

BAD BLOOD

Militia Abuses in Mindanao, The Philippines

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**Human Rights Watch
New York • Washington • Los Angeles • London**

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Printed in the United States of America.**

ISBN 1-56432-060-X

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INTRODUCTION

Wherever governments have enlisted groups of civilians to help fight internal foes, alarming human rights abuses have resulted. The abusiveness of these paramilitary forces, whether the Civil Guards in Guatemala, the Rizeigat militia in Sudan, or the CAFGU in the Philippines, is a direct consequence of their position as a cheap, part-time, ill-trained civilian fighting and intelligence-gathering force. They are neither wholly combatants nor wholly civilians, operating outside the chain of command to undertake the dirtier aspects of war, thus giving the military a level of "deniability" for human rights violations.

In the Philippines, paramilitary units have a long, unpleasant history. The Civilian Home Defense Force, a paramilitary group associated with the late President Marcos, became so abusive that one of the first acts of the Aquino government was to dissolve it. But Corazon Aquino deployed a new civilian militia, the Citizen Armed Forces - Geographical Units (CAFGU), has been a key element in the government's counterinsurgency campaign since 1988. The military has deployed the militia in remote rural areas, reasoning that there are not enough regular troops to defend all areas threatened by insurgency. Roughly 90,000 men, many of them landless peasants, unemployed laborers, members of criminal gangs, rebel "returnees" and former Marcos-era paramilitary members, have been drawn into the militia by the subsistence stipend and the promise of firearms.

From the very start, national and international human rights organizations have raised concerns that there are inadequate legal and structural safeguards to prevent the new militia from following the path of its predecessor. The government has repeatedly responded that the CAFGU is more carefully recruited, screened, trained and supervised than the CHDF. The government insists that CAFGU members, in contrast to the CHDF, are accountable under the law for abusive behavior.

This report provides fresh evidence to suggest that the military has failed to control its newest militia. Asia Watch findings confirm concerns expressed in earlier reports that the military has contravened its own guidelines in recruiting members with records of criminal or abusive behavior and in permitting militia to engage in arrests, interrogations and active combat. Moreover, findings suggest that many more abuses may be occurring than have been reported, in forested areas most remote from the public eye. The presence of militia in many communities appears not to have quelled local conflict, but has served to stimulate fear, mutual distrust and communal violence. Although killings and torture by CAFGU militia members have occurred with less frequency than in the last years of Marcos or even the first years of the Aquino administration, Asia Watch notes a continuing and disturbing pattern of beatings, intimidation, and occasionally killings even in areas where the insurgency no longer poses a serious threat.

Many of the killings described here were politically motivated. Some occurred after military officials had branded the individuals or their organizations as "Communist." In 1991, for example, CAFGU members were responsible for the killing of an environmentalist priest who had been outspoken in his stand against human rights abuses and illegal logging in his parish. In many other cases, victims were poor peasants who were suspected of being sympathetic to the insurgents. Some of the killings were rooted in personal or tribal feuds, but the ease with which one side could get arms by joining the CAFGU raised the level of the conflict. Many of the victims (and sometimes even civilian officials) have failed to lodge complaints or testify in court against militia living in their communities because of legitimate fears for their own security. As long as the government recruits and arms a civilian militia force and then fails to prosecute members of that force who violate the law, it is complicit in these abuses.

This report is based on a visit to four rural provinces in the northern part of the island of Mindanao (Agusan del Sur, Surigao del Sur, Agusan del Norte and Bukidnon) by Human Rights Watch Orville Schell research fellow, Julie Triedman in January and February 1992. In the course of conducting more than 80 interviews, Ms. Triedman collected information from a wide variety of sources, including, wherever possible, the victims or witnesses, local, provincial and national government officers, military officials, journalists, members of the government Commission on Human Rights and nongovernmental human rights monitors.

THE MILITARY, THE PARAMILITARY AND THE NPA

From CHDF to CAFGU

Since its inception, the Philippine military has served primarily as an internal security force, directed to quell indigenous insurgencies rather than to fight external aggressors. Paramilitary auxiliaries, both official and unofficial, have been central to these internal operations. Paramilitary groups have allowed the military to circumvent the more costly alternative—large increases in the regular territorial forces—and have functioned as the military's grassroots "eyes and ears" in communities suspected of harboring subversives. Historically, the government has had a poor record of convicting members of paramilitary groups on human rights grounds.

During the Japanese occupation, the Philippine Constabulary (PC), then the leading internal security force, worked closely with a paramilitary group known as the Civil Guards, which were armed by the PC and paid by landholders collaborating with the Japanese.¹ After World War II, Civil Guards were used in a brutal and successful war to crush a peasant uprising in Luzon known as the Huk rebellion. Local fanatic cult groups were also deployed in terror campaigns in a strategy masterminded by the CIA's head Edward Lansdale.² In the 1950s and 1960s, the military continued to use civilian paramilitary organizations under various names under successive administrations.³

In the mid-1970s, existing paramilitary organizations were absorbed into the new Integrated Civilian Home Defense Force, or CHDF. In Mindanao, the CHDF was originally deployed together with Christian armed fanatic groups against an uprising of the Muslim population.⁴ The CHDF often operated in independent teams, outside the chain of command. Under the supervision of constabulary forces, the CHDF soon grew to more than 73,000 members, and gained international notoriety for brutality.⁵ Virtually every major international human rights organization working in the Philippines documented its abuses.

Beginning in 1974, the CHDF were also increasingly deployed against the New Peoples Army (NPA), the armed wing of the Communist Party of the Philippines. By 1985, NPA forces, driven by worsening poverty and unprecedented levels of corruption in government, had grown to an estimated 25,000 armed insurgents. Most of the CHDF were deployed in Mindanao, which helped the NPA expand in that region, because "in addition to being incompetent, the CHDF were brutal."⁶ In one particularly grisly example reported to the Lawyers Committee for Human Rights, a mother described what the CHDF did to her 15-year-old daughter:

Last December 23, 1984, I was working at our farm in Sitio Bagacay, while my daughter Virginia was inside our *nipa* house. At about 4 p.m., I heard gunshots coming from the hill directly above where our house was located...I recognized the men as four members of the Civilian Home Defense Force...the four CHDF members approached Virginia, took her to our [farm] plot. Once there, they removed the dress, bra and panty of Virginia,

¹For a discussion of the Philippine Constabulary forces, see the Asia Watch report, *The Philippines: Violations of the Laws of War on Both Sides* (New York: August 1990) pp. 40-44.

²Benedict Kerkvliet, *The Huk Rebellion* (Univ. of California Press, Berkeley: 1977), p. 124.

³See "CAFGU: Centerpiece of the Current Counterinsurgency Campaign," in *Philippine Human Rights Update*, September 14-October 15, 1988, (Quezon City, Philippines: Task Force Detainees of the Philippines), pp. 2-7.

⁴For more on the CHDF under Marcos, see Lawyers Committee for Human Rights, *The Philippines: A Country in Crisis*, (New York: December 1983), pp. 26-31; and *Salvaging Democracy: Human Rights in the Philippines*, (New York: December 1985), pp. 32-43.

⁵Cited in Richard Kessler, *Rebellion and Repression in the Philippines* (Yale Univ. Press, New Haven: 1989), p. 120.

⁶*Ibid.*, p. 121.

laid her on the ground and the four took turns having sexual intercourse with her. Virginia shouted for help twice and after her second appeal for help, one of the CHDFI stabbed her with a dagger above her breast and below her navel, after which he shot her with his rifle. After looting the hut, the four CHDF members burned it down, fired several more shots in the air and left.⁷

Because of many abuses like this one, the dissolution of the CHDF became a constant refrain of human rights groups and the political opposition to Marcos in the early 1980s. Opposition candidate Corazon Aquino made the end of the CHDF a key promise during her presidential campaign, and when she took office, she vowed to make good on her campaign pledge. The new constitution, ratified in February 1987, provided that "all paramilitary forces including the CHDF ... shall be dissolved or, where appropriate, converted into the regular force," but permitted the creation of a "citizens armed force."⁸

The CHDF and other paramilitary units were officially dissolved six months later.⁹ Just ten days later, however, Aquino signed an executive order creating the new Citizens Armed Forces - Geographical Unit (CAFGU).¹⁰ Initially, according to various military estimates, between 30 and 70 percent of CAFGU recruits were former CHDF members.¹¹

Recognizing the brutality of the CHDF, military leaders made efforts to distinguish the CAFGU from the CHDF. The CAFGU, they said, was not a paramilitary force, which was now outlawed. It was rather a "reservist army" or militia, to be deployed solely in their home communities to defend against incursions by rebel forces. Guidelines assured that only "qualified" individuals would be admitted in a careful screening process, a process supervised by civil, as well as military authorities. Recruits with criminal or "derogatory" records would be excluded. Ideally, CAFGU recruits were to be drawn from the pool of roughly one million idle reservists, high school graduates of ROTC or Civil Military Training courses or of summer military courses. In cases where there were insufficient numbers of eligible candidates, the Armed Forces may screen all able-bodied male citizens and train them.¹²

In reality, the guidelines used in screening potential recruits are inadequate to prevent abusive individuals from being accepted. Given the poor record of prosecutions against human rights violators, many former CHDF and vigilante group members may be legally accepted. More worrisome, national and international human rights groups have complained that even the limited screening safeguards are routinely ignored or purposely circumvented.¹³

Training for the CAFGU also appears to be inadequate. While the military points to the fact that the six-week training for CAFGU includes several hours' training on concepts of human rights,¹⁴ Asia Watch learned of several instances where training personnel (who after training become the unit's commanding officers) are themselves known to be abusive.

Guidelines drafted by the Department of National Defense provided that the CAFGU, unlike the CHDF, would be

⁷LCHR, *Salvaging Democracy*, p. 33.

⁸Philippines Constitution, art. XVIII, sec. 24, February 1987.

⁹CHDF were ordered dissolved by Executive Order No. 275, July 15, 1987.

¹⁰Executive Order No. 264, Providing for the Citizen Armed Force, July 25, 1987.

¹¹LCHR, *Out of Control*, p. 63.

¹²Implementing rules and regulations to Executive Order No. 264, line 240.

¹³For more on recruitment and training of CAFGU, see LCHR, *Out of Control*.

¹⁴Julie Triedman, "Inside the CAFGU," *Manila Standard*, November 20 and 21, 1989.

subject to the same discipline and chain of command as the regular armed forces.¹⁵ Each Armed Forces detachment would be liable for abuses committed by CAFGU members operating under its command. However, Asia Watch found that military officers often denied that especially abusive CAFGU members were under their command, despite evidence to the contrary.

By early 1992, some 89,000 CAFGU had been deployed, and plans were underway to increase the CAFGU by another 10,000.¹⁶ In rural areas, CAFGU forces were increasingly eclipsing local civilian government and police functions. Because of their superior knowledge of local territory and history, the CAFGU were employed by the military in all aspects of military operations, from informants and guides to front-line forces in search-and-destroy operations against rebel hideouts.

Asia Watch documented dozens of grave human rights abuses, ranging from extrajudicial killings to maltreatment while in custody, committed by CAFGU members in Mindanao. Little, it seems, had changed. The findings echoed several earlier reports by international human rights organizations, which documented an alarming rise in cases of abuse by the militia in 1989.¹⁷

Asia Watch findings cast serious doubt on the rigorousness of the CAFGU screening process and on the ability of regular forces to control and discipline units in Mindanao. Lists available through military and civil authorities revealed that a majority of recruits formerly belonged to the CHDF. In other cases, CAFGU members were known to belong to local fanatical cults or tribal armies, and still others reportedly had criminal records. The idea of drawing reservists from college-level ROTC graduates was impossible to achieve in the outlying areas, where the vast majority of residents have only a few years schooling.¹⁸ In cases where CAFGU abuses were reported to authorities, few militiamen were disarmed, discharged, tried and convicted.

Worse, in a few documented cases where CAFGU members were officially discharged, the individuals continued to be employed in military operations against insurgents.

Human Rights Reforms

Few military, paramilitary or militia members have ever been prosecuted by the courts. The problem is not one of laws, but one of enforcement. The Philippines is signatory to many of the principle international human rights treaties, and the Philippine Constitution contains a comprehensive Bill of Rights.

Several governmental bodies concerned with human rights exist. A government Commission on Human Rights (CHR), laid down in the Constitution, is charged with investigating human rights abuses by both the government and the NPA, and recommending cases for prosecution. It has no power to prosecute.

However, even within its limited mandate, the CHR has had little success in investigating abuses.¹⁹ Critics both within and outside of the agency say the CHR has attempted to investigate too wide variety of civil and criminal

¹⁵"Implementing Rules and Regulations to Executive Order Nr. 264 Dated July 25, 1987," Department of National Defense, signed June 7, 1988.

¹⁶ *Manila Bulletin*, Jan. 25, 1992; *Philippine Daily Globe*, July 7, 1991.

¹⁷See, for example, Asia Watch, *The Philippines: Violations of the Laws of War by Both Sides* (New York:1990) and LCHR, *Out of Control*.

¹⁸A list describing educational background of CAFGU recruits in the province of Agusan del Sur showed that only 35 percent had finished primary school. Only 10 percent were graduates of any formal military training.

¹⁹In 1991, the CHR provided roughly \$170,000 in humanitarian aid to human rights victims in 1991, regardless of whether an investigation was undertaken.

matters, and complain that its resources are too centralized in the capital. Of 679 staff in January 1992, 300 were in Manila.²⁰ While the Manila office produced glossy brochures and detailed performance reports, investigators in the countryside complained about being short of staff and funds. Each regional office had the use of just one vehicle for investigations across an average of seven provinces; and budgets were so tight that investigators routinely paid for Xerox copying out of their own pocket. In Surigao del Sur province, where numerous cases of abuse were reported, the field investigator said he had use of neither a typewriter nor a government vehicle.²¹

The CHR is also hindered by its reputation for being ineffectual as an avenue for justice. Of 3,414 complaints filed with the CHR in 1991, only 836 were filed in the courts or in other agencies.²² The CHR was unable to point to any discharge or jail sentence of military as a result. Human rights groups also complained that the CHR was too passive, failing to investigate reported abuses unless the complainant filed a formal complaint, which victims of abuse were often reluctant to do.²³

To its credit, the CHR appears to have showed some boldness in employing its new powers to delay scheduled promotions of military officers on the basis of existing human rights complaints. Asia Watch found evidence to suggest that this is having a strong psychological impact on higher ranks in the military. In Mindanao, for instance, Asia Watch was told by military sources that the promotion of a brigade commander in Bukidnon was held up because of complaints filed against a subordinate, a lieutenant colonel; two other colonels, one in Agusan del Sur and one in Bukidnon, were also not promoted because of complaints filed with the Commission on Human Rights going back to the mid-1980s.²⁴ A major in Tupi, South Cotabato also said his promotion had been held up, and local human rights monitors said he has been consulting with them on human rights issues more frequently since then.

The Presidential Human Rights Committee, a cabinet-level task force which includes representatives of the military, CHR, Department of Justice and nongovernmental human rights organizations, has pushed a number of human rights cases into the spotlight since 1989, but it remains to be seen whether any prosecutions can be attained. Under the leadership of Justice Secretary Franklin Drilon and his successor, Silvestre H. Bello III, the PHRC launched several investigations. In November 1991, a Task Force was actively prosecuting several cases of political killings, including a case of multiple murder and arson against a military sergeant in the massacre of the Peralta family in Pangasinan.²⁵ The PHRC also enacted several new directives, but implementation appeared to be a problem. For example, the PHRC drafted legislation instituting an important, critical program for protecting witnesses and their families. However, a year after the legislation had become law, and despite a hefty \$1 million budget, the program had still not been utilized in a single instance.

Officials in the PHRC blamed the non-implementation of the program on the increasing political paralysis in the months leading up to the May 1992 elections.²⁶

²⁰Asia Watch interview with Commission on Human Rights chairman Mary Concepcion Bautista, January 10, 1992.

²¹Asia Watch interviews with CHR Regional office directors, Cagayan de Oro City, Davao City, and provincial investigator in Tandag, Surigao del Sur province.

²²Commission on Human Rights, *Annual Performance Report*, January 1992.

²³See Lawyers Committee for Human Rights, *"Impunity,"* (New York: September 1991), p. 14.

²⁴Asia Watch interview with: Major Bermudez, South Cotabato, Jan. 13, 1992; journalist Cynthia de Leon, Jan. 19, 1992; Col. Rodolfo Rocamora, Camp Osito Bahian, Bukidnon, Jan. 21, 1992.

²⁵Memorandum to Executive Secretary Franklin M. Drilon on Accomplishments of the Presidential Human Rights Committee, January 1 to December 31, 1991.

²⁶Asia Watch interview with Assistant Chief State Prosecutor Nilo C. Mariano, February 7, 1992.

There was an increasing sense of lawlessness during the election period. Three candidates were assassinated in February and early March. Government officials complained that the Armed Forces were "outgunned" by the estimated 143 private armies across the country.²⁷ In fact, many of the "private" armies were manned by off-duty soldiers and militia. The local and national press provided a daily litany of scandals describing soldiers' and militiamen's involvement in illegal logging, extortion, kidnapping rings and guns-for-hire gangs.

Police commanders publicly expressed fears that CAFGU groups might be used by wealthy politicians to intimidate voters during the elections. In central Mindanao, a police official announced that the CAFGU and vigilante forces were being mobilized by politicians as private armies.²⁸ This prompted President Aquino to request that CAFGU deployed in areas where insurgency no longer posed a threat be disarmed.²⁹ A week later, however, the Commissioner on Elections said the 89,000 CAFGU could keep their arms following a request by the Defense Secretary Renato de Villa that the CAFGU serve as official "poll watchers" and promised "clean and fair" elections.³⁰

The Military and Human Rights

The Philippine military has long been characterized by excessive politicization and abusiveness. It has also been tainted by the image of illegitimacy.³¹ Historically it has served as a collaborator with foreign occupying powers, and as an instrument of elite repression. Even though the military ultimately turned its back on the dictatorship of Ferdinand Marcos in February 1986, it continued to be politically divided. Conflicting loyalties within the 165,000-member Armed Forces have led to seven right-wing coup attempts since the beginning of Aquino's term.

In the past six years, however, the military had taken pains to clean up its tarnished image. At the highest levels, the military had cooperated with efforts by the legislature, the Department of Justice and the Commission on Human Rights to strengthen civilian authority. In late 1990, the legislature passed a law dissolving the PC, a security force which was responsible for serious human rights abuses during the Marcos and Aquino administrations, and instituted a new national police under civilian control. In June 1991, Aquino signed legislation which returned to civil courts jurisdiction over human rights and criminal offenses filed against members of the military.³²

However, for reasons not entirely clear, human rights reforms appeared not to have successfully "trickled down" to the intermediate and rank-and-file level. In 1991, evidence of human rights abuses by soldiers and militia continued to be reported, although on a lesser scale. There appeared to be a serious lack of political will in combatting remaining obstruction among military ranks. The military's commitment to enforcing the government's legal commitments to preserving human rights appeared questionable.

The New People's Army and Human Rights

On February 16, 1992, a week before the sixth anniversary of her accession to office, Aquino hailed "a shining moment in our history," claiming "the defeat of all threat groups" under her administration. "We broke the back of the communist insurgency," she told graduates of the Philippine Military Academy, the country's elite military college.

²⁷Carla P. Gomez, "Armed goons outgun AFP, says Yorac," *Philippine Daily Inquirer*, Jan. 27, 1992; *Philippine Star*, January 14, 1992.

²⁸Jun Baring, "Private armies in Central Mindanao bared by PNP Chief," *Mindanao Forum Standard*, February 2, 1992.

²⁹Al Pedroche, "President endorses disarming of CAFGUs," *Philippine Star*, January 19, 1992.

³⁰J.Jorgio, "Militia tapped to enforce election laws," *Philippine Daily Globe*, January 25, 1992.

³¹Kessler, *Rebellion and Repression in the Philippines*, p. 110.

³²Aquino concurrently signed a bill repealing Presidential Decree 1850, a remnant of Marcos Martial Law legislation which placed jurisdiction for all military offenses in military courts martial.

On the same day, some 300 rebels armed with mortars and machine guns ambushed and killed 47 soldiers in a remote logging tract in the province of Surigao del Sur, the government's single largest battlefield loss in years.³³ Survivors said the rebels systematically executed wounded soldiers with the rank of sergeant and above. Some analysts said that the attack showed the growing desperation and disarray of an insurgency on the defensive. But Western analysts said the attack demonstrated that the insurgency, despite arrests of dozens of leaders in the past five years, would continue to be a force to contend with for several years.³⁴

An estimated 17,000 full-time New Peoples Army rebels were still believed to be operating in the Philippines in early 1992, down from a high of 26,000 in mid-1988.³⁵ But while the number of armed rebels has declined, the intensity and number of military-rebel encounters in 1991 matched 1990, apparently due to President Aquino's directive that the insurgency be crushed by the end of her term.

Both sides in the conflict commit abuses, but it is difficult to confirm most reports of NPA abuses. There continued to be reports of killings and hostage-taking of unarmed civilians, and at least one foreigner, an American, continued to be held in a 1990 kidnaping. The source of information is usually the military, and attacks most often occur in remote areas that are sealed off to investigators because of "ongoing military operations." Reports of rebel abuses furnished by the military are the headline stock-in-fare of some two-dozen provincial tabloids in Mindanao, but poorly paid news reporters rarely investigate and confirm stories. In listing NPA "atrocities," moreover, the military generally fails to distinguish between NPA attacks on soldiers or paramilitary units, which are acts of war, and attacks on civilians not involved in hostilities.³⁶ For their part, nongovernmental human rights groups in the Philippines do not investigate reports of NPA abuses, saying that it is the prerogative of the government to investigate rebel violations. This has been a contentious issue in the Philippines, leading members of the military and the Commission on Human Rights to label nongovernmental human rights groups "anti-government" or "sympathetic to the NPA."

Asia Watch has confirmed some instances of human rights violations by rebel forces, and these are noted where there is a direct link to the CAFGU abuses that are the focus of this report.

³³William Branigan, "Philippine Rebels Show Signs of Life," *The Washington Post* February 26, 1992.

³⁴*Ibid.*

³⁵William Branigan, "Communist Rebels in Philippines Show Strain Over Doctrine," *The Washington Post*, March 2, 1992.

³⁶The Philippine military in its latest report on the insurgency said the rebel forces have killed more than 4,900 civilians since 1986.

MINDANAO: A LABORATORY OF COUNTERINSURGENCY

Mindanao is the second-largest of the Philippine archipelago's roughly 7,100 islands, and lies in the southernmost portion of the country. Its 22 provinces are among the most sparsely populated in the Philippines. It is a land divided by several steep mountain ranges and by three major river valleys. To the east lies the Pacific, and scattered off of the island's long southwestern peninsula lies the Sulu archipelago, extending across the Sulu Sea nearly to the island of Borneo. The rugged northern coastline faces across the Bohol Sea towards several smaller islands in the center of the archipelago, the Visayas.

Mindanao's economy -- and the fortunes of many political families -- was built, and continues to thrive, on the exploitation of natural resources: wood products from Philippine mahogany to rattan and mineral deposits of gold, copper and silver. The remoter northeast region holds the few remaining large tracts of virgin forest. Cattle ranches and pineapple plantations have moved in to the central and southern provinces, where clearcutting has resulted in the loss of 80 percent of former forests, leaving bald hillsides and barren plains. Encouraged by a cash-starved central government, foreign-owned corporations control huge tracts of arable land on which pineapple, banana, coffee, copra and rubber are cultivated and processed for export.

Despite its abundance of resources, Mindanao remains the poorest region in the country. The advent of a democratic government in 1986 has brought few tangible improvements for the poor and indigenous groups in rural Mindanao. There are still fewer paved roads, hospital beds and lawyers per capita than anywhere else in the country, and telephones and utilities are a rarity.³⁷ More infants died before the age of one in this region than in any other regions of the Philippines.³⁸

Until the beginning of this century, the 13 indigenous groups known collectively as the Moro, or Muslims, accounted for 90 percent of Mindanao's population. The remaining eastern and southern mountain ranges were peopled by non-Muslim tribes, the largest of which were the T'boli, the Higaonon and the Manobo.³⁹ But three generations of U.S. and Philippine conquest and encroachment have changed the complexion of Mindanao, and nowadays it is the Christian settlers and their offspring who dominate the landscape. Today, nearly three-quarters of Mindanao's population are first- or second-generation immigrants from the neighboring islands of Cebu, Panay, Leyte, Samar, Bohol and Negros.⁴⁰ They speak related languages collectively called "Visayan," and the vast majority of them are Roman Catholic. Government statistics predict that this in-migration will continue as problems of overpopulation, poverty and landlessness deepen in other parts of the Philippines.

Since the American Commonwealth period beginning 1898, the central government has encouraged Christian Filipinos to "go south," to settle and develop Mindanao. The government rewarded the Christian settlers with land titles, while indigenous groups, who were unfamiliar with modern laws embodying the concept of private property, were evicted.⁴¹ Some journalists covering Mindanao for the American press likened the conflict to the

³⁷See National Statistical Coordination Board, *1991 Philippine Statistical Yearbook* (Manila:October 1991).

³⁸Region 10, 11 and 12, the central and northern regions of Mindanao have the highest infant mortality rates (75.5, 82.6, and 97.6, respectively) and the lowest life expectancy (58.8, 57.4, 54.4, respectively). See *1990 Philippine Almanac* (Aurora Publications, Manila:1990).

³⁹According to the *Philippine Almanac*, 256,106 were officially listed as T'boli, 128,054 were Higaonon, and 138,297 listed as Manobo in 1990.

⁴⁰James B. Goodno, *The Philippines: Land of Broken Promises* (London:1991), p. 241.

⁴¹*Ibid.*, p. 241.

winning of the American West. "The Christian settlers can be seen as Nebraska homesteaders, the mineral and timber magnates as the U.S. railroad magnates, and the Muslims, sad as it may be, as the Indians," wrote *Wall Street Journal* reporter Peter Kann in the early 1970s. Under the regime of the late Ferdinand Marcos, immigrant land claims were backed by vicious campaigns, conducted by government troops, police and armed fanatical groups. Many tribal communities, finding themselves "outgunned," withdrew into the more remote highlands.

The more politically organized Moro population, however, rallied by Moro intellectuals schooled in the most prestigious private universities, armed themselves with guns and a new Muslim nationalist ideology and began fighting back. In the westernmost provinces, where the Moro population still constituted a slim majority, a dynamic separatist movement emerged in 1968, and exploded in 1972, when martial law began. At its peak, the Moro National Liberation Front (MNLF) had between 20,000 and 30,000 armed members.⁴² More than 50,000 people died as a result of government efforts to crush the rebellion. In 1976, in a meeting in Tripoli, the Marcos government reached an agreement with the MNLF committing itself to the eventual implementation of an autonomous government for the 13 Muslim-dominated provinces. The truce quelled the rebellion, although Marcos failed to implement the agreement.

In 1989, the Aquino government signed into law an autonomy act granting Muslim Mindanao a watered-down, limited autonomy, which pleased no one. Only four western provinces opted to take advantage of it. In 1991 and early 1992, many Moro rebels remained armed, but fighting in the area had declined to sporadic attacks on government forces and occasional sabotage of power lines. The MNLF and the Moro Islamic Liberation Front, a faction which split off from the MNLF, operate primarily in the western and southwestern provinces of Mindanao, areas outside the scope of this report.

The accelerated advance of development projects into more and more remote areas also hastened the emergence of an organized, but localized, tribal opposition. In some areas, tribal communities have been fighting lengthy legal battles to get land granted to logging and agro-industrial corporations re-titled as "ancestral domain." In the past five years, intertribal coalitions and their advocates have attempted with very limited success to establish certain areas as protected "ancestral domain" territories.

Tribal communities have also been arming themselves. In some areas, working closely with the Armed Forces, they have been among the most enthusiastic recruits of paramilitary and militia groups. Across Mindanao, they have joined dozens of fanatic cults, armed with traditional long knives as well as military-issue weapons and often a bizarre brand of anti-Communist evangelical christianity. In other communities, they are joining or enlisting the assistance of the communist insurgency, or New Peoples Army.

The NPA in Mindanao

From the early 1970s through the mid-1980s, most of Mindanao was fertile ground for the expansion of the New Peoples Army (NPA). The rebels have drawn recruits from among the ranks of landless peasants, plantation and factory workers paid sub-survival wages, and indigenous communities displaced from their lands by lowland encroachment and agro-industrial development projects. Despite grisly purges and other violent excesses by the rebels in the early and mid-1980s, which weakened support among urban intellectuals and among the general population in western and southern Mindanao, the armed insurgency continued to launch frequent attacks on military and economic targets in several central and eastern provinces in early 1992.

Military officials said roughly 700 armed rebels roamed the mountainous, heavily forested region of the Mt. Andap Valley, including the eastern half of Agusan del Sur province and most of the province of Surigao del Sur. They declared Agusan del Sur and Surigao del Sur provinces as the "hotbed" of insurgency in Mindanao and promised to "crush" insurgency there in 1992.⁴³ The commander of the NPA in Mt. Andap Valley is reportedly the rebel priest, Father Frank Navarro. Targets of large-scale rebel attacks in 1991 have included military detachments, jails and, commonly,

⁴²Ibid. p. 246.

⁴³Herbie Gomez, "Police chief sees 'hot spot' in Agusan Sur, Surigao," *Gold Star Daily*, January 20, 1992.

municipal hall buildings. Members of the paramilitary CAFGU, particularly those posted in remote communities, have also often been the target of NPA attack.

Scattered, smaller rebel commands were reportedly operating in other regions of Mindanao in early 1992. Encounters were frequently reported in the forested regions of western Agusan del Sur and just south of the Agusan del Sur border, in the province of Davao del Norte. In the southern provinces of South Cotabato, Davao del Sur and Davao del Norte, an estimated 200 to 300 rebels continued to strike at military and police targets, usually in operations intended to capture arms, and at 'economic' targets, such as logging and mining firms. In Davao del Norte, nine civilians and two CAFGU were killed in an ambush of a passenger jeep. The NPA later issued a public apology. They wrote that the NPA would "investigate" to determine those responsible and punish them.⁴⁴

⁴⁴"Rebels apologize for untimely deaths of civilians," *Peoples Daily Forum*, Davao City, July 6, 1991.

MILITIA ABUSES IN AREAS OF ONGOING MILITARY OPERATIONS

In 1991 and early 1992, most military operations in Mindanao were taking place in two provinces, Agusan del Sur and Surigao del Sur. These are forested, mountainous regions peopled by unassimilated tribal minorities and by the newest, poorest migrant farmers. It is in these areas, remote from the public eye – and from public accountability – that most human rights abuses are taking place today.

The two neighboring provinces, located in the northeast part of the island, became the focus of a much-publicized military campaign in 1991. Between April and May 1991, more than 5,000 individuals fled to town centers from 18 villages around San Luis in Agusan del Sur and around Lianga and Tandag in Surigao del Sur because of military and NPA violence. In November 1991, Armed Forces chief Gen. Lisandro Abadia ordered that additional troops be deployed in the two provinces.⁴⁵

Asia Watch documented several killings and numerous beatings by CAFGU members in Agusan del Sur and Surigao del Sur. Most cases investigated involved militia members operating without direct military supervision. In addition, Asia Watch frequently heard that CAFGU members carried their military-issue high-powered rifles at all times, even when unsupervised, and out of uniform; this was confirmed several times by sight and in news reports of encounters. As the Lawyers Committee for Human Rights noted in 1990, these findings are in violation of "the intent, if not the letter, of Executive Order No. 264 and the CAFGU regulations."⁴⁶

Military guidelines mandate that the CAFGU is primarily responsible for defense and peacekeeping functions in areas already "cleared" by combat operations. But local human rights monitors and victims reported that CAFGU members also played a role in front-line combat operations. CAFGU were also used as informants to identify subversives in local communities. Several cases investigated below indicate that CAFGU members pervert their role as informants by identifying as "subversives" individuals against whom they have a personal grudge.

In other cases, random violence by CAFGU members appeared to be a response to violence by the NPA. In remote areas targeted by rebel forces, CAFGU units appeared to be "sitting ducks" for NPA attacks, which were usually aimed at capturing arms. Because of their inferior numbers and training, the militiamen often handed over the arms immediately. Regional news reports often listed CAFGU among the casualties of military-NPA encounters. In one representative case, 150 guerrillas attacked a CAFGU outpost of 30 in a remote village outside San Miguel, Surigao del Sur on June 25, 1991. Two CAFGU were killed, one wounded and two taken hostage. The following day, one of the CAFGU involved in the encounter beat and threatened three residents, apparently arbitrarily.

Abuses with Impunity

Victims of CAFGU abuses rarely go to the military to seek redress for maltreatment.⁴⁷ As one peasant cooperative leader in San Miguel who has been threatened and harassed countless times over the past five years explained, local residents often live in fear of the CAFGU and his commanding officer. The victims usually know the CAFGU member personally, because he lives in the community. Once complaints are filed, it may take a long time, if ever, before the perpetrator is disarmed.

⁴⁵"Military offensive launched," *Butuan Star*, November 1-7, 1991.

⁴⁶LCHR, *Out of Control*, p. 121.

⁴⁷Human rights groups have repeatedly complained that human rights laws are rarely enforced. For a good discussion of the problem, see the Lawyers Committee for Human Rights, "Impunity: Prosecutions of Human Rights Violations in the Philippines," (New York: September 1991).

In a few recent cases, victims filed cases with the Commission on Human Rights in Surigao del Sur or the provincial prosecutor. However, Asia Watch learned of only two cases in 1990 and 1991 where abusive CAFGU members, including one charged with murder, were discharged from active duty. In neither case was the militia member prosecuted by the courts. The same individuals continued to carry firearms freely, instilling fear in the community. In San Luis, human rights victims and their families continued to live in evacuation centers because of fear of returning to their homes.

CAFGU Abuses in San Luis

Along the banks of the Maasam River lies a forested, sparsely populated land licensed to and logged by several large logging companies. The western banks are home to the Banwa'on tribe, a nonliterate, nonassimilated ethnic group. North of the Banwa'on areas, extending 15 miles to the town of Esperanza, lives another tribe called the Higaonon. To the south, around the municipality of LaPaz, a community of Manobo live. The Higaonon and Manobo were both said to be interested in taking over some of the Banwa'on lands, which has resulted in a state of simmering tribal conflict since 1985.

The local tribal communities subsist on traditional slash-and-burn farming, hunting, fishing and more recently, small-scale logging. The Banwa'on territory is the most remote of the three tribal communities, accessible only by river, and, more recently, by a single dirt logging road. By *gakit*, or raft, the trip from the Banwa'on areas to the market center, Kalilid, takes about three days. Until recently, the people there had no schools, clinics or other contact with government. All government services were located downstream east of the Maasam River, in the largely Visayan population center. The Catholic church, however, had built a small primary school and a health clinic for the Banwa'on, and acted as an advocate for the residents there.

Since the mid-1980s, however, the Banwa'on and other tribes have come to know the military very well. The forests along the Maasam River have been a refuge for the New Peoples Army, and both the NPA and the military have tried to engage the two tribal communities in the conflict. The government, for its part, has had limited success. In 1985, under the leadership of a Higaonon mayor, Lavi Manpatilan, the Higaonon of Esperanza signed up with the CHDF in large numbers. The Manobo also joined CHDF units. However, most of the Banwa'on of the lower Maasam River forests refused.

Since then local church workers and tribal leaders said the military has intermittently attacked Banwa'on communities on suspicion of being rebels or rebel supporters. "We refused the [military's] guns, because we do not want any part of this war," explained Datu Mantalapuk, witness to killings described below. "But now, they accuse us of being rebels, and we are defenseless."

Some of the most vicious abuses have been committed by the Higaonon. In 1988, the training and arming of the Higaonon became the obsession of a renegade military commander, Lt. Col. Alexander Noble of the army's 23rd IB, and Higaonon militia there are still locally known as the "Noble CAFGU." Noble staged a right-wing revolt against the military in Agusan del Sur in July 1990. Upon his retreat to the forests west of Esperanza, he was joined by roughly 200 fiercely loyal Higaonon CAFGU, who defended Noble against capture for nearly two months against six army and marine battalions. However, while Noble was eventually captured and imprisoned, most of the CAFGU were pardoned. Within weeks, they were reactivated under the command of the 36th IB based in the town of Prosperidad.

In mid-1991, military forces, supported by the Esperanza-based CAFGU, intensified operations against the estimated 300 NPA⁴⁸ in San Luis. The main target fell inside the Banwa'on areas. Human rights groups said military operations led more than 500 families from seven villages in the towns of San Luis and Prosperidad to seek refuge in town centers. Local military officials at the time were quoted as saying that there were "some tolerable abuses" by

⁴⁸Estimate by Brig. Gen. Renato Garcia, 401st Infantry Brigade commander, in "NPA Camp Overrun," *Butuan Star*, September 6-12, 1991.

government forces during operations.⁴⁹

Traditional avenues of justice long used to quell intertribal conflict, such as meetings of the local headmen, or *datu*, appeared to have failed in 1991 with the entry of arbitrary military force. Armed with sophisticated guns and given license by ongoing military campaigns against supposed rebel hideouts in the area, the Higaonon and Manobo had become bolder in asserting claims over the Banwa'on territory.

A leader of the Banwa'on tribe believed his community was being attacked because of a land dispute:

In 1988, Boy Mendoza, a Manobo logger, met me and said that he wanted to make the Banwa'on territory part of the Manobo Community Reservation, but I refused. He threatened me and said that our territory will be marked with "red" if I refuse. After my refusal, a series of military operations happened in our place up to the present.⁵⁰

Asia Watch investigation of massacres in San Luis appeared to support the contention of local human rights groups and tribal advocates that Higaonon and Manobo CAFGU were perverting the aims of counterinsurgency to terrorize and evict civilian Banwa'on communities in 1991. Abuses documented by Asia Watch commonly occurred while residents were evacuating areas undergoing military operations, or during their return to their homes and farms. Asia Watch recorded first-hand accounts of survivors of two killings of seven individuals by suspected CAFGU members in mid-1991. Three unconfirmed killings reported by local human rights monitors during the same period also pointed to CAFGU involvement.

In addition, Asia Watch documented several incidents where local residents were arrested without warrant and were maltreated by combined CAFGU and regular forces. Affidavits by several other victims suggested that warrantless arrest and mistreatment of civilians were routinely practiced during large-scale military operations.

Four killed in Kilabonog

Three survivors of multiple killings in Kilabonog, a western Banwa'on village of the town of San Luis in Agusan del Sur province, described the attack by the Higaonon CAFGU which left four members of their extended family dead.

* **Marlo Manlano, 25, recounted that the killings occurred at roughly 6 a.m. on May 22, 1991 at a bend in the Maasam River, roughly 30 miles from the municipal center of Kalilid, San Luis.**

An extended family of 30 individuals, all members of the Banwaon tribe living in a forest concession known only as "Site I" and accessible only by river and by a single logging road, were traveling by river to Kalilid the morning of the incident. During the three days preceding, a large-scale military operation had occurred near their community, including bombing and gunfire from helicopter gunships. As troops from the 36th and 8th Infantry Battalions approached their settlement, the group decided to evacuate downriver. At dusk on May 21, they packed their belongings on two rafts and three longboats, and began floating in darkness downstream. The trip was expected to take three days. The group carried no weapons, and included at least fifteen children.

Just at dawn on the next morning, as the first longboat ridden by Betty Manlinawan was rounding a bend, shots rang out without warning from the right bank of the river. Manlano looked up, and saw 10 men on the right bank, about 30 feet distant from the raft he was steering. They wore CAFGU uniforms and had automatic rifles outstretched at shoulder height; they fired ceaselessly for about five minutes. About 12 feet to his left he saw Cecil Salbuan, age 2, and Eding Hulibayan, age 50, as the two were struck by a single bullet that penetrated the chest of the child and then that of

⁴⁹"Military operation turns seven villages into war zones," *Central Mindanao Newswatch*, June 19, 1991.

⁵⁰Interview with chief Datu Mandagsangan, *Yawos Silatan*, March 1991, p. 7.

the woman, on whose lap he was sitting. After the first volley, Manliano and the others jumped into the river and fled into the dense forest.

For three days, he searched for the others until all of them were reunited. Then he returned to bury the bodies on May 25. Manliano found Manlinawan, age 20 and pregnant, with bullet wounds on her cheek, forehead, right arm, shin and lower back. Dodong Andres, 47, was shot on his forehead, upper left arm, both legs and the back, with that bullet exiting his front chest. Three water buffalo and a dog were also found shot dead, and the group's clothes and a sack of rice were taken.

Manliano said he recognized all of the gunmen as Higaonon tribesmen and as members of the CAFGU detachment based in Tagbilili, a village in the municipality of Esperanza. He knew them because he is a former member of a Civilian Home Defense Force detachment led by the brother of their CAFGU detachment leader. He identified the gunmen as Datu Manlinunhaw; Datu Mandumaging; Baldes Otasa; Manliwanay Mansalawag; Danilo Hulibayan; and six known only by their Higaonon first names, Tirso, Walah, Dalahun, Biyasa, Gintulo and Tagdiwa. Two of the ten, Danilo Hulibayan and Baldes Otasa, are listed as active-duty CAFGU and former CHDFs in the provincial governor's office; the others could not be confirmed because the victims did not know their Christian names, under which they are officially listed.

Asia Watch interviewed two other eyewitnesses, Datu Mantalapuk and Ben Katanaw, whose accounts corroborated that of Manliano. The witnesses said they believed the CAFGU were stationed there to seal off any escape from the areas where the military operations were going on.

The group fled to Kalilid, where they set up shelter on the outskirts of town and sought assistance by the church in June, 1991. Also in June, Mantalapuk, who is the tribal leader, went with Manliano to the mayor of San Luis, Jun Chua, to request that charges be filed against the perpetrators. Chua promised assistance and an investigation. Chua told Asia Watch that his Vice Mayor had investigated the case and submitted findings to the provincial governor's office in November 1991. As of January 1992, there was no record of any investigation at the governor's office, nor had he heard of the case. The regional Commission on Human Rights (based six hours drive away in Cagayan de Oro City) also said they had no knowledge of the incident.

Although local clergy expressed fears for their security, the witnesses interviewed wished to testify in court. However, they said they needed financial and legal assistance. None was literate, nor were any familiar with the legal system; their poverty was so extreme that they had no funds to pay for personal travel to the provincial court in Prosperidad, about three hours away by jeep.

Killings in Tambo

A survivor of the extrajudicial executions of three civilians in Tambo, a Manobo village in the west of Agusan del Sur, told Asia Watch the attack came while the family was eating dinner.

The witness, name withheld, said the attack occurred just at the beginning of dinner, after dark, at around 7:30 p.m. on September 23, 1991, in a tiny hillside community known only by the kilometer mark, "44," on the logging road that leads into the logging concession in San Luis municipality.

At the time of the attack, there were seven people in the hut, a traditional Manobo hut set on six-foot-high stilts with a low roof but no enclosing walls, and they had just sat down to eat. On the floor they had lit a kerosene lamp, so the occupants were clearly visible from outside the hut. The nearest neighbor, however, is about a half-mile away. None of them was armed.

That evening, the head of the household, Datu Mantalata, who was also the tribal leader of the community, had just returned from kilometer mark 60, about 11 miles west, where the manager of Ayala Logging Company was stationed. Mantalata had with him a box of provisions: sardines, candy, sugar and biscuits, which he had just bought with some of the harvested rice. The others had just come in from a day harvesting rice in the fields nearby. Four

people were seated in a line on the lower platform, and three on the slightly raised platform behind.

Suddenly, without any warning, the gunfire began "like firecrackers," the witness said. She was seated in the upper platform, to one side. The blast came seemingly from several directions at once, but it was dark, and the witnesses were unable to see the origin of the gunfire. During the firing, the witness said she had immediately ducked over to lean on the body of the man next to her, a neighbor named Bensyo. She heard five gunshots.

When the survivors got up, they found the three men dead. The three appeared to be the targets, since none of the four others was even grazed. The dead included Datu Mantalata, between 60 and 70 years old; his son, Aki Mantalata, 19 years old, both of whom were seated in the lower, front platform at one end; and Bensyo Pacing, 55 years old, a neighbor who had come for a visit, and who was seated in the middle of the raised platform. Pacing died instantly from a bullet wound to the face; Aki Mantalata died of bullet wounds to the chest and crotch, apparently struck from a gun fire from under the floor; and one bullet struck Datu Mantalata in the underarm, penetrating the chest.

The survivors included the Datu's wife and 12-year-old son, the Datu's invalid sister, a cousin and a neighbor. The group fled to the nearest neighbor's house, about a half mile away and over a hill. Upon returning the next morning, they found the shells of bullets used in Garand rifles, a type issued to local CAFGU recruits, and bootprints in three places: under the flooring, and on either side of the house.

Some relatives of the victims then went to the nearby CAFGU detachment led by a former CHDF, Boy Mendoza, under the command of the 36th Infantry Battalion. At the time, Mendoza took photographs of the bodies and ordered the corpses brought to the center of the barrio of Tambo, to the Baptist Church, despite family members' plea that the bodies simply be buried near the house that same day.

The witness said she believed CAFGU members under the command of Boy Mendoza were responsible for the killings. The New Peoples Army is not active in the area, but the victims were suspected of being members of the "Alimaongs," or Manobo tribal warriors suspected of working with the NPA. She said the local CAFGU, who are generally tribespeople from the adjacent municipality of La Paz, are known to have committed abuses in the past.

The real motive for the killings, however, appeared to be a personal feud between Datu Mantalata and his neighbor, whose sons were CAFGU members. The neighbor had reportedly given Mantalata a water buffalo in exchange for chopping down the forest on his land. Because of the drought, however, the neighbor could not get transport the lumber by the stream, and wanted his water buffalo returned. The week before the incident, several local CAFGU came and attempted to take Mantalata's water buffalo away by force, but failed. A teenage member of the local quasi-religious vigilante cult group, the *Pulahan* ("Red Ones," so called because they sport a red cloth on their heads or knife handles), told the witness a few days after the killings that Mantalata had been "under surveillance" by Boy Mendoza's CAFGU. On the day of the massacre, the teenager said, Mantalata was followed by a notorious local CAFGU from the Banwa'on tribe known only as "Sammy."

The CAFGU and *Pulahans* are known to be involved in small-scale illegal logging activities. The *Pulahan* believe that certain rituals protect them from being penetrated by bullets. Before going to battle with the New Peoples Army, they make signs of the cross on various parts of their bodies. According to the witness, many anti-communist *Pulahans* had joined the local CAFGU forces as recruits or military assets.

The family reported the case to the San Luis mayor, Chua, but as of January, 1992, no case has been filed. The family of the victim had not returned to their home because of fears for their safety. Like witnesses to the previous case, they wanted to file a case, but had insufficient funds to travel the distance to the provincial courts in Prosperidad, at least a day's travel away.

Abduction and mistreatment of civilians by military and CAFGU

Seven cases of maltreatment of civilians during a May 1991 military offensive were documented by Asia

Watch. In each case, CAFGU from Aurora, a village about five miles away from the site of the military operations, accompanied the soldiers from the 36th and 8th IBs, beyond the territory they are restricted to under the guidelines set up by the government. The three CAFGU members who were positively identified were listed as active-duty CAFGU and were also listed as former CHDF in rosters filed at the provincial government offices.

Jose Abing

A farmer, Jose Abing, 29, asserted in a May 20, 1991 affidavit filed with the provincial prosecutor that he was tortured after he was picked up in an area of recent military operations by a group of CAFGU members and soldiers in the village of New Visayas, in the town of Prosperidad.

At 8 a.m. on May 2, 1991, Abing was picked up at his farm by soldiers from the 36th and 8th IBs accompanied by nine CAFGU members, whom he identified as Felipe Rodriguez, Leoncio Ebanez, Felimon Ebanez, and six known only as Abawan, Rolly, Benben, Tony Carting and Doloy Guyay. He stated that the CAFGU grabbed him and hung him upside down out of the window of Abing's own house. Then they forced Abing to drink a half-gallon of vinegar. Soon afterwards, the CAFGU released him and left, taking his rooster and his neighbors' chickens.

Abduction of six residents

Two farmers from the village of New Visayas, within the municipality of Prosperidad stated in a joint affidavit that they were picked up by a group of CAFGU members and soldiers from the 36th and 8th IBs and tortured on suspicion that they were NPA rebels.

In their May 20 affidavit filed with the provincial prosecutor, Jaime Baluyos, 27, and Bonifacio Gabuya, 21, stated that they were forcibly taken from their homes on May 4, 1991 at 5:30 a.m. They asserted that they were shown no warrant of arrest and that they had not committed any crime. (Under Philippine law, warrantless arrests are considered legal if the arresting officer has grounds to believe that the suspect is a member of the Communist Party or the NPA). They stated that they were repeatedly punched and kicked by nine CAFGU members, identified by name as the same men who apprehended Jose Abing (above). Their commander, a Sergeant Felasol of the 36th IB, looked on but did not stop the beatings.

Afterwards, the CAFGU bound their hands and tied a noose around Baluyo's and Gabuya's necks, using nylon rope. In this manner, they were marched overland to the village of Cecilia, in the town of San Luis, about seven miles away. When they arrived, they were given food, but every time they tried to swallow, the soldiers yanked their nooses tight. Then a soldier, a member of the 8th infantry battalion, approached the two with a knife and threatened to cut off their ears, but he was restrained by the others, who said the two were needed as guides. Later, however, they were released for no apparent reason.

A day later, four residents, a farmer, name withheld, was abducted along with his son, his neighbor and his neighbor's son by military forces on May 5, 1991.

The farmer recounted that the four were apprehended at their house, about a mile and a half from the center of the village of Muritula. The site of the incident was only roughly a mile from Cecilia, the village named in the May 4 incident above. Muritula is about six miles north of the municipal center of San Luis.

In the weeks immediately preceding his abduction, troops belonging to the 36th IB based in the village center had been waging an offensive against supposed NPA guerillas in the area. During the offensive, the farmer claimed, the military ransacked their peasant cooperative store. At the time, the farmer and his family had fled their farm for the evacuation center in San Luis town center. But food ran low, so he decided to return with his eldest son Larry on May 5, 1991 to retrieve some corn and mill it with his wooden mill. A neighbor, Cresencio Ando, 38, and his son also returned to retrieve some of the harvest.

Upon leaving the mill that afternoon at about 4:40 p.m., the four suddenly encountered between 45 and 60 military men, a composite team from the 36th Infantry Battalion and the CAFGU detachment. The leaders approached

the farmers and took their sacks of corn. Upon questioning, the four said that the corn was for their families, but the military insisted the food was for the NPA.

"There were so many soldiers that it seemed like wherever I looked, there was the color of uniforms. I was shaking with fear, because they were pointing their firearms at us. I thought to myself, what can I do to stop my being killed?" the farmer recalled.

The soldiers accused the men of feeding the NPA, and the four responded that they had done so at times in the past, but had had no choice. Then, the farmer watched as four of the soldiers, one with a name patch that read "Cornelio," the other "Reyes," began kicking Anda all over his body while accusing him of being an NPA "murderer."

The four were ordered to accompany the troops on their march northwards. Over the next 14 days, they continued to be held in custody. They accompanied the troops by foot for 20 miles, and were used several times as guides in the military's search for rebel hideouts. At the military encampment, they were ordered to do the daily cooking and cleaning.

No charges were presented during their 15-day abduction, in violation of laws limiting detention without charges to 36 hours. On May 19, after more interrogation, the four were released in Bayugan, a municipality about 30 miles north of San Luis. One of the four, Cresencio Anda, filed an affidavit a week later in San Francisco, Agusan del Sur. As of January, 1992, the provincial prosecutor had still not brought charges against the 36th Ib. The farmer said he wanted to press charges, but probably would not do so. "I have no experience in filing a case," he said, "and I must admit, I'm scared too because the military and CAFGU are still there in my neighborhood."

Dante Marevilles

A week later in Muritula, a fifth resident, Dante Marevilles, 25, asserted in a May 25 affidavit that he, too, was picked up by two members of the 36th infantry battalion at 6 a.m. on May 14 outside Muritula. He stated that the two accused him of being an NPA sniper responsible for an ambush in their village. He denied the allegation, and the two responded by binding his wrists and ankles with plastic-coated wire. Then Marevilles was repeatedly kicked, poked and humiliated. The soldiers then stapled fliers to his ears. Marevilles was released later the same day. He has since gone into hiding.

CAFGU Abuses in San Miguel

San Miguel is a dusty frontier town located in one of the least populated, wildest corners of northeast Mindanao. In the 1970s to early 1980s, San Miguel, like much of the province of Surigao del Sur, was largely under the sway of an insurgent "shadow" government, backed by hundreds of armed, barefoot rebels under the command of a former Catholic priest, Father Francisco Navarro.

In late January 1992, the town was in a state of military occupation. In more remote communities, soldiers were lodging in residents' homes; until early January, troops had also been encamped right in front of the central primary school. Military officials pointed to Surigao del Sur as a focal point in the government's counterinsurgency campaign,⁵¹ and weekly reports of military encounters in San Miguel found their way into regional newspapers, which were not available to local residents, and onto radio, which was. There were also stories describing the elaborately staged "surrender" ceremonies of entire communities, which military officials used to back up claims that they were winning the war.⁵²

⁵¹ Herbie Gomez, "Military crushes communist backbone in Surigao del Sur," *Gold Star Daily*, May 17, 1991, and "PNP sees 'hot spots' in Agusan Sur, Surigao," January 20, 1992.

⁵² Ikit Quico, "88 rebel returnees undergo SOT reorientation seminar," *Gold Star Daily*, Jan. 21, 1992; Mark Quico, "30 NPAs surrender," *Mindanao Forum Standard*, Feb. 2-3, 1992.

Local officials concurred that the NPA had indeed lost ground in San Miguel in 1991, but military officials estimated there were still between 500 and 700 armed rebels in the area; police officials said 60 percent of villages, or *barangays*, were controlled or infiltrated by the Communist Party.⁵³ In one instance on July 25, 1991, roughly 250 rebels waged simultaneous attacks on a barangay and the municipal hall in downtown San Miguel, resulting in four military and six civilian deaths and the wounding of 19 others.⁵⁴

The military's success in beating back the insurgency, however, had its costs. The continued proximity of active rebel forces had legitimized the military's almost complete dominance over civilian authorities. Village officials, speaking on the condition of anonymity, told Asia Watch they had lost authority over police and civic functions and were afraid of reprisals should they complain. Tainted by long association with the rebels, they were unwilling to speak out against abuses by drunken or abusive militia members.

By and large, the victims of assaults, harassment and threats continued to be members and leaders of legal peasant cooperatives and their supporters in the Church. In most cases documented by Asia Watch, the attackers belonged to the 62-member CAFGU in San Miguel. Meanwhile, the military had plans to recruit and train an additional 88 members in 1992.

Abuses against peasant organizations

The vast majority of San Miguel's 30,000 residents are impoverished tenant farmers and small landholders, who eke out a meager subsistence cultivating rice, corn and vegetables for family consumption. In early 1992, none of the town's 18 barangays had electricity or running water, and the few dirt roads connecting the farms to the market were often impassable during the six-month rainy season.

Poor peasants, driven by economic expediency and encouraged by an activist church, have organized community-based farming cooperatives throughout San Miguel. Roughly ten percent of households had joined cooperatives affiliated with the local peasant organization, KAMAGTONG, which is a local chapter of the Kilusang Magbubukid ng Pilipinas (KMP), a national militant peasants' organization.⁵⁵ The military had openly labelled these cooperatives as Communist-led or -infiltrated organizations. But the peasants, despite threats, maintained and even strengthened the cooperatives, insisting that they had brought demonstrable improvement in people's standard of living.

Military and militia threats and harassment continued throughout 1991 and early 1992, despite the fact that several of the cooperatives had gained official legitimacy, obtaining loans from national and international lending institutions for small-scale development projects. One incident plainly illustrated the military's view of these organizations. In January 1992, soldiers raided a cooperative storage shed in Apique, San Miguel, seizing 46 sacks of rice. The battalion commander claimed that it was a secret shipment of rice for the rebels; the cooperative chairman insisted that the rice was set aside as payment-in-kind for interest on a 200,000-peso (\$8,000) loan from the LandBank, the national lending institution for agricultural development projects.

Asia Watch documented several cases of abuses by militia in 1991, usually in the presence of, if not direct participation of, regular forces in San Miguel.

Rodrigo Princesa

⁵³Manny Catubay, "Rebels backed by local dads," *Gold Star Daily*, Dec. 9, 1991.

⁵⁴Carol O. Arguillas, "NPA attacks in Surigao Sur leave 14 dead," *Philippine Daily Inquirer*, June 27, 1991.

⁵⁵Estimate by church worker in San Miguel.

Rodrigo Princesa, a 38-year-old farmer from the village of Santa Cruz, San Miguel, described how he was threatened and beaten unconscious by a group of CAFGU in the presence of their military commander. He said that at 4 p.m. on December 16, he and a friend, Marcos Avila, went to a local storehouse owned by Ceding Galindo to get diesel fuel for Avila's bulldozer. Upon approaching the house, a neighbor told them that some CAFGU men from the local detachment and their commander from the 29th IB were inside drinking.

The owner invited them in for a drink, so the two sat down in the kitchen, the next room away from where the militiamen were seated. All the militiamen were in uniform and armed with Garands, and were evidently drunk. One of the CAFGU members, Romy Cabacas, asked them to join the group for a drink and so Avila ordered a round of beer and joined the militiamen.

Princesa was nervous about joining the CAFGU, since he is a member of KAMAGTONG, and Princesa's neighbors had also told him there were rumors that he was going to be "salvaged," a term in the Philippines for extrajudicial killings. But Princesa joined them around the small table so as not to appear rude. Later on in the evening, the cadre, Sergeant Alejandro "Al" Calooy, put his arm on Princesa's shoulder and drew him towards the door because he wanted to "have a talk." As Princesa approached the door, Jimmy Otera, a CAFGU member, grabbed Princesa by the neck and threw him down on the floor and began kicking Princesa's prone body. The other CAFGU members, identified as Eddie Roluna, Orly Orturo and Romy Cabacas, immediately joined Otera. Sgt. Calooy stood by. Princesa lost consciousness momentarily.

While Princesa was lying on his back, Otera stamped on his abdomen and chest with enough force to break two ribs and leave footprint-shaped bruises on his chest. His cheeks, head and legs were also bruised. Two months later, he had trouble breathing and was still unable to do farmwork.

At some point, the son of the restaurant owner approached and helped Princesa stand up and get out of the house. Otera followed, and, laughing, and when Princesa was about 45 feet away from the store, Otera fired two shots in the air, shouting "You brave man! You lousy NPA!"

The following day, Princesa reported the incident to a village councilman, who advised him to go to the Commission on Human Rights. He then filed an affidavit with the CHR. On November 18, Princesa sought the help of the local human rights monitor, who brought him in to the provincial hospital in Tandag for x-rays and treatment.

Princesa and other community members interviewed said several of his attackers -- Otera, Orturo and Cabacas -- are known as especially abusive when drunk. Human rights monitors said Cabacas is implicated in a killing in a community a mile and a half away from Santa Cruz. Two months later, in January 1992, Otera, Cabacas and Orturo were still listed as active-duty CAFGU at the 29th IB headquarters. Calooy, of the 29th IB, has himself been implicated in attacks on members of peasant cooperatives in San Miguel in 1990 and 1991.

Despite the fact that Calooy's battalion, the 29th IB, had been transferred the month before, Calooy had stayed behind with the CAFGU unit he trained. Calooy was one of four commanders left behind with their CAFGU detachment, according to military officials. The 29th IB was transferred after its reputation was tarnished by numerous human rights abuses, including the unprovoked killing of two civilians and wounding of five in August 1990 in Libas Sud, a remote community of San Miguel.⁵⁶

Abduction and beating of two farmers

⁵⁶Multiple murder charges were pending against the alleged leader of the attack, Lt. Felix Mangyao, after local government and church investigators issued a report. "A Fact Finding Mission Report of the Massacre Incident in Barangay Libas Sud, San Miguel," Diocese of Tandag Justice and Peace Office, Surigao del Sur, Sept. 20, 1990. The report strongly implicated the commanding officer and his company. Sixteen months after the shootings, victims in Libas Sud received government funds for medical and burial fees from the Commission on Human Rights.

The father of a farmer recounted the story of his son's abduction by two CAFGU members on June 26, 1991 in the municipal center of San Miguel. The son was also a member of KAMAGTONG.

A day before the incident, the NPA had waged a full-scale attack on the town of San Miguel. One of the main targets of the attack was said to be a CAFGU member, Tony de Guzman, who resides in the town center. De Guzman escaped harm, but 14 were killed in the attack and de Guzman's close associate, CAFGU member Eddie Roluna, was one of 19 wounded.

On the evening of the incident, the man's son and two companions were waiting on a street corner in San Miguel for a ride to take them back to their homes in Bolhoon, about 10 miles away. At that time, they were approached by two armed men; they were CAFGU members Tony de Guzman, and de Guzman's son-in-law, nicknamed "Bodoy." De Guzman grabbed the young man by his face, and yelled "You are one of the NPAs in that attack on San Miguel!" The young man denied it, and de Guzman began to punch him, striking his head and ear with his M-14 rifle. Then he struck the victim's ribs, so hard that the rifle broke. The young man and his two companions were then forced into a dark alley. At that moment, however, an old woman passed by and looked their way. De Guzman ceased the beating, and let the three go, after warning them not to tell anybody about the incident.

The group recognized de Guzman and Bodoy. The two and a group of CAFGU members had passed through their neighborhood in Bolhoon several times in the past year, asking families if they were giving aid to the NPA. When they came, the man said, they stole things, like chickens. De Guzman always appeared to be the leader. The year before, Bodoy had been among those shot and injured in an NPA ambush in a neighboring community.

The father saw his son the morning after the attack. His head was bloody, and there were bruises on his chest. He had a cut above his right ear. The young man went into hiding soon after, and his whereabouts in January 1992 were unknown.

Jaime Quieta

Jaime Quieta, 25, chairman of a local farmer's organization, described how a masked CAFGU member pressed a lit cigarette in his face in full view of soldiers from the 29th IB. in Bolhoon, San Miguel. He and two neighbors said they were used as a shield by military troops after the attack.

At 3 a.m. on August 27, 1991, when the farmer and his wife awoke to the sound of dogs barking. At about 4, they peered out the window and saw that soldiers, about 30 of them, had surrounded their neighbor's house, about 40 feet distant. A few minutes later, soldiers surrounded Quieta's house and ordered the family outside. Quieta said the soldiers were in combat position, lying on the ground with rifles poised to fire on him. Three soldiers approached Quieta, with rifles drawn, and demanded to be shown the firearms and the two NPA rebels they had been told were in his house. Quieta repeatedly denied the claims. After several minutes of interrogation, during which he was not touched, one soldier told him "If you don't admit these things, you better watch yourself."

Then the soldiers left him alone while they initiated a search of his house. At this point, a man wearing a white hood showing only his eyes approached Quieta. He was smoking a cigarette. "You'd better confess, because we have a reliable report," he told Quieta, and continued pressing him about the whereabouts of the rebels. Quieta protested again that he knew nothing and would answer no more questions. The man responded "So you're good at answering questions," and grabbed his head, pressing the lit cigarette butt into his face. Quieta recognized the voice as that of CAFGU member, Tony de Guzman, who is familiar as a fish vendor in the neighborhood.

At that moment, a soldier, who Quieta presumed to be the commanding officer, ordered all the men in the neighborhood out of their houses. Ten of them were forced to line up in single file. "We were made to understand that we were going to walk with them to San Roque as a shield because they thought the NPA wouldn't attack them if we were alongside," he said. The men marched with the troops up to San Roque, a village about two and a half miles away, where they were encamped, and then released.

Quieta's neighbor, name withheld, recalled that, at about 3 that morning, men yelled at him to open the door. He refused because it was still dark and he was afraid. But the soldiers went around back, and, led by a CAFGU member, five of them broke through a hole above the kitchen door. The CAFGU man had a white mask beneath his military helmet, but the neighbor recognized him right away as Tony de Guzman.

The witness said the soldiers, who were members of the 29th infantry battalion, pointed their firearms at him and asked him to tell them where the NPA rebels were hiding. He couldn't identify them, because he is illiterate and could not read their nameplates. He repeatedly denied having any knowledge of the NPA's whereabouts, and after several minutes the soldiers left and went to Quieta's house. A little later, soldiers returned and ordered him out of the house. He was pushed into the road, where about eight men in the neighborhood were already gathered. There were between 20 and 50 soldiers, he said. One man was sent to wake the village head. When the head came out, the commanding officer asked "permission" to bring the men along as escorts on their route back to the detachment, adding that none of the men would be hurt. A second neighbor corroborated Quieta's and the first neighbor's story.

This shielding incident clearly violated international laws of war. Under Protocol I, Article 51, Number 7 of the Optional Protocols of the Geneva Conventions, to which the Philippines is signatory,

Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.

Col. Santos Gabison Jr., who was stationed in Bolhoon at the time of the incident, told Asia Watch that his troops did not use civilians as a shield.

The incident also illustrated how the local CAFGU -- in this case, Tony de Guzman -- were used to pinpoint and "rough up" local residents suspected of sympathies for the NPA.

Col. Gabison, however, denied that de Guzman was present during that operations. De Guzman, he said, "was not utilized by us on that occasion. I told my people we should not be utilizing him."

Several community members interviewed by Asia Watch recalled that, during the past three years, Tony de Guzman had physically assaulted several of them, whom he pinpointed as NPA rebels. De Guzman abducted a local resident, Jesus Martinez, in 1986, while de Guzman was with the CHDF. According to a relative of Martinez, the victim was later found dead floating in the Tago River. "But that was before there were human rights investigators," she said.

Local church councilmembers and human rights monitors were also able to identify a dozen separate victims allegedly killed by Tony de Guzman over the past seven years. All of those killed were farmers suspected of being NPA. In most cases described, the victims were taken from their houses and later found dead by a single shot in the head. In one case in 1986, De Guzman was suspected of setting a hut on fire, incinerating an elderly couple inside.

De Guzman is known throughout the area. He is often seen wearing a red headscarf, and people say he carries a human kneecap as talisman to make him impenetrable to bullets. His background as a fish peddler and passenger motorbike driver made De Guzman familiar with the remotest settlements, and may explain why he has often been used as a guide in military ambushes of the NPA.

Lack of accountability

According to military officials, the CAFGU commanding officer and the local civilian leaders are supposed to share supervision of the CAFGU troops. In San Miguel, it sometimes seemed as if no one was in charge.

When asked about disciplining the CAFGU recruits currently stationed in San Miguel, the commander of the newly posted 67th infantry battalion, Lt. Col. Jose Barbieto, told Asia Watch that he was not authorized to discharge or punish abusive militia; the 29th Infantry Battalion, which had just been transferred to a post 20 miles away, "did not

cede to us the discipline of these CAFGUs," he said. However, Barbieto's testimony was directly contradicted by the commander of the 29th IB in Tandag, Maj. Esperidion Balintag. Balintag said his battalion was no longer in charge of the discipline and punishment of the CAFGUs in San Miguel.

No one wanted to take responsibility for CAFGU member Tony de Guzman. Military officials told Asia Watch that de Guzman was discharged from active-duty CAFGU service on August 1, 1990 by orders of the regional command. However, this contradicted both the eyewitness reports of residents in Bolhoon, as well as statements by the mayor of the town of San Miguel and other local officials, who asked that their names not be used. Mayor Josite T. Elizalde asserted that De Guzman was one of 14 CAFGU members posted in the town center. In 1990, he was discharged. But in July 1991, after the NPA staged its attack in San Miguel, he was reactivated. He could recall numerous abuses by De Guzman from his constituents, but said De Guzman was "out of his hands."

"For the civilians, he's so hostile," explained Elizalde. "But for the military, he's an asset."

"Forced surrender," forced recruitment of village guards

CAFGU abuses in San Miguel took place in a climate of widespread military coercion and intimidation of civilians and challenges to civilian authority. Allegations of population control below appear to suggest that the military would not tolerate even the slightest dissent in areas of ongoing military operations.

Village guards

Father Eligio Bianchi, San Miguel parish priest, described the enforced recruitment of unarmed village guards, called the *bantay bayan*. From July to November, 1991, after the NPA attacked the village of Siagao and the town center of San Miguel, a 10 p.m.-to-dawn curfew was instituted. All adult male residents of in the *puroks* of San Miguel, each representing 20 to 30 households, were enlisted into the local *bantay bayan*. Each *purok* was obliged to man checkpoints from 5 p.m. to 5 a.m. every night. In some cases, when soldiers found that a checkpoint was not manned, residents were punched, and in other cases, some were forced to work at the army detachment without pay. Those who failed to show up for work were accused of being sympathizers. "While the people were guarding the town, the soldiers were sleeping. It was keeping the people from their work because they were too overtired to work in the fields," Bianchi said.

The parish council protested the formation of the *bantay bayan* in a press statement published September 12. A day later, the detachment commander of the 29th IB accused Bianchi of bringing rice to the NPA rebels and of owning a machine gun. Nothing came of the charges, perhaps because the battalion was transferred out in November, replaced by the 67th IB.

Anti-communist seminars

The practice of holding anti-communist seminars culminating in a formal "surrender" of entire civilian communities is an explicit part of the Philippine Armed Forces counterinsurgency strategy.⁵⁷ In the village of Santa Cruz, San Miguel, three residents, two of whom were members of the local peasant cooperative, gave first-hand accounts of how residents were forced to "surrender" to the government at a village meeting, or *pulong-pulong*, organized by the 67th IB on January 12, 1992.

The day before, military officers had gone to the local elementary school and told children to tell their parents

⁵⁷For description of the role of the 3-day seminar in the context of Special Operations Teams, see Victor N. Corpus, *Silent War* (Quezon City, Philippines:1989), p.191. Corpus, a Special Forces colonel who defected to the NPA and later surrendered to the government, led the military to transform its strategy against the rebel forces into a political and "propaganda" war as well as a military one.

that anyone over age 12 had to come to the school for the *pulong-pulong*. If they did not attend, the military would assume that they were NPA. That same evening, soldiers went to the houses of the 15 individuals belonging to the peasant cooperative, which is suspected of being a rebel "front" organization. One 64-year-old grandmother said her house was searched while the military interviewed her. Another, a 57-year-old farmer and mother of five, said the military insisted she had an NPA code name and encouraged her and her husband to sign a paper, which, she was led to believe, identified her as a "rebel surrenderee." The soldiers assured the family that nothing would happen to them if they signed the paper, she said.

The chairman of the local peasant cooperative, Samuel Ravelo, 44, was also visited the evening before the meeting. The soldiers told him he was a "Communist" and he was made to believe that he would have "problems" if he failed to "surrender." He said it was the second time the community has been forced to "surrender," the first time being in 1986, when local forces led by Tony de Guzman led raids on local houses of suspected NPA supporters.

At the *pulong-pulong*, the officer in charge, a certain Corporal Rogelio, told the crowd that their cooperative was "a Communist system," and all were asked to sign "confessions" that they were rebel sympathizers. One person recalled, "The military told us that we could not deny our support for the NPA, because they said they have a list with all of us in Santa Cruz and Sagbayan (a neighboring community).

Military harassment

Local village officials of Libas Sud, a remote settlement of 351 households also in San Miguel, said they had been continuously harassed since they filed charges against a lieutenant from the 29th IB who allegedly killed 12 townspeople in a midnight raid in June 1990.⁵⁸ In January, soldiers from the 67th IB came to each of their houses. The soldiers forced them to sign affidavits asserting that they were members of the NPA and that they were "surrendering" to the government. The military told them that their community organizations, including a UNICEF-sponsored children's program, were rebel "front" organizations.

One local councilmember explained that no one was safe from suspicion. "The military insists that we are all rebels," he said. "It all started in 1990, when we started filing human rights complaints against them. We really followed up, executing affidavits. If we complain against the war, then we must be rebels."⁵⁹

⁵⁸See *supra*49, p. 12

⁵⁹Asia Watch interview, January 20, 1992.

MILITIA ABUSES IN AREAS OF SPORADIC CONFLICT

In areas of northern Mindanao where the insurgency was no longer a major threat in 1991 and early 1992, the continued deployment of the CAFGU raised serious human rights concerns. Asia Watch findings suggest the presence of CAFGU over time may lead to heightened violence in the communities in which they are based. After combat units withdraw, military supervision of the CAFGU appears to weaken. CAFGU members remain armed, but without a clear target. In communities where the CAFGU remain without a visible enemy, poverty, fear, petty feuding and the replacement of traditional legal systems by arbitrary military force have made the militia, like civil patrols in Guatemala, "a dangerous conduit for vigilante justice and the abuse of power."⁶⁰

This trend is evident in news reports. Between April and September 1991, Northern Mindanao's largest circulation newspaper, the *Gold Star Daily*, published an average of two reports per month on CAFGU members' involvement in violent crimes in the four neighboring provinces of northern Mindanao:

- An April 11, 1991 report described the manhunt for a CAFGU member in nearby Surigao del Norte province accused of raping a 14-year-old girl.**
- A May 31, 1991 report detailed the arrest of a CAFGU member suspected of a hold-up in Bukidnon province.**
- A July 3, 1991 story reported that a CAFGU member in Misamis Oriental province was declared guilty of murder and rape.**
- On July 4, 1991, three CAFGU members in Surigao del Norte were arrested in a robbery.**
- On July 25, 1991, charges were brought against three CAFGU members in Misamis Oriental for threats against a resident.**
- A July 30, 1991 report pointed to CAFGU members as the main suspects in the ambush killings of a parish worker and her son in Misamis Oriental.**
- On July 31, 1991, a CAFGU member was shot by another in Agusan del Norte province.**
- On August 12, 1991 the paper reported that a CAFGU member was the main suspect in the killing of a motorcycle driver in Misamis Oriental province.**
- On August 22, 1991, a CAFGU member was reported to have shot and killed a local resident in Surigao del Norte province.**
- On August 27, 1991, a CAFGU member was blamed for shooting a local resident and wounding his wife in Misamis Oriental.**
- On September 25, 1991, three persons were killed in Bukidnon province in a shootout between a CAFGU member and a policeman.**

Asia Watch documented 14 killings by CAFGU or suspected CAFGU in Agusan del Norte and Bukidnon provinces in 1991. Members of militant farmers organizations were the main victims of political violence.

In addition, Asia Watch findings that the military gives a cash bounty to militia and vigilante group members for the killing of suspected NPA rebels raises concern that military policy encourages arbitrary and uncontrolled acts of violence. The bounties for capture of suspected NPA are listed in documents known as the Order of Battle. In

⁶⁰From Americas Watch, *Civil Patrols in Guatemala* (New York: August 1986), at 11.

Bukidnon, this provision served as a virtual go-ahead for armed groups, some outside of the ordinary chain of discipline or command, to take part in violent attacks on suspected rebels. Execution, and not merely capture, of the suspects was rewarded.

CAFGU and Military Killings in Agusan del Norte

Agusan del Norte, perched on the north coast of Mindanao at the mouth of the Agusan River, was not the site of major military operations in Mindanao in 1991. The infantry battalion located near Butuan City, the provincial capital, played a defensive role generally, and relatively few encounters were reported in the local press. CAFGU forces remained in place, some under the supervision of police security forces rather than military.

Despite the lack of military activity in the province, security and CAFGU forces were implicated in several attacks on suspected NPA sympathizers and poor peasants, particularly members of local farmers organizations, in 1991. In the province of Agusan del Norte, Asia Watch investigated four unprovoked killings of farmers, three of them leaders of UMAN, the provincial affiliate of the left-wing farmers organization, Kilusang Magbubukid ng Pilipinas.

Killing of peasant community leader by CAFGU

A witness to the killing of **Jose Bongcoza** in the village of Kabalalahan, in the town of Sangay, said she believed Bongcoza was killed because of his refusal to join the *bantay bayan*. She said he was visited three times by the same armed men before his shooting death.

On September 26, 1991, a military man accompanied by three CAFGU went to look for Bongcoza at his house. No one was home, so the men went to the neighbor, who identified the military officer as "Boy" Cascara and one CAFGU, a certain Rigo.

Bongcoza had refused to join the volunteer village patrol, so when he learned about the visit, he said he was afraid. A neighbor, whose brother had been sought and killed by the military, advised him to go into hiding, but Bongcoza decided to wait for the men to return, and then to go with them to speak with the local military commander.

The same three visited Bongcoza's house the next day, but left before Bongcoza returned. Neighbors told the family about the visit. The next day, the family went up to the farm to slaughter a pig for the Sunday fiesta. When they returned, they found the door kicked in, with boot marks on it. The family was frightened and went to the home of a relative. The next day, Bongcoza went with his aunt to see a town council official in Sangay, the municipal center, to find out why the men were after him, "especially since this Cascara and Rigo are known to liquidate suspected NPAs," the source said. The official told them he could do nothing, because it was a Sunday, but advised Bongcoza to hide out until the next day.

Bongcoza, however, appeared upset and instead went looking for Cascara and Rigo. He later related to his family that he found the two at his house. They told him they were looking for him because they wanted to talk to him about the *bantay bayan*. They taunted him and asked him if he was afraid of them, which he admitted. Later that evening, according to family members, Bongcoza appeared anxious and depressed, and spoke as if he expected he would die. At about 8:30 p.m., he went out to smoke a cigarette on the stepladder leading to the front entrance of his daughter's house. At that moment, he was shot once in the head, and died instantly. His daughter, who was inside the house, saw the flash of a shot blast in the dark, but did not see the gunmen. Neighbors reported hearing the footfalls of two or three individuals running away from the house.

Family members believed that the military man, Cascara, and the CAFGU man, Rigo, were responsible for the killing. As of January 1992, the family had not filed charges because of fear of reprisal. They believed the military continued to keep them under surveillance because one of Bongcoza's sons was an NPA member. Rigo, the CAFGU member, continued to move freely about the community of Kabalalahan. Cascara was disarmed after he confessed to the killing of another CAFGU, in a neighboring town a few months after the killing of Bongcoza. However, he had still not

been prosecuted and was reportedly often seen at the local cockfighting gallery in the municipal center.

Killing in custody

*A neighbor and local official described the killing of **Virgilio Bongcales**, a 35-year-old farmer residing in an outlying village of the provincial capital of Butuan City, by a combined group of two CAFGU members and a local Philippine Constabulary⁶¹ sergeant charged with supervising them. Bongcales' brother, Carmelo Bongcales, witnessed the events that resulted in his brother's killing.

On January 2, 1991 at around 2 p.m., two CAFGU members identified as Melchor Jovita and Lando Trinidad went to Bongcales' house in the village of Salvacion and asked Bongcales to accompany them back to the 411th PC Company barracks to settle a longstanding dispute between Bongcales and another local resident. Bongcales' brother Carmelo joined the three. The detachment is located by the side of the Agusan River.

Jovita and Trinidad were among the CAFGU recruited and trained by the 30th IB in 1988, but the battalion was withdrawn after residents complained of abuses by the soldiers. The CAFGU, some of whom are said to be former CHDF, remained under the 411th PC Company.

At the barracks, the two CAFGU did not permit Carmelo to enter with Bongcales. After 15 minutes, Carmelo suddenly heard gunshots coming from the riverbank. He ran to a cliff overlooking the river and, from a distance of about 300 feet, watched as the PC officer, identified as Sgt. Britania, standing on the bank with his M-16 rifle aimed at Bongcales, who was thrashing around out in the middle of the river. Britania aimed and fired his rifle at the water near Bongcales, laughing and shouting at him to swim back. But Bongcales could not swim, and he screamed that he would never be able to swim back. Slowly, he was swept downstream by the current.

Bongcales' relatives reported the incident to the main PC headquarters in Butuan City, but said their complaint was ignored and they were told to go home. Bongcales' body was recovered two days later at a village a few miles downstream. A photograph taken at the time showed obvious bruises on his right forearm and ribs, and a cut to his right eye. Additionally, an autopsy performed by a government medical officer found three front teeth missing, and a fracture to the rear of the skull, indicating he had been struck with a heavy object.

A few weeks later, the PC Sergeant Britania approached the Bongcales family and offered them 12,000 pesos (\$500) to "keep quiet." The family, although poor tenant farmers, refused the money. In March, rumors began circulating that they might be *kuotkuot*, or killed by smothering. Six members of the family immediately fled to Manila to a relative's home.

The family was particularly afraid that the CAFGU would kill them in reprisal if they testified against Sgt. Britania. The local official explained, "They had heard from people in [a neighboring village] that government troops threatened members of the family of a victim. And they do that to you by charging you as an NPA sympathizer."

In October, a brother of Bongcales who had been actively pushing for filing the case was stabbed and killed in Davao City. The family believed the killing was related to Bongcales' death, but no additional details of that case were currently available. As of January 1992, despite a government autopsy, the government had not investigated or filed charges in the case.

Killings while in unacknowledged military custody

* Two prominent members of the farmer's organization, UMAN, were found dead after unidentified military men picked them up just outside of the provincial capital on February 24, 1991. Information from witnesses' affidavits and

⁶¹The Philippine Constabulary, founded at the turn of the century as a national security force with police and intelligence functions, was supposedly dissolved in mid-1991. In its place, the government created the new security force, the Philippine National Police, and absorbed most PC soldiers, but many remained as PC officers for several months.

local human rights monitors indicates that the two, **Bernardo Lagurin** and **Miguel Calso**, may have been killed for their high-profile involvement in UMAN. The organization has been openly and repeatedly branded as a "front" organization. Lagurin, 41, a resident of the neighboring province of Agusan del Sur, was an agricultural engineer who had been working as a consultant to UMAN; Calso, 29, a farmer, was the general secretary of UMAN in Butuan City.

A witness, **Desederia Pabas**, also a staff member of UMAN, was riding with the two on the same passenger jeep when the two were abducted. In her affidavit filed with the provincial prosecutor, she said that the abduction occurred at about 4 p.m. that afternoon, while the three were making their regular commute from Ampayan, where the main UMAN office is located, back to the city center.

At that time, Pabas noticed a private jeep tailing their vehicle. Then the jeep passed the vehicle and stopped in front of it, forcing the jeep that Pabas and the others were riding in to stop as well. The jeep had no license plate. Three men jumped out and approached the passenger vehicle. Two of the men carried pistols, and one an Armalite rifle. One wore a fatigue uniform with no nameplate. The three looked inside the rear of the passenger jeep and ordered Lagurin and Calso to get out. They asked all of the other passengers if there were any more companions of Calso and Lagurin in the jeep. Pabas believed she was spared because a passenger responded that the two had been travelling alone. Then the men took Calso and Lagurin and led them at gunpoint into the waiting jeep.

The following day, the relatives of both victims went to the police headquarters and central police station in Butuan City to inquire about the two men's whereabouts, but police officials said that Calso and Lagurin were not in their custody. That same day, residents of an neighborhood of Cagayan de Oro City, three hours distant from Butuan City, found two bodies at dawn in an empty field. According to local news reports, three hours before, at around 2 a.m., residents recalled hearing a succession of gunbursts coming from the field, and seeing a vehicle speeding away from the scene.

Three days later, relatives identified the dead as Calso and Lagurin. Color photographs and police reports confirmed that both had been shot in the forehead – Calso twice -- and several times in the chest at close range.

CAFGU killings in Bukidnon

The province of Bukidnon is no longer home to an active insurgency. In December 1991, the last remaining political detainees in the province were released.⁶² A local military commander estimated that only roughly 70 fully armed rebels exist in the province, mostly in the still-forested hills above the municipality of Valencia.⁶³ Military and church leaders said the NPA is weak in Bukidnon because it has less civilian support or sympathy than in other provinces. In the 1970s and early 1980s, much of central Bukidnon was controlled by the NPA. But in contrast with eastern Mindanao, where abuses by government forces drove many to support the NPA, abuses by the NPA forces in Bukidnon caused the insurgency to self-destruct.⁶⁴ Between 1982 and 1984, church leaders said, hundreds of people died in a brutal "purging" campaign by the rebels. The rebel forces weakened, and have not recovered their strength to the present.

Guinoyoran and Lourdes are two neighboring farming settlements roughly eight miles southwest of the municipal center of Valencia, at the foot of a partially forested mountain range. Most residents engage in subsistence farming, but in upland communities, residents engage in small-scale logging, called *tablon-tablon*. Since 1989, all logging has been illegal in the province, but this has not stopped logging in the westernmost communities in

⁶²Interview with Bukidnon Alliance of Human Rights Advocates, Malaybalay, Bukidnon, Jan. 19, 1992.

⁶³Interview with Colonel Rodolfo Rocamora, Camp Osito Bahian, Malaybalay, Bukidnon, Jan. 19, 1992.

⁶⁴Interview with Bishop Gaudencio B. Morales, Diocese of Malaybalay, Bukidnon, Jan. 18, 1992.

Guinoyoran.

Perhaps because of its remoteness and proximity to forestcover, rebel forces are more active in the area than in other parts of Bukidnon. In 1986, the military battalion stationed in Valencia began training a team of CHDF forces. The core of their recruits was a group of former rebels. In 1988, many of them joined a rightwing armed fanatic cult, led by a local tribal Higaonon leader, Datu Bantu Domia. The group, known as the Tadtad, is said to be responsible for a series of killings and forced evictions in the settlement. (The Tadtad, translated "Chop-chop," are so known because of the group's preference for use of long knives, or bolos, in hacking enemies).

Even the church could not quell the violence in Guinoyoran and Lourdes. In 1989, Father Arsenio Rubio was withdrawn from the parish after receiving numerous death threats and harassment from the gang. In 1990, the subsequent parish priest, Father Diosdado Tabios, also had to be transferred because of threats. In 1991, a priest newly stationed in the parish, Father Nery Lito Satur, also received threats, but chose to continue work in the parish. In October, he was shot and bludgeoned by members of the group, some of whom were CAFGU members.

Killing of an environmentalist priest by CAFGU and paramilitary

Extensive court testimony by witnesses and interviews with local officials painted a complex picture of the planning and assassination of Father Satur. Perpetrators were said to be a group of CAFGU and Tadtad members under the orders of a military intelligence officer.

At noon on October 14, 1991, Satur and a church worker, Jacqueline Lunzaga, were making their way home by motorbike on a dusty, rugged road after saying mass in a remote community of Guinoyoran. Suddenly, three men, two of them masked, lunged into the road ahead and opened fire. After emptying seven bullets into the priest, one of the gunmen crushed the prone victim's head with three blows of his rifle butt, breaking the rifle in two. Lunzaga was struck by one bullet and escaped death.

Several days later, two men, both CAFGU and Tadtad members, fled to the provincial bishop's residence for unclear reasons. The two men, Guillermo Ipanag and Carlito Baraquil, filed affidavits confessing their involvement in the planning of the killing, but not in its execution. The two men said the priest was killed because of his strident opposition to illegal logging in his parish.⁶⁵ They also said the Tadtad leader considered the priest a nuisance because of his efforts to prosecute a local vigilante member, Allan Cesar Abesta, for the killing of a Guinoyoran resident earlier that year.

In their sworn testimony, the two men named three others, a CAFGU member and two members of the Tadtad, as the triggermen; and they asserted that a military intelligence officer was the mastermind behind the killing.

By January, 1992, the provincial prosecutor had filed charges against the three, Datu Bantu Domia, Allan Cesar Abesta and Crispin Onor, and the military officer, Sgt. Catalino Gabison. The military, in retaliation, filed murder countercharges against the two original confessors, and denied involvement of Gabison and the others.

The killing of the priest led to an unprecedented level of international attention to human rights concerns in the area. Satur was one of the first of 46 parish priests deputized by the government to confiscate illegal shipments of lumber and to apprehend illegal loggers. The action was taken after the Diocese of Malaybalay protested that logging was continuing despite a total ban since December 1988. The Church had been involved in environmental campaigns against logging for years.

Several other priests interviewed by Asia Watch had also received death threats since they began their campaign against logging. Father Cirilo "Loloy" Sajelan, parish priest of the municipal center of Valencia received threats three times in 1991 after confiscating shipments of lumber. Father Rino Bargola, parish priest of barrio of San

⁶⁵ Transcript of stenographic notes taken during preliminary hearings for murder, testimony of Guillermo G. Ipanag and Carlito Baraquil, Municipal Trial Court of Valencia, Bukidnon, October 23, 1991.

San Jose, village of Sinayawan, had been threatened twice. Both priests said soldiers, CAFGU and prominent local businessmen were involved in the illegal logging rings. Local news reports also pointed to official involvement in illegal logging.⁶⁶ In order to protect themselves from being killed, priests in early 1992 traveled to confiscation sites accompanied by local police officers and parishioners.⁶⁷

CAFGU or Military Mercenaries?

Interviews with local government, military and church officials revealed that the six suspects in Father Satur's killing, Sgt. Catalino Gabison, Datu Bantu Domia, Crispin Onor, Allan Cesar Abesta, Guillermo Ipanag and Carlito Baraquil, had a long and productive association with each other in local counterinsurgency campaigns. In exchange for leading ambushes of nearby NPA hideouts and guiding military patrols, members of the gang received large cash "prizes" from the military and engaged in extortion and killings without punishment.

In 1991, for example, the local TadTad and rebel-returnees-turned CAFGU led a detachment led by Sgt. Gabison of the 26th Infantry battalion in a successful ambush-killing of six New Peoples Army rebels. For leading the ambush, the group was given 100,000 pesos (\$2,500).⁶⁸ In his sworn testimony before the provincial trial court, one of the co-accused, Guillermo G. Ipanag, an active-duty CAFGU member and member of the TadTad gang, referred to this exchange at a meeting with a large group of Tadtad members, CAFGU and military men.

I was informed that the checks or prize for the killing of the NPA rebels were already encashed and turned over to the military brigade in Malaybalay, Bukidnon, and...were ready for distribution to us who participated in the killing of these NPAs.⁶⁹

Despite repeated calls by the diocese, local residents and human rights groups, the military have chosen not to disarm the group. When asked why the military have not discharged the CAFGU in Guinoyoran despite their notoriety, Colonel Rodolfo Rocamora completely denied that the CAFGU was responsible for killings and terror in the community. Those responsible were a few whom he said were used as "assets." The "people in the area are satisfied with the CAFGU there," he asserted. If there were any residents carrying arms who were not CAFGU, "they would be arrested and disarmed."

Other killings by CAFGU and paramilitary

Numerous other killings in Lourdes and Guinoyoran received little exposure, and some of the CAFGU and vigilante members responsible remained at large in January 1992.

The group of CAFGU and TadTad members accused in Satur's death have also been implicated in numerous killings of local residents. Some of the victims were suspected supporters of the NPA. Others victims appeared to be targetted randomly, or because of a personal feud. Residents interviewed by local human rights monitors said they had been forced to provide food to both rebel forces and the local vigilante and CAFGU members since 1988. They said they were afraid to complain to local officials, since they were themselves suspect under the broad brush of the military's counterinsurgency campaign there.

By January 1992, twelve killings by the group had been documented by local human rights groups. The

⁶⁶Carol O. Arguillas, "Log ban advocates called subversives," *Philippine Daily Inquirer*, October 19, 1991.

⁶⁷Asia Watch accompanied a priest on a confiscation operation who was accompanied by 24 people, including parishioners, media and a local militia member. The priests are unarmed, carrying only a radio handset.

⁶⁸Interview with Filomeno B. Abitona Jr., Department of Interior and Local Government officer for Valencia, Valencia, Bukidnon, Jan. 18, 1992.

⁶⁹Witnesses testimony, Municipal Trial Court of Valencia, Bukidnon, *supra* 58.

Commission on Human Rights regional office in Cagayan de Oro City estimated that 15 had been killed, but its lawyers had only investigated three of the more recent incidents. In two cases, perpetrators have been convicted of murder charges. However, most of the perpetrators are thought to remain armed and at large. Cases for which documentation exists include the following:⁷⁰

--The bodies of **Martin Cabusas** and **Warlito Paraiso** were found shot, hacked and stabbed on March 28, 1987. Family members said the two had been under surveillance of the local CHDF members since they were labeled as NPA by Romeo Abesta, a former rebel-turned-CHDF, turned CAFGU, who as of January 1992 was in prison for a subsequent murder.

--**Felipe Camarillo**, a farmer in the community of Magsal, in the village of Guinoyoran, was shot to death on December 7, 1988. The killers were believed to be TadTad members from the village of Lourdes.

--**George Bahian**, a farmer also in Magsal, was shot and killed and another resident, **Francisco Tadiamon**, was injured on December 30, 1988 by Romeo Abesta, Enrico Domia and Andrew Largo, all Tadtad and concurrent CAFGU members under Datu Bantu Domia. After the shooting, the flesh of Bahian's thighs and legs were sliced off.

--**Saboniano Borres**, a farmer and church worker in the village of Cawasan, was shot on February 3, 1989 while standing in front of the market. The assailants were members of the CHDF who suspected Borres as an NPA supporter. One suspect, the CAFGU member Romeo Abesta, turned himself in and was sentenced to six years in prison.

--**Joel Eras**, a farmer, was shot to death in Magsal on October 15, 1990, allegedly by CAFGU members identified as Judy Gamayon and one known only as Lito. The motive was unclear. The case was investigated by the CHR but was later closed without explanation.

--**Jullana Tadiamon**, a resident of the village of Magsal, was shot and killed when her house was sprayed with bullets on November 22, 1990. Tadiamon was married to a farmer suspected of being an NPA. Witnesses refused to testify to local authorities because of fear of reprisals.

--**Nasario Burlas** was shot and killed by a cousin of Romeo Abesta's, another CAFGU member known as "Boyet" Abesta, on January 13, 1991. The motive is unclear, although local human rights groups said Burlas was suspected as an NPA. Abesta is still at large and the family has not brought charges. Two months later, he was implicated in a shooting of a young woman and a girl in the village of Magsal. The family did not file charges.

⁷⁰From documents provided by the Commission on Human Rights, Region X, Cagayan de Oro City; and Task Force Detainees of the Philippines-Malaybalay unit.

CONCLUSIONS

Despite all the procedural safeguards and all the promised improvements in training and discipline, the CAFGU continue to commit human rights violations with impunity. It is bad enough that, in the heat of the moment of ongoing military operations, abuses against the civilian population by the militia are ignored or legitimized by military authorities as attacks on NPA "sympathizers." But even in areas where the insurgency no longer poses a serious threat, militia members continue to use their weapons against defenseless members of their communities for personal or political reasons. Even as the abusive vigilante groups popular in 1987 and 1988 have declined in numbers, the same combination of poverty, weak civic institutions and the proliferation of military-issue firearms has resulted in similar acts of arbitrary violence against unarmed civilians.

The screening procedures set out in the Implementing Rules and Regulations appear to have failed. While regulations prohibit admission of individuals with criminal or "derogatory" histories, it is clear from the cases in this report that those drawn into the CAFGU are often little better than thugs. Asia Watch noted several cases where military authorities admitted that abuses by individuals – such as many former CHDF or rebel "returnees" – were overlooked because the individuals were viewed as "useful" in intelligence activities.

As the poorest paid and trained arm of the military, CAFGU appear to be most easily exploited by local political warlords. Wages, while higher than the allotment for the former CHDF, are still less than half of the government minimum wage. In Bukidnon province, CAFGU engage in illegal logging and bounty killings for profit. In areas of tribal conflict, such as Agusan del Sur, CAFGU are recruited selectively from one side of a tribal territory dispute, leading to an escalation of intertribal violence.

Although CAFGU are by law under the command of regular military (and in some cases police) officers, Asia Watch notes that CAFGU are poorly supervised in practice. Many reported abuses, like the killings in Kilabonog, occurred in the absence of a commanding officer. CAFGU members were presumed to be prepared to "defend" their territory from attack at all times, but they could not realistically be supervised at all times. CAFGU also appeared to be held at a lower standard of discipline than regular forces. Abuses occurred in some cases in the presence or assistance of the commanding officer, suggesting that in some cases, CAFGU are expected to do the "dirty work" that regular soldiers are not permitted to engage in.

The government's failure to prosecute abusive CAFGU may have encouraged abusive individuals to behave more boldly. In each of the four provinces visited, the presence of armed and abusive militia created such fear among local residents that few were willing to complain to local government officials or military authorities, particularly when those authorities were perceived as hostile forces themselves. Without a safe system to lodge complaints, enforcement of discipline will likely continue to be a serious deficiency.

Complaints against CAFGU members are lodged only in exceptional cases, when the victim is well-known or has strong institutional support. Unfortunately, redress for crimes by the militia continues to be beyond the grasp of the vast majority of its victims, poor peasants and illiterate tribespeople.