

CONFIDENTIAL

REPORT FROM THE
PHILIPPINES

Response to the Final Report of the
Fact Finding Mission and Medical Relief
Team on Alleged Human Rights Violations

by

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WGIP 88/SEA. PHL/1

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This report has just now been brought to our attention. While it is stated in the report that it has been brought to the attention of the concerned agencies, the Philippine Commission on Human Rights, the government agency established under the Philippine Constitution ratified on February 2, 1987 has not been given this report and therefore has not had a chance to investigate these alleged human rights violations.

There is an agency of the Philippine Human Rights Commission, newly established, which has been investigating all complaints on human rights violation. This is the Regional Office based in Baguio City. It has terminated investigation of many cases and has already recommended the prosecution of those found to be responsible.

This report will be forwarded to the regional office by the Chairman who happens to be in this sub-commission for immediate investigation. We suggest to the team that they furnish the Commission the names of the people they interviewed so that their sworn statements can be taken and used as evidence to be the basis of the Commission's recommendation for prosecution, if the Commission, after investigation, is convinced that the human rights violations took place. This investigation

will be independent of a military investigation.

The attention of the Secretary of National Defense and the Chief of Staff of the Armed Forces of the Philippines will also be invited to this report, so that proper measures can be taken to avoid repetition of similar incidents, including an immediate investigation of the military men allegedly involved.

We assure this sub-commission as we have assured the Commission on Human Rights that the government of President Corazon C. Aquino and the Military and police forces are bent on eliminating human rights violations and on disciplining, prosecuting all offenders so that the proper penalties may be meted on to them after trial with due process, by the proper judicial bodies, where the accused are provided all the opportunity to defend themselves. As a matter of fact, many military men and police men, including officers have been prosecuted, penalized and dismissed - about 1000 since President Aquino took over in 1986.

The Philippine Commission on Human Rights has been investigating complaints of human rights violations, summoned military and police officers, including generals, in the course of such investigations. It has sent its ^{not} investigators/only to secure statements of witnesses, but has also given financial and medical assistance to victims, legal aid to indigents, protection to witnesses, and recommend court martial of military and police officers, and

prosecution of civil courts of "vigilantes" found responsible. We are complying with the Constitutional mandate to preserve, protect and enhance observance of the human rights of all and to investigate all forms of human rights violations, involving civil and political rights. Detainees and their relatives have free access to our Commission and are given the chance to air their complaints on the manner and conditions of their detention directly to the generals and officers in charge of detention facilities, and receives remedial action from the authorities.

The vigilantes, CHDF and other para-military forces were mostly formed under the past regime. Faced with the problem of insurgency, from communists, the Muslim secessionists in Mindanao, and the armed loyalist forces of the former dictator, with the first and the last groups having announced the toppling through violence of the present constitutional democracy, the military and police could not take on the 4th force, at once and ignore the fact that many communities openly supported these groups who protect them from insurgents. However, the government has made it clear that those who have committed crimes will answer for them.

The Constitution mandates the dissolution of CHDF, para-military and other armed groups. The Philippine Commission on Human Rights has recommended compliance with this mandate and disarming of these groups. The President

has already ordered that they be disarmed and disbanded. Only those duly licensed and integrated into the reservist forces, with military training, subject to military law and discipline can bear arms.

Cornelio Balweg, now head of the Cordillera People's Liberation Army was formerly with the New People's Army (insurgent forces). Disenchantment with the NPA and realization that insurgency was not the way to liberation of his people, he made his peace with the government. This did not sit well with those who held him, rightly or wrongly, responsible for certain violations. There are now on-going consultations among government and private representatives for the establishment of an autonomous government for the Cordillera people. It is our earnest hope that this can be attained and peace will reign once more for this great people in their ancestral region and economic development, with their participation and co-ordination will improve the quality of their lives even as their culture is preserved. Balweg has no immunity and must answer for any crimes he has committed.

In dealing with insurgency, the military has a three-pronged approach: deal firmly with those who persist in taking up arms against the government but observe their human and constitutional rights; policy of attraction and assistance for rehabilitation with amnesty for those who voluntarily lay down their arms and seek peaceful means

for redress of grievances, and assistance and protection to communities which were formerly forced to shelter insurgents, thru development, roads and delivery of basic services.

Damages and rehabilitation are also available for those who lose properties or are injured unavoidably because of military operations.

We plead that our new democratic government, founded on justice, human rights and freedoms for all be given a chance to solve its multifarious, socio-political problems through its institutions which subscribe to the Rule of Law and attain its objectives of peace and development. We request that complaints such as these should first be brought before our national institutions with jurisdiction over them and actually exercising that jurisdiction. Do not expect miracles from us to cure the ills and evils fattered by a fourteen year regime of oppression and plunder. But please credit us with the sincere^M will to eradicate abuse, oppression, inhumanity, misery, and establish peace, stability, prosperity, equality and justice for all.