

Amidst terrorism

# Determined Defense of Human Rights



When the smoke cleared after the siege, survivor-inmates of the Bicutan tragedy are led back to their cells by jail guards.  
JOJO PASANA

■ By **Max M. de Mesa**

Chairperson, Philippine Alliance of Human Rights Advocates (PAHRA)

*War, whether literal or as a trope,  
Is never conducive to respect for,  
but rather poses threats to, human rights.*

**A. Belden Fields**

Rethinking Human Rights for the New Millennium

**T**HE Philippine Alliance of Human Rights Advocates (PAHRA), at the time of this writing, has already submitted to the Commission on Human Rights a common narrative report about the Bicutan siege<sup>1</sup>. It contains tales of excessive use of force, extrajudicial executions, massacre, cruel and inhuman treatment done against detainees suspected of being

“terrorists”. On March 14, some of them tried to escape from Camp Bagong Diwa. Their plan failed, and so they took over portions of the detention center. The incident set off the siege that ended up in carnage.

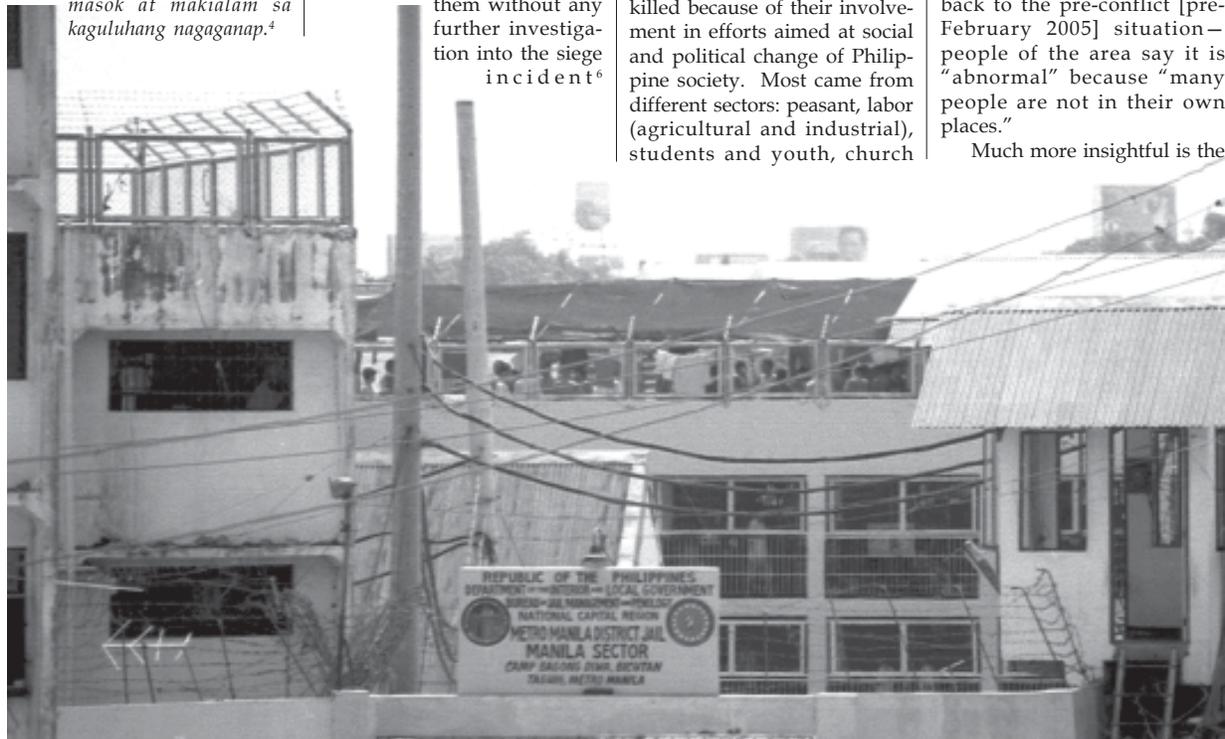
What happened on that day stresses the pervasive character of the “war” against terrorism that extends to detention centers and prisons, where cover-up of deaths in custody is easy and

asking questions is hard.<sup>2</sup> Here are some narrations of that siege:

*Ilang sandali pa...nagkaputukan na. Nagtago ako sa loob ng aming selda dahil sa takot, at nagsiksikan kami doon. Nakita ko ang isa sa aking kasamahang inmate na si Jojo Patarasa, taga selda 49, na tinutulungan ang isa pang kasamahang inmate na si Alesan Escandar na tinamaan sa likod. Noong binuhat ni Jojo si Alesan ay tinamaan din siya sa tiyan ng bala at lumuwa ang mga bituka nito. Nang makita ng PNP-*

SAF ito ay lumapit at hindi man lang tinulungang maitayo at maipadoktor. Ngunit habang si Jojo ay humihingi ng tulong ay binaril ito sa ulo ng nasabing PNP-SAF at pinapasok naman sa selda si Alesan at doon binaril nang walang kalaban-laban.<sup>3</sup>

Nang matapos ang putukan, binuksan ng mga PNP-SAF ang pintuan ng aming selda at habang nakatutok ang kanilang mga baril sa amin ay sumisigaw kami na “Hindi kami kasama nina Kosovo; mga sibilyan kami!” Matapos ito, inutusan kami ng mga PNP-SAF na maghubad ng damit at pinadapa kaming lahat na ang mukha ay dikit sa sahig... Pinaakyat kaming lahat sa ikatlong palapag, sa “sunning area” ... at doon ay pinagtatadyakan ako sa katawan at sa mukha ng mga pulis na SAF na nakamaskara at...pinapaamin na isa ako sa mga kasama ni Kosovo na nakipagbarilan sa kanila. Mariin kong itinanggi ang mga pinaaamin sa akin dahil nga ako ay nasa loob ng CR ng aming selda at tinali pa namin ang pintuan nito para walang makalabas-masok at makialam sa kaguluhang nagaganap.<sup>4</sup>



The March 14 carnage has etched into our common memory Camp Bagong Diwa as a place where the worst of custodial massacre and torture happened.

JOJO PASANA

■ ■ ■  
Nang mapunta na ang lahat sa itaas ng ASG-Building ay kasama pa namin si Commander Global at nakasuot pa siya ng itim na underwear. Nagtanong sa amin itong mga PNP-SAF, sino daw si Commander Global at tinuro naman [ng mga kasamang jailguards] si Global at wala na itong magawa kundi ang itaas ang kanyang mga kamay. Kinuha nila si Global at sinabihan na “ituro mo sa amin si Kosovo.” Habang nakatali ang mga kamay nito at nakalagay sa ulo ay pinababa nila na kasama ang mga PNP-SAF. Mga 60 seconds lang ang nakalipas ay may narinig akong sigaw na, “Wag po! Wag po!” at may putok na sumunod. Mga bandang hapon na ay nalaman naming binaril nila si Commander Global na wala namang kinalaman sa mga pangyayari at wala itong kalaban-laban dahil nga wala naman itong baril na hawak.<sup>5</sup>

While not a few would argue like Malacanang that these “criminals” or “terrorists” deserved what happened to them without any further investigation into the siege incident<sup>6</sup>



Troop movement during the siege.

JOJO PASANA

itself, one should look into the track record of the state, particularly of the Macapagal-Arroyo administration, in its campaign against perceived “enemies of the state” or “terrorists”, and its impact on people and human rights.

From the Marcos dictatorship to the Estrada administration, more than 2000 extrajudicial executions or *salvagings* were perpetrated and remained unsolved.<sup>7</sup> The victims were killed because of their involvement in efforts aimed at social and political change of Philippine society. Most came from different sectors: peasant, labor (agricultural and industrial), students and youth, church

people, and human rights workers, among others. The number doesn’t include those who have disappeared and have not been surfaced or found.<sup>8</sup> Their deaths or absence inflict deeper wounds on their families and relatives—not to mention the social and economic dislocations, and other difficulties arising from the loss.

The human rights violations cited above, together with other forms of abuses, have intensified during the Arroyo administration—from abetting the “no rally-no permit” cum violent dispersal of the City of Manila, to the bloody conclusion of the Hacienda Luisita peasant-worker picket, to the extrajudicial executions of members and supporters of militant groups and people’s organizations,<sup>9</sup> to acquiescence to the *salvagings* in Davao City, to the actual state of war in Sulu.

As to the situation in Sulu, which the government and the Armed Forces of the Philippines (AFP) chose to describe as “normalizing”<sup>10</sup>—i.e. “going back to the pre-conflict [pre-February 2005] situation—people of the area say it is “abnormal” because “many people are not in their own places.”

Much more insightful is the

statement of Fatmawati Salapuddin of the Bangsamoro Women's Solidarity: "In Sulu, for the past three decades, the abnormal (human rights violations) has become normal, so that people there just choose to remain silent."<sup>11</sup> So much more would it be in incidents of massacres like that of the Bicutan siege.

The administration of President Gloria Macapagal-Arroyo has placed the peoples of the Philippine Archipelago under a situation of a "permanent war" against "terrorism". She has mirrored in her administration the U.S. campaign.<sup>12</sup> She has allowed the increase of conditions and infrastructures that erode our human rights, like the right to privacy.<sup>13</sup> She, through various government agencies and institutions, has marginalized human rights that are *derogable* in a "state of emergency", like freedom of movement and of expression, and has abetted those that are *non-derogable* such as torture and extrajudicial executions, by allowing a "culture of impunity"<sup>14</sup>. These actions done with impunity are not limited to political and civil rights but they also extend to economic, social and cultural rights, like the rights to adequate food and housing, education, and health.<sup>15</sup>

The sufferings of the people inflicted by the state, either by commission or omission in implementing human rights, in several respects, are exacerbated by non-state actors or entities.<sup>16</sup>

With such a situation of human rights, it is imperative for human rights defenders to engage either state and non-state actors or entities with a human rights perspective and stance.<sup>17</sup> This presupposes a massive campaign for human rights education and skills and engagement in activities and situations that violate human rights of persons and peoples. From such struggles will hopefully emerge more human rights defenders, and among their ranks a stronger unity. In the face of terrorism, a determined defense for human rights is the only option. ■

#### FOOTNOTES

<sup>1</sup> The common narrative with accompanying photos is entitled "The Truth About the Bicutan Siege: Tales of Excessive Use of Force, Extrajudicial Executions, Massacre, Torture, Cruel and Inhuman Treatment". This narrative was collated from affidavits and discreet narrations of detainee-survivors, relatives, as well as findings of investigators and human rights personnel from the Commission on Human Rights, Congressman Mujiv Hataman, Law Offices of Roque & Butuyan/ Office of Legal Aid, Abbas Alejandro-Abbas Francisco and Associates, Billah Islam, the Task Force Detainees of the Philippines (TFDP), the Medical Action Group (MAG), Balay Rehabilitation Center, and PAHRA. This was formally presented to the Commission on Human Rights on April 21, 2005 in the presence of the relatives of victims, NGO human rights organizations, including moro organizations, and peace advocates and the media. See also the medical report and statement given by MAG after its medical mission after the siege.

<sup>2</sup> Fields, Belden A. *Rethinking Human Rights for the New Millennium*. New York: Palgrave Macmillan, 2003, pp. 189ff

<sup>3</sup> The names of narrators have been omitted for security purposes. "Some moments after that [ultimatum]...firing commenced. Out of fear I hid myself inside our cell and we crammed ourselves there. I saw one of our fellow inmates, Jojo Patarasa, from cell no.49, who was helping another inmate, Alesan Escandar, who got hit at the back. While lifting Jojo, Alesan was hit in the stomach by a bullet and his entrails burst out. When one member of the PNP-SAF saw this, the said person approached and did not even help, but rather shot Jojo in the head. Alesan was ordered to get inside the cell and, helplessly, was shot there."

<sup>4</sup> "When the firing stopped, the PNP-SAF opened the doors of our cell. While they pointed their guns at us, we were shouting: "We are not with Kosovo; we are civilians!" The PNP-SAF ordered us to strip off our clothes and to lie down with our faces close to the floor. We were ordered to go up to the "sunning area". There, PNP-SAF men wearing masks kicked me in the body and in the face, forcing me to admit that I was with Kosovo in a shootout against them. I vehemently denied the accusation because I was really inside the toilet of our cell, with its door tied up to ensure that no one could either get in or get out, and not be involved in the trouble that happened."

<sup>5</sup> "When all were on the top floor, Commander Global was still with us and alive. He was even wearing a black brief. We were then asked by the PNP-SAF as to who is Commander Global. He was pointed out by the jail guards. Commander Global had no choice but to raise his hands in the air. They took him and ordered him: "Identify Kosovo for us." With tied hands placed on his head, PNP-SAF led Commander Global downstairs. Some sixty seconds passed when I heard the cry: "Please, don't! Please, don't!" Then, a gun shot rang out. In the afternoon, we learned that they shot Commander Global, who had nothing to do with the incident, and was [helplessly] shot because he had no gun."

<sup>6</sup> A 16-page siege report was made by an inter-agency fact-finding team formed by Interior and Local Government Secretary Angelo Reyes who was himself head of the Crisis Management Team (CMT) responsible for the siege itself. The findings of this report was being serialized by Norman Bordadora in the Philippine Daily Inquirer (PDI) starting April 23, 2005. Cfr. PDI issues April 23, p. A23; April 24, p.A2. In the meantime, the Commission on Human Rights (CHR) until this writing has no copy of the post-operations report despite its issuance of a *subpoena* last April 22, 2005. It also appears that lawyers-investigators of CHR have no immediate access to the human rights victims-detainees (as clients of CHR) despite their constitutional mandate (R.A. 7438) unless given verbal or written permission by government, police or military authorities.

<sup>7</sup> Statistics taken from the Research, Documentation and Information Program (RDIP) of the Task Force Detainees of the Philippines (TFDP).

<sup>8</sup> Confer with the data of Families of the Involuntary Disappeared (FIND), including "Number of Victims of Involuntary Disappearance Under the GMA Administration, April 2001-December 2004". February, 2005

<sup>9</sup> Philippine Daily Inquirer. "2 party-list solons start fast to protest killing of militants", March 31, 2005, p. A9

<sup>10</sup> Santos, Jr., Soliman M. "Sulu: State of War, Calls for Peace". Paper presented as delegate of the Mindanao Solidarity Network, which is a member network of the Mindanao Peaceweavers, April 2005.

<sup>11</sup> *Ibid.*, pp.1-2

<sup>12</sup> Belden, op.cit. Please see Chapter 7: "Perpetual War and Human Rights in the United States". According to the author: "The trope of war is very powerful on the public mentality. Once it is propagated, the insecurity

of the public is aroused and politicians make a political investment in it from which it is very difficult to extract themselves." (pp. 1750176). See also Bacevich, Andrew J. and Engelhardt, Tom. *The New American Militarism* as reviewed by Tom Dispatch in antiwar.com. Bacevich writes about "The Normalization of War" which people, like that in Sulu, know and experience as upon them.

<sup>13</sup> See website (<http://www.privacyinternational.org/survey/phr2004>) on Human Rights and Privacy with a section on the Philippines on the laws passed that intrude in one's right to privacy. There is a related International Campaign Against Mass Surveillance (ICAMS).

<sup>14</sup> Balay Rehabilitation Center et al. "A Report on the Philippine Government's Implementation on the International Covenant on Civil and Political Rights: An NGO Parallel Report for Presentation to the United Nations Human Rights Committee", September 2003. U.N. Committee on Human Rights. "Concluding Observations of the Human Rights Committee on the Philippines". October 30, 2003. UNCHR meetings 2153<sup>rd</sup> and 2154<sup>th</sup> (CCPR/C/SR.2153 and 2154). Till the writing of this article there has been no response from the Philippine government regarding the conclusions and recommendations of the said UN monitoring body.

<sup>15</sup> Florencio, Cecilia A. Professor. Nutrition in the Philippines: The Past for its Templates; Red for its Colors. Quezon City: University of the Philippines Press, 2004

<sup>16</sup> Partnership of Agrarian Reform and Rural Development and Services (PARRDS) et al. "Statistical Findings on Human Rights Violations", "Distribution of Cases and Victims of Human Rights Violations per Subject Area". February, 2005. These papers, covering the period from August 1997- September 2004, present well-documented cases wherein the human rights of farmers are violated by state agents and state-backed militia, as well as abused by non-state actors, not only by landlords and private armed goons, but also by members of the New People's Army of the Communist Party of the Philippines. Other cases come from areas where people, especially indigenous peoples, are dislocated and harmed and their sources of subsistence are taken over or destroyed by mining and logging companies.

<sup>17</sup> Diokno, Maria Socorro I. *Human Rights Centered Development: Theory and Practice*. Quezon City: The University of the Philippines Press, 2004.