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Re: Armed Forces of the Philippines and Respecting Human Rights

Dear General Iribarri,

Congratulations on your recent appointment to the role of chief of staff of the Armed Forces of the Philippines (AFP). We encourage you in particular to bring energy to protecting and promoting human rights in the Philippines, and supporting renewed AFP initiatives that will help in that regard.

Human Rights Watch is an independent, nongovernmental organization that investigates and reports on violations of international human rights and humanitarian law by governments and non-state armed groups in more than 90 countries around the world.

Since the late 1980s, Human Rights Watch has worked on human rights issues in the Philippines and provided input to the Philippine government. With your appointment, you have an opportunity—and the responsibility—to address continuing human rights concerns in the country. As the Philippines is a party to the major human rights and humanitarian law treaties, we urge you to ensure that the AFP meets the Philippines' international legal obligations.

We recognize that the AFP is involved in multiple armed conflicts with the communist New People's Army (NPA) and various Moro armed groups in many areas throughout the country. These groups frequently commit serious violations of international law. As you know, serious abuses by one side to a conflict never justify abuses by the other. Moreover, since many of the abuses are committed against civilians, they undercut AFP efforts to gain the trust and support of the local population.

We respectfully urge you to take all necessary and appropriate action to prevent abuses by AFP personnel, to ensure prompt, transparent, and impartial investigations of incidents in which AFP personnel are implicated, and to take appropriate action to ensure that personnel who commit abuses are appropriately held to account.

The following human rights issues should be a priority:

Uphold International Humanitarian Law in Conflict Areas

AFP personnel continue to be implicated in violations of international humanitarian law in armed conflict situations involving the NPA and Moro insurgents. Abuses include arbitrary arrests, torture and unlawful killings of civilians and rebel fighters in custody.

During the fighting in September 2013 between the government and elements of the Moro National Liberation Front, Human Rights Watch documented several violations of international law by the security forces. Among those were attacks by soldiers on civilians who were being used as "human shields" by the rebels. Soldiers also turned a hospital into a veritable garrison during the fighting. Captured suspected rebels, among them children, alleged that they were tortured or ill-treated while in custody, suffering beatings, near drowning by having their head dunked in a toilet bowl, near asphyxiation by having plastic bags put over their heads, and having their hands tied so tight that the rope cut into their flesh. Several suspects, including some of the children, were held in cramped and filthy cells.

Following the death of 44 police commandos during operations on January 25, 2015, in Maguindanao province on Mindanao island, the AFP launched what it called an "all-out offensive" against insurgents from the Bangsamoro Islamic Freedom Fighters (BIFF) and rogue elements of the Moro Islamic Liberation Front (MILF). The Protection Cluster, a United Nations-supported initiative of government and nongovernmental groups, issued a report in April detailing displacement concerns but also raised possible humanitarian law violations. These included: the military's creation of indefinite "no-go" areas that unnecessarily restricted people's freedom of movement; harassment of people who tried to return home to secure livestock, crops, and belongings; and deploying children to gather intelligence about insurgent operations.

We urge you to actively investigate allegations of abuse by AFP personnel and appropriately discipline or prosecute those personnel responsible.

Ensure Accountability for AFP Abuses

The arrest in August 2014 of Jovito Palparan, a retired army major general, marks a rare challenge to the impunity enjoyed by members of the security forces who commit serious crimes, and which the government of President Benigno Aquino III has failed to adequately address.

Palparan had epitomized that impunity by evading arrest for three years with the alleged help of former military colleagues. He has been charged with kidnapping and illegal detention.

The disappearance of peasant right activist Jonas Burgos is another opportunity for the military to provide closure to an eight-year-old case. Burgos was abducted by military agents in a restaurant in Quezon City in April 2007. One of the men who abducted him was later identified as Army Lt. Harry Baliaga. Baliaga is now in custody and the case of enforced disappearance is being heard in court. But Burgos has not been found, his whereabouts unknown to his family.

That these two officers are now in the government's custody and that the AFP has sworn to abide by the law are important steps, but much more needs to be done. We, along with domestic human rights groups, have raised concerns about the alleged involvement of AFP personnel in the May 24, 2015, killing in Negros Oriental of Endric and Rosalie Calago.

Endric was a member of the peasant group Kilusang Magbubukid ng Pilipinas while Rosalie was a barangay health worker. In March 2014, suspected AFP personnel allegedly killed activist William Bugatti in Ifugao province. Bugatti's case was among those cited in the recently released US State Department Human Rights Country Reports as an example of continuing impunity in the Philippines.

We urge you to order the AFP Inspector General and the Provost Marshal to promptly and impartially investigate all credible allegations of human rights abuses by military personnel. Military personnel implicated in serious investigations should be suspended while an investigation is ongoing.

Cease Harassment of Activists

Domestic human rights groups such as Karapatan allege that AFP personnel have been harassing their staff and members in its provincial offices. That harassment has now extended to what appears to be trumped-up criminal charges, such as kidnapping, illegal detention, and trafficking, filed by AFP personnel. In Manila, youth organizations complain about surveillance of their members and facilities by alleged military personnel.

We are also concerned by allegations that the AFP has been “red-tagging” leftist activists, publicly accusing them of being NPA supporters, which encourages more harassment or even violence. Ifugao’s Bugatti was allegedly on such a military “hit list” that branded him as an NPA member.

Ensure Effective Command and Control of Paramilitary Groups

Numerous paramilitary groups under the command and control of the AFP have been implicated in harassment, killings and other abuses over many years. These groups are particularly strong in areas that have a strong military presence, and have been increasingly linked to attacks on indigenous leaders and activists. Philippine law allows the AFP to create paramilitary groups such as the Citizen Armed Force Geographical Units (CAFGUs)—touted as “force multipliers”—to provide security for private businesses such as mining concessions and plantations. The AFP has actively recruited paramilitary personnel but the evidence indicates that it has been remiss in its responsibility to prevent abuses by paramilitaries and take appropriate actions against those implicated in criminal offenses.

A paramilitary group with close links to the AFP allegedly harassed and subsequently killed Jimmy Liguyon, a local tribal leader in Bukidnon province in March 2012. In October 2014, AFP and CAFGU personnel in Surigao del Sur province allegedly killed two tribal residents in Northern Mindanao.

Until such abusive units are disarmed and disbanded, the AFP will be responsible for ensuring that they act in accordance with the law.

Reform AFP Human Rights Office

The AFP Human Rights Office has the objective of bolstering the investigatory capabilities and improving cooperation with civilian authorities. In practice, it has either downplayed or ignored allegations of new abuses. For instance, the office has never made public the result of any action it has taken to investigate alleged abuses that Human Rights Watch and other organizations documented during the 2013 fighting in Zamboanga City. The Human Rights Office at times misled the public about AFP abuses, claiming for example in June 2012 that it recorded “zero” human rights violations by the military in the first four months of that year—a claim that the Commission on Human Rights quickly rebutted.

The Human Rights Office chief at that time, Col. Domingo Tutaan, contended that the absence of prosecutions was evidence that the military’s human rights training program had been successful.

The Aquino government described the AFP Human Rights Office in 2012 as an important element in combating human rights abuses by the armed forces by monitoring incidents, receiving complaints, instigating investigations, and following litigation. The Human Rights Office, however, has proven ill-equipped to carry out this mandate. It has not provided adequate information on recent cases that it has investigated and acted upon. Instead of following-up on alleged abuses reported on by domestic human rights groups, it frequently publicly defends without basis soldiers' actions.

Transforming the AFP Human Rights Office into a more responsive arm of the military requires a clear statement from you regarding the importance of this office to promote and protect human rights. This should be backed by action. The Human Rights Office should: be commanded by a general officer rather than a colonel to reduce the likelihood of being outranked; have the political backing to carry out independent and impartial investigations; have sufficient resources to improve its record-keeping, monitoring and updating of cases; and be more proactive in engaging with nongovernmental organizations.

It is also important that the AFP assist the government's Commission on Human Rights both at the national and local levels. We urge that you direct all military commanders to cooperate fully with the Commission on Human Rights at all times, especially when the commission is exercising its power to inspect detention facilities and investigate rights abuses.

Encourage the Government to Join Safe Schools Declaration

The Philippine government should join the new international Safe Schools Declaration. Forty-seven countries have already joined the Declaration since it was opened for countries to endorse at an international conference in Oslo, Norway, on May 28-29, 2015.

The Declaration is not a treaty, but a political commitment to do more to protect students, teachers, and schools from the negative consequences of armed conflict. It includes an endorsement of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*. These *Guidelines* were developed through two-and-a-half years of consultations with experts from armed forces, and ministries of foreign affairs, defense, and education from 14 countries, including with the AFP and the Office of the President of the Philippines. The *Guidelines* reflect existing international law and examples of good practice already being used by armed forces. Indeed, the Philippines' Republic Act No. 7610, and the AFP's Letter Directive No. 34 (November 24, 2009), and the AFP's 2011 "Rules of Behavior for Military Intelligence Personnel," all served as examples of good practice that inspired and informed the drafting of the *Guidelines*.

Considering that existing Philippine law and military policies are already in line with the *Guidelines*, we believe the Philippines could serve as a leader in Asia in championing the Safe Schools Declaration and the *Guidelines on Protecting Schools and Universities from Military Use*. We hope that it will earn your support.

Thank you for your consideration. We would appreciate the opportunity to discuss these and other human rights issues with you. Please feel free to contact me via my New York-based colleague Shayna Bauchner by email bauchns@hrw.org or by fax +1-212-736-1300.

Sincerely,



Brad Adams
Asia Director
Human Rights Watch