

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: 212-290-4700
Fax: 212-736-1300; 917-591-3452

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May 31, 2011

Gen. Eduardo Oban, Jr.
Chief of Staff
Armed Forces of the Philippines
Office of the Commanding General
Fort Andres Bonifacio
Metro Manila
Philippines

Via facsimile: +63 2 911 6436

Re: Alleged extrajudicial killings and enforced disappearances

Dear General Oban,

We wish to congratulate you on your appointment to chief of staff and we look forward to working with you to improve human rights protection in the Philippines.

Human Rights Watch is a nongovernmental organization based in New York that monitors violations of human rights by states and non-state actors in more than 80 countries around the world.

I am writing to solicit your views for our research on extrajudicial killings and enforced disappearances in the Philippines, particularly those occurring since June 30, 2010.

Human Rights Watch is committed to producing material that is well-informed and objective. We hope you and your staff would be able to answer the attached questions so that your views are accurately reflected in our reporting. In order for us to take your answers into account in our forthcoming report, we would appreciate a written response by June 24, 2011.

Please send your reply by email or fax to:

Diana Parker, Asia Associate
Human Rights Watch
1630 Connecticut Avenue, NW, Suite 500
Washington, DC 20009 USA
parkerd@hrw.org
+1-202-612-4333 (fax)

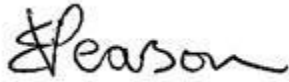
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In addition, I will be visiting Manila in the coming months and would greatly appreciate meeting with you. My colleague will follow up with a formal request for a meeting once my travel dates are confirmed.

Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Pearson". The signature is written in a cursive, flowing style.

Elaine Pearson
Deputy Director
Asia Division

Cc : Hon. Voltaire Gazmin
Secretary of National Defense
Department of National Defense
Camp General Emilio F. Aguinaldo
Quezon City
Philippines 1110

Questions for General Oban

1. What reforms has the AFP implemented to hold accountable military personnel and members of paramilitary forces who have perpetrated extrajudicial killings and enforced disappearances since June 30, 2011?
2. What is the standard AFP procedure for investigating a killing in which military personnel are implicated, be it an encounter killing, killing on a military reservation, or otherwise?
3. Has the inspector general, the provost marshal, or any other investigating body within the AFP investigated the broader issue of extrajudicial killings and enforced disappearances in the last five years? If so, please provide details of the investigation and findings.
4. Has the inspector general, the provost marshal, or any other investigating body within the AFP investigated members of the military for involvement in an alleged extrajudicial killing or enforced disappearance in the last five years? If so, on how many occasions? Please provide details of each investigation and findings.
5. How many AFP members in the last 10 years have been disciplined or prosecuted for their involvement in extrajudicial killings or abductions in the Philippines? Please provide information on specific cases, including the role played by the AFP members.
6. How many Citizen Armed Force Geographical Unit (CAFGU) or Special CAFGU members in the last ten years have been disciplined or prosecuted for their involvement in extrajudicial killings or abductions in the Philippines? Please provide information on specific cases, including the role played by the paramilitary members.
7. Has disciplinary action been taken against any senior member of the AFP in the last 10 years on the basis of command responsibility? Please provide information on specific cases.
8. How many members of the AFP or paramilitary forces in the last 10 years have been disciplined or prosecuted for harassing or intimidating witnesses or relatives of extrajudicial killing or “disappearance” victims?
9. How many members of the AFP or paramilitary forces in the last 10 years have been disciplined or prosecuted for failing to comply with investigations by police, the National Bureau of Investigation, the Commission on Human Rights, or any other investigating body?

10. What steps has the AFP taken to cooperate or assist police in serving arrest warrants on members of the AFP, paramilitary forces, or military “assets” or rebel returnees working with the military? In particular, what steps has the military taken to assist the police in serving arrest warrants against Dandy Quilanan, a CAFGU member, and Junel Librado, a former member of the NPA working as a guide for the military, who are accused of killing Rene Quirante on September 30, 2010, in Barangay Trinidad, Guihulngan, Negros Oriental?
11. In cases in which a particular military battalion or division is implicated, what steps does the AFP take to identify which members of the AFP, paramilitary forces, or military “assets” or rebel returnees were involved? Please provide specific examples. For instance, what steps has the AFP taken to identify the six unidentified “John Does” of the Philippine Army implicated in the killing of Rene Quirante on September 30, 2010, in Barangay Trinidad, Guihulngan, Negros Oriental?
12. Please provide information regarding the status of internal AFP investigations into the following cases of alleged extrajudicial killings and “disappearances.” For each case, please advise whether a spot report and/or special report was prepared, whether the inspector general, the provost marshal, or any investigator independent of the battalion in the area has been asked to investigate and provide copies of each of these reports. For investigations that have been suspended or discontinued, kindly provide the reasons for the suspension or discontinuation. For each case please provide the names of any alleged perpetrators arrested, disciplined, charged or prosecuted.

List of cases

1. The killing of Benjamin Bayles on June 14, 2010, in Himamaylan City, Negros Occidental
2. The killing of Fernando “Nanding” Baldomero on July 5, 2010, in Barangay Estancia, Kalibo, Aklan
3. The killing of Pascual Guevarra on July 9, 2010, in Barangay San Isidro, Laur, Nueva Ecija
4. The killing of Julius Tamondez on August 12, 2010, in Paquibato District, Davao City
5. The abduction and “disappearance” of Agustito Ladera and Renato Deliguer in late August or early September, 2010, in Barangay Mahaba, Marihatag, Surigao del Sur
6. The killing of Reynaldo “Naldo” L. Labrador on September 3, 2010, in Paquibato Proper, Paquibato District, Davao City

7. The killing of Vicente Felisilda on September 9, 2010, in Mawab, Compestela Valley
8. The killing of Rene "Toto" Quirante on September 30, 2010, in Barangay Trinidad, Guihulngan, Negros Oriental
9. The killing of Ireneo "Rene" Rodriguez on November 7, 2010, in Balayan town, Batangas
10. The killing of Carlo "Caloy" Rodriguez on November 12, 2010, in Calamba City, Laguna
11. The abduction and "disappearance" of Alfredo Bukal on November 10, 2010, in Barangay Lupal, Tuy, Batangas
12. The killing of Rudy and Rudyric Dejos on February 27, 2011, in Santa Cruz, Davao del Sur