the brutish targets set for 2010 despite the loss of lives, liberty and security of the victims of OBL,” Karapatan said in its year-end report.

“Arroyo is a most prolific Frankenstein,” journalist Carlos Conde said, because Arroyo has bred a lot of monsters such as the likes of the notorious [Jovito Palparan](#), the Ampatuans and the resulting culture of impunity. Conde was invited to the launching of the report by Karapatan to present the media’s perspective on human rights abuses.

Even CHR chairperson Leila de Lima agreed that “nobody would surely dispute” the “state-sponsorship” of the Ampatuans.

Karapatan and its member organizations, on behalf of the victims of human rights violations and their families, indicted Gloria Macapagal-Arroyo, the AFP, PNP and their officers like Palparan and operatives involved in cases of human-rights violations for the following charges:

- • Extrajudicial killings, enforced disappearances, illegal arrests, arbitrary detention and tortures;
- • Vilification campaign and filing of trumped up and politically motivated charges against leaders and activists of the democratic movement;
- • Indiscriminate firing, forced evacuation, militarization and other human rights violations directed at communities;
- • Denial of justice through circumvention of the judicial system, cover-up and whitewashing;
- • Persecution of human rights defenders;
- • Repressive policies and legislation;

- • Abetting U.S. military intervention.

Karapatan recommends the filing of a class suit against Arroyo here and in other countries for human rights violations and crimes against humanity. “We call for investigation of human rights violations especially extra-judicial killing, enforced disappearances and torture, and prosecution of those found accountable,” said Enriquez.

Aside from pushing for indemnification of the victims of human-rights violations by the Arroyo government and their families, Karapatan also calls for promotion and protection of the rights of human rights defenders.

Enact and strictly implement laws “that will deter would-be perpetrators and punish those guilty of human rights violations,” they also said.

To pave the way to achieving just and lasting peace, Karapatan urges the resumption of “peace negotiations between parties (GRP and NDFP; GRP and MILF) to the armed conflict in the Philippines.”

Karapatan also requested the international community to “continue to monitor the human rights situation in the Philippines,” saying the government’s record in it should be made a requirement in granting foreign aid, especially funds allocated for military purposes.

Of all post Marcos regimes, Arroyo’s is the most discredited and detested, Karapatan noted as it cited the surveys that consistently showed the people’s rejection of Arroyo’s reign. Even international surveys had noted the pretense of democracy in the Philippines and downgraded the country’s status as a “democracy.”

Under Arroyo, the Philippines has also been rated near or at the top of the most dangerous countries for journalists and activists. The country has likewise been rated as the most corrupt in Asia and one of the most corrupt in the world.

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