



THE PHILIPPINES

“No Justice Just Adds to the Pain”

Killings, Disappearances, and Impunity in the Philippines

HUMAN
RIGHTS
WATCH

Summary and Key Recommendations

Cases of extrajudicial killings need to be solved, not just identify the perpetrators but have them captured and sent to jail.¹

BENIGNO AQUINO III, JUNE 1, 2010,
THEN PHILIPPINE PRESIDENT-ELECT

It is almost four years now. My family is living in agony. It is torture on my part, financial, emotional, psychological. The only normal part of my life now is the abnormality around my daughter Karen's disappearance.

CONCEPCION EMPEÑO, WHOSE DAUGHTER WAS
ALLEGEDLY ABDUCTED BY SOLDIERS ON JUNE 26, 2006,
AND HAS NOT BEEN SEEN SINCE

**On the morning of July 5, 2010,
Fernando Baldomero became the first
reported victim of an extrajudicial killing
under President Benigno Aquino III's
newly minted administration.**

Baldomero—the provincial coordinator of the leftist Bayan Muna political party, and a town councilor in Lezo, Aklan province—was just leaving his home to take his 12-year-old son to school when a gunman approached, aimed a .45



caliber pistol at the 61-year-old, and shot him in the head and neck before fleeing on a motorcycle.

Two decades ago, Baldomero had been a member of the New People's Army (NPA), the armed wing of the Communist



Party of the Philippines (CPP), but had left the NPA following his release from prison in 1994. Police and the military had continued to tag Baldomero as an NPA member. In the days before he was killed, several witnesses had seen men in military uniforms around Baldomero's residence.

Journalist Ernan Baldomero holds a portrait of his slain father, FERNANDO "NANDING" BALDOMERO, a town councilor and Aklan provincial coordinator of the leftist political party Bayan Muna, who was shot and killed outside his home on July 5, 2010.

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PASCUAL GUEVARRA, the leader of two local leftist organizations in Nueva Ecija province, with his daughter. On July 9, 2010, a gunman walked onto Guevarra's property in the Fort Magsaysay military reservation in Laur, Nueva Ecija, and fatally shot him.

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Charges have been filed against the alleged gunman, a civilian, but police have not pursued evidence of military involvement. Nor have they executed the court's January 10, 2011 arrest warrant, leaving the alleged gunman at large.

During his campaign for president, Benigno Aquino III pledged to end serious violations of human rights in the Philippines. Yet since taking office on June 30, 2010, the Philippine military continues to be implicated in apparently politically-motivated extrajudicial killings—deliberate unlawful killings by state security forces—and enforced disappearances. These abuses persist in part because of the Philippine police's failure to conduct thorough and impartial investigations, particularly when evidence points to military involvement. The ability to bring the perpetrators to justice has also been hindered by the Justice Department's inadequate protection program for witnesses, who have been subject to harassment and intimidation.

Human Rights Watch has documented seven extrajudicial killings implicating the military and three enforced disappearances of leftist activists since Aquino took office. We were not able to investigate several other suspected extrajudicial killings reported by local media due to time constraints. In addition to recent abuses, this report also examines the government's lackluster efforts to investigate and prosecute serious human rights violations perpetrated during the last decade, and the state's continuing failure to hold perpetrators accountable.

Baldomero's killing has a familiar ring to it. Like many of the victims of killings and "disappearances" detailed in this

report, Baldomero was a leftist activist. Some, like Baldomero, were previously members of the CPP-NPA. However, in none of these cases is there evidence they were still NPA members or actively participating in combat at the time of the killing.

Like Baldomero, several victims were killed or abducted in front of witnesses, either when gunmen entered the victims' property and shot them in cold blood, or shot them from atop motorbikes. The perpetrators either wore civilian clothes with bonnets (balaclavas), or wore military uniforms and made no attempt to hide their faces. In several cases there is evidence that soldiers worked with members of paramilitary forces—primarily the Citizen Armed Force Geographical Unit (CAFGU)—or paid military "assets," including "rebel returnees" (former NPA members).

The military appears to have targeted several of these victims as CPP-NPA members because of their involvement with leftist organizations, work on land reform, or opposition to military presence in their communities. The military operating in areas affected by the NPA conflict often considers all leftist organizations to be fronts for the armed group and any individuals who oppose military presence to be NPA members.

For more than four decades the NPA has engaged in an insurgency against the Philippine government, with their armed strength at its peak in the mid-1980s. In addition to attacks on government military targets, the NPA has claimed responsibility for killing—among others—civilians, government officials, and tribal leaders allegedly associated

with the military, in violation of international humanitarian law (the laws of war). They have also unlawfully executed military personnel and others considered to be “enemies of the people” after conviction by so-called People’s Courts or *Hukumang Bayan*. NPA attacks on civilians and mistreatment and execution of all persons in custody are serious violations of the laws of war. Those who carry out or order such abuses are responsible for war crimes.

The Philippine government has a duty and obligation to protect the population from insurgent attacks. However, abuses by insurgents never justify violations of the laws of war or human rights violations by government security forces. This includes extrajudicial killings and enforced disappearances of any person, including alleged members of political groups and civil society organizations that are deemed to be sympathetic to the insurgents’ cause.

A former soldier, “Ricardo” (not his real name), gave a detailed account of military structure and practices. He told Human Rights Watch he had been ordered to kill and “disappear” leftist activists from the late 1990s until about 2007. Ricardo spoke of how senior military commanders ordered him to kill leftist activists and hide or burn the bodies, and how the military had trained him and his fellow soldiers to make targeted killings look like the NPA’s Special Partisan Unit (SPARU) had perpetrated them, by using a .45 caliber pistol and wearing bonnets (balaclavas), thought to be favored by the NPA. While much of Ricardo’s account could not be independently confirmed, his information seemed credible based on its consistency and detail.

Extrajudicial killings have long been a problem in the Philippines. Hundreds of members of left-wing political parties, political activists, critical journalists, and outspoken clergy have been killed or forcibly disappeared in the Philippines during the past decade. The military and police, as well as paramilitary forces, have been implicated in many of these killings. As a result of international and local pressure, the number of extrajudicial killings has dropped since 2007, but they still occur with impunity. To date, there have been only seven successfully prosecuted cases of extrajudicial killings, resulting in the conviction of 12 defendants. There has not been a single conviction of active military personnel at the time of the killing. No senior military officers have been convicted either for direct involvement in these violations or as a matter of command responsibility.

The public rhetoric of senior military officers has changed somewhat since Aquino took office—one need only drive along Epifanio Delos Santos Avenue (EDSA) in Manila to see the “I am a soldier and a human rights advocate” sign outside the headquarters of the armed forces at Camp Aguinaldo. But this change in language has not yet been reflected in action, such as improved military cooperation with investigating authorities, comprehensive internal investigations of implicated military personnel, or increased openness within

the military structure. In the recent cases documented by Human Rights Watch, the military continues to deny all allegations of soldiers’ involvement in extrajudicial killings and other serious abuses, despite evidence to the contrary.

Police investigations into alleged extrajudicial killings and enforced disappearances are woefully inadequate. Several core aspects of investigations are often disregarded by investigators, including effectively examining crime scenes and canvassing for witnesses. Investigators routinely fail to pursue evidence of military involvement and the absence of military cooperation exacerbates this problem. Witness protection is rarely provided, and where it is the protection program is inflexible.

Longstanding problems of the criminal justice system are exacerbated in human rights cases, where victims and witnesses may justifiably fear retribution from soldiers. Despite official orders requiring prosecutors and police to work together in order to ensure that a strong case is presented to court, such cooperation remains extremely unusual. Once a case is filed in court, hearings occur only at monthly intervals. Often they are less frequent, with some breaks lasting several months, so that trials typically last for years. Court delays and a judicial hesitancy to act when the authorities are implicated in crimes have also hampered the Supreme Court writs of amparo and habeas data, which were designed to compel military and other government officials to release information on people in their custody, thereby preventing “disappearances.”

The widespread impunity enjoyed by perpetrators of extrajudicial killings and enforced disappearances in the Philippines is exacerbated by the inadequacies of institutions charged with promoting human rights and accountability, including the Department of Justice, the Commission on Human Rights, the Ombudsman, and the Joint Monitoring Committee. The Joint Monitoring Committee is specifically tasked with implementing an agreement on human rights and international humanitarian law between the government and the National Democratic Front of the Philippines (NDFP), including the CPP and the NPA.

Abusive behavior by security forces persists when perpetrators are not held accountable for their actions. Curtailing human rights violations requires more than new policies and senior officials committed to reform; it requires that would-be perpetrators know that they will go to prison and their careers will end if they order or participate in serious abuses. The Philippine government should adopt effective measures to end extrajudicial killings and enforced disappearances, hold perpetrators accountable, and prevent them from recurring.

¹ Nikko Dizon and Alex Pal, “Aquino vows closure to human rights killings,” *Philippine Daily Inquirer*, June 1, 2010, <http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20100601-273180/Aquino-vows-closure-to-human-rights-killings> (accessed May 8, 2011).



Armed men [in military uniforms] entered the house and immediately began beating Toto with their rifles. They beat him continuously; he was trying to escape ... but they kept pulling him back and beating him.... Then they shot him.

“JAIME,” A WITNESS TO THE OCTOBER 1, 2010 KILLING OF LEFTIST ACTIVIST RENE QUIRANTE

RENE “TOTO” QUIRANTE was the Negros Oriental provincial vice-chair of the leftist political party Anakpawis. On October 1, 2010, a witness saw several soldiers and paramilitary members beat and shoot dead Quirante in Guihulgan, Negros Oriental. Although arrest warrants have been issued for two of the alleged perpetrators, police have not arrested them.

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I was doing the washing when a man called out, “Nalds, come and receive this.” I told the man [who I did not recognize], “He is upstairs.” The man went upstairs. Then I heard three gunshots. My son went and saw his father with blood all over him. My children and I left the house calling to our neighbors for help.... The gunman [then] escaped.

LABRADOR’S WIFE, LEONISA LABRADOR

REYNALDO “NALDO” LABRADOR was a member of the local leftist organization Paquibato District Peasant Alliance (PaDiPA). On September 3, 2010, a known local paramilitary kept watch while a man entered his home in Paquibato district, Davao City, walked past his wife and children, and shot and killed him while he slept.

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IRENEO "RENE" RODRIGUEZ's parents described how Philippine Air Force personnel visited their home looking for their son days before he was killed on November 7, 2010. They show his photograph on their cell phone. Two masked men on a motorcycle shot and killed Rodriguez, a former leftist activist, in Balayan, Batangas province, on November 7, 2010.

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ALFREDO BUCAL's family holds his photograph. The family has been searching for him since he was apprehended at a joint Philippine Air Force and Philippine National Police checkpoint in Tuy, Batangas province, on November 10, 2010. Relatives found his tricycle impounded at a police station, but both the Air Force and police deny any knowledge of his whereabouts..

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Tricycle driver ALFREDO BUCAL.

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I saw droplets of blood. When I walked around the corner, I saw the bodies of my husband and son. My husband was lying with open wounds on his chest and neck.... His fingernails were removed.... His forearms were scratched like his arms had been tied up.... His chest was bruised as if he had been beaten with the butt of a rifle. My son, Rudyric, was curled up on his side and I could see bullet wounds on his back with exit wounds on his upper chest.

MERCY, RUDY'S WIFE AND RUDYRIC'S MOTHER

Irene and Mercy DEJOS hold photographs of their husbands RUDY and RUDYRIC. On February 27, 2011, unidentified assailants killed Rudy, a tribal chieftain and community human rights officer, and his adult son Rudyric at their farmhouse in Santa Cruz, Davao del Sur province.

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A sign reading "Rudy and Ruderick were killed by the executioners CPP—NPA—NDFP" hangs near the 39th IB military camp in Davao del Sur. The sign, apparently signed by a military-backed militia, blames the Communist Party's New People's Army for the killings, before they had been investigated.

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PORCISO TAMONDEZ, a farmer, with three of his children. On August 12, 2010, an unidentified gunman killed his son Julius. A local official reported the killing to police on the day of the killing, but police did not visit the crime scene or interview first responders.

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Erlinda CADAPAN looks through photos of her daughter SHERLYN, who she has not seen since the military arrested her in mid-2006 in Haganoy, Bulacan province. In September 2008, the Court of Appeals ordered Sherlyn's release. The military, which continues to deny it is holding her, refuses to act.

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Erlinda CADAPAN holds a portrait of her "disappeared" daughter SHERLYN.

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Political insignia on a police vehicle illustrates one of the many challenges for justice in the Philippines—political influence over law enforcement agencies. The insignia reads, “Donated by: Cong. Ted ‘Nonong’ Haresico, Kasangga Party List.”

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KEY RECOMMENDATIONS

TO THE PHILIPPINE GOVERNMENT

- Investigate and prosecute all those responsible in each case of extrajudicial killing and enforced disappearance detailed in this report.
- Issue an executive order directing police and National Bureau of Investigation (NBI) investigators to vigorously pursue crimes allegedly committed by the military, or themselves be subject to disciplinary measures.
- Communicate fully to all military personnel that officers and soldiers who provide evidence or testimony in cases of human rights violations will be eligible for witness protection and other measures to ensure their safety.
- Order the inspector general and the provost marshal of the Armed Forces of the Philippines (AFP) to investigate and report publicly within 90 days on the involvement of military personnel in extrajudicial killings, and to identify failures within AFP investigative agencies to prosecute officers under principles of command responsibility.
- Order the military to cease targeted attacks on civilians, to cease the practice of denying military involvement in all extrajudicial killings, and to cease labeling leftist groups as fronts for the CPP-NPA, which places group members at considerable risk.
- Take all necessary measures, including reforming the witness protection program, to ensure the safety of survivors of serious crimes, witnesses, and families of victims and witnesses before, during, and after trial.
- Submit a bill to Congress that prohibits and protects against enforced disappearances and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

TO DONORS AND EXTERNAL PARTNERS, INCLUDING THE UNITED STATES, EUROPEAN UNION, JAPAN, AND AUSTRALIA

- Publicly press the Philippine government to investigate and prosecute members of the military for extrajudicial killings, including those liable under command responsibility. Diplomats based in Manila should closely monitor Philippine government investigations of individual extrajudicial killing and enforced disappearance cases.

Full recommendations—of both a general nature and with respect to specific cases—appear at the end of this report.

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Journalist Erman Baldomero seeks justice for his father, Fernando “Nanding” Baldomero. On July 5, 2010, a gunman shot and killed Baldomero outside his home in Kalibo, Aklan province, as he was about to drive his 12-year-old son to school.

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Below: More than 20 armed soldiers attended the March 9 funeral march of tribal chieftain Rudy Dejos and his son, Rudyric, who were killed by unidentified men in Davao del Sur province on February 27, 2011.

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Killings, Disappearances, and Impunity in the Philippines

When President Benigno Aquino III took office on June 30, 2010, he pledged to end serious human rights violations in the Philippines. One year later, extrajudicial killings and enforced disappearances by state security forces persist. The new government has done little to hold perpetrators to account for these and past serious abuses.

This report details strong evidence of military involvement in the killings and enforced disappearances of several leftist activists since Aquino took office. Based on interviews with victims of abuses, family members and friends, eyewitnesses, police and military officials, and others, it reveals how police investigations have stalled—especially when evidence leads to the military—how arrest warrants against alleged perpetrators have not been executed, and how internal military investigations are near non-existent. The Justice Department’s inadequate protection program for witnesses has also hindered the ability to bring perpetrators to justice.

“*No Justice Just Adds to the Pain*” calls on the Philippine government to step up efforts to investigate and prosecute members of the security forces and government-backed militias implicated in extrajudicial killings and enforced disappearances. The government should also sanction investigators who fail to credibly investigate cases, order the military to cease targeted attacks on civilians, and stop blanket denials of military involvement in all cases.