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ANOTHER DISTASTEFUL WAY TO ABUSE HUMAN RIGHTS

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1. Fourteen years ago, in the cover of the Philippine Human Rights Update¹ posed a man, with a lit cigarette in his lips, brazenly clutching two decapitated heads (one in each of his hands). At the right bottom of the cover flashed the titles, “Mass Slaughters” and “Beheadings on the Rise.” The inside pages were marked by gory pictures of beheaded or mutilated bodies and stories of massacres and extra-judicial killings that happened in Negros, Bohol, Butuan City, Iligan City and elsewhere. The victims, who were suspected as either members or supporters of the New People’s Army (NPA), were allegedly mutilated and killed by the military and some anti-communist or anti-Moro fanatical cults organized into Civilian Home Defence Force (CHDF).
2. In the pages following the feature article on mass massacres and beheadings appear photos of protest actions – banners demanding the freedom of political prisoners (whose number has dramatically increased) as well as the abolition of the controversial PDA (Prevention Detention Action or PD 1877), and a “funeral march” for two protesters killed by the police in a rally organized by the National Federation of Labor (NFL) in Cebu. These accounts have become part of the everyday life of the nation during the last years of the Marcos administration. In different parts of the country, during this period, anti-militarization rallies were simultaneously carried out. Human rights groups were quick to denounce the military atrocities and form fact-finding missions. If there was any single, powerful element that animated the anti-dictatorship movement at that time, perhaps it was the language of human rights.
3. In October 1985, the CPP-NPA in Mindanao launched on internal clean-up operations which was known as the Kampanyang Kahos. The Party reportedly hunted down and tortured suspected “deep-penetration agents” (DPAs). Based on the Party’s internal account, around 950-1000 party cadres and NPA combatants were killed during this anti-infiltration campaign.²

¹ The Philippines Human Rights Update is a regular publication of the Task Force Detainees of the Philippines, one of the pioneer human rights organizations that was established in the early 70s. The photo being described in this essay appeared in the December 15, 1985-January 14, 1986 issue of the Philippine Human Rights Update.

² Paco Arguelles, “Kahos: A Soul Searching,” **Human Rights Forum**, Vol. V, No.1, 1st Semi-annual 1995 and Patricio N. Abinales, “When a Revolution Devours Its Children Before Victory: Operasyon Kampanyang Ahois and the Tragedy of Mindanao Communism” in **The Revolution Falters. The Left in Philippine Politics After 1986**. Southeast Asia Program Publications (New York: Cornell University Press, 1996).

Barely two years after the Kahos incident, the Party embarked again on string of anti-infiltration campaigns in different regions. Learning from Kahos, catastrophe, the Party has allegedly revised their “guidelines” for conducting the campaign but incidence of torture and human rights abuses persisted particularly in the anti-infiltration activities (also known as the Operation Missing Link) in Southern Tagalog where around 121 party cadres were detained and tortured and 66 of which were killed.

4. Just recently this month, the military has renewed issue of CPP “purgings” that happened in the 1980s through a public information drive led by the Public Affairs Service of the Armed Forces of the Philippines (PASAFP), which was tagged by the media as the “AFP’s psywar department.”³ They have also organized some of the victims and other victims’ relatives, including the widow of recently assassinated rebel priest Conrado Balweg, to talk in a press conference.
5. In the military’s representation of the CPP “purgings,” they held the CPP chairman Jose Ma. Sison and other party leaders as accountable to “purging” around “4,000” party members during “Operation Zombies,” an anti-infiltration campaign launched by the CPP in the mid-80s. These human rights abuses constituted as the basis for persuading the Dutch government to deny Sison’s bid for political asylum thus forcing him to come back to the Philippines.
6. What this official transcript does not tell is that this recent exposition of the “purging” incidents is being done in the wake of renewed counter-insurgency operations against the NPAs and the Muslim rebels. Simultaneous with the revival of the internal “purgings” within the CPP are plans to revitalise the anti-communist *Alsa Masa* and enlist around 35,000 militiamen to reinforce the existing 31,000 regulars of (Civilian Armed Force Geographical Unit (CAFGU), the precursor of which is the CHDF.⁴ Media reports have indicated that even the Catholic Bishops Conference of the Philippines (CBCP) ‘s approval of beefing up the CAFGUs only in “critical areas” and as long as they undergo “proper training, proper education and respect for human rights.”⁵
7. Moreover, the so-called CPP “purgings” in the 80s should not be divorced from the larger political context in which these anti-infiltration campaigns transpired. After the termination of peace negotiation with the CPP, the Aquino government has intensified its military operations against armed rebel groups by combining both armed and psychological warfare. Members of the underground movement were arrested and the CHDF was resurrected into CAFGU employing ethnic groups and religious cults with strong anti-communist and anti-Moro sentiments. These intensive counter-insurgency operations have sharpened the existing organizational weaknesses of the CPP-NPA.
8. But to be in a situation where the military the one taking up the issues of human rights seems to be anomalous. Based on the documentation of local and international human rights groups, the military is historically known for committing horrendous human rights violations not only during the Marcos administration but also after the restoration of democratic rule in 1986. Even the Commission on Human Rights (CHR), as it is presently constituted, cannot take the lead in bringing up the human rights abuses of any of the armed opposition groups. It never lived up to its mandate – to address human rights violations and abuses of both sides. As most of the commissioners are political appointees, it has degenerated into a “public relations” agency for the government.
9. For as long as the government remains a party (or a source of) to an armed conflict and shows no inclination to produce with the armed rebels a rationally drawn and plausible peace

³ “Evidence vs. Joma weak, AFP admits” in *Philippine Daily Inquirer*, 15 March 2000: 5.

⁴ “Cafgu enlisting anti-Red *Alsa Masa*” in *Philippine Daily Inquirer*, 14 March 2000: 1,6.

⁵ “Church sets 3 conditions for CAFGU build-up” in *Philippine Daily Inquirer*, 15 March 2000: 1,21.

compromise, the government is not politically or morally positioned to raise the issue or even monitor the accountability of armed opposition groups. Holding armed groups accountable to human rights is a very thorny issue. They have to be persuaded to own up their abuses, negotiate on standards, and open up their own judicial processes. These conditions would surely require considerable degree of trust between an armed opposition and an outside actor.

10. A 'freer' and "reasoned" discussion on the subject will not occur unless civil society groups – the progressive political formations, non-government organizations, social movements, community organizations and, most importantly, the human rights organizations -- will lead the discussion. I think civil society groups are ethically in the best position to bring up the issue with or pressure the CPP to critically examine their own practices and be more accountable to human rights. This is not to glorify 'civil society.' I am aware that civil society groups are mired in conflicts, i.e. competing claims over resources, turfism, and sometimes ideological differences. But compared civil society groups with the state or any of the armed opposition groups, the nature of the work brings them more in contact with the constituency, which the government is 'ought' to serve and the CPP aims to 'emancipate.'
11. The way the issue has been brought out and handled in the media, human rights community, the social movement, and progressive political formations are pathetically losing the debate either by evading or rejecting the issue forthrightly or by keeping silent on the issue. As a result, the government is taking the upper hand in shaping the public opinion.
12. Some human rights groups have indeed responded. But instead of bringing more light on the issue of CPP's human rights abuses, they threw back the issue of accountability to the government. By treating the issue like a manichean allegory, they have restricted the parameters of the discussion and, more importantly, have eluded the question of the political legitimacy of holding the CPP-NPA accountable to human rights.
13. Historically, the mandate of human rights organizations is centred on state accountability. But there were instances in the past (e.g. Digos Massacre) that human rights organizations such as PAHRA and TFDP have spoken against the abuses of the CPP-NPA. I have talked with some individuals and groups within the human rights community who believed that if one recognizes the non-derogability and universality of human rights, there is no reason to be discriminate the application of human rights standards. But such good intention is routinely feeble by fears of government's propensity to use the data against the armed opposition groups. One way of dealing with this fear is, according to some individual human rights advocates who are inclined to work on the issue of armed groups accountability, is to bring back the issue to and linking up with the constituency of the armed groups – the communities whom the armed groups seek to protect and liberate.
14. Another problem that needs to be settled by human rights organization is standards, what human rights principles and laws to apply in holding armed groups accountable to human rights. The CPP has signed the Comprehensive Agreement of Human Rights and International Humanitarian Law, in which they agreed to abide by international standards – the Universal Declaration of Human Rights and the International Humanitarian Law (IHL) – and to participate in a "Joint Monitoring Committee", the negotiation for the terms of the agreement started during the Ramos administration, but President Estrada did not agree to sign the agreement. If only the Estrada administration has committed itself to the agreement, there could have been an legal and institutional mechanism – open and accountable to the larger public – through which the accountability of both sides to human rights standards can be addressed. While working on the contentious issue of universality of human rights, local human rights organizations should look into the normative orientation and judicial systems of each armed group and try to work within their language as preventive measure (trying to make them accountable to what works at this

point and later broaden the parameters and standards used). Human rights organizations can begin with the new formed armed opposition groups (e.g. RPP–ABB, MNLF-ICC).

15. If human rights groups believed that armed groups should be accountable to human rights standards, they should strive for its legitimacy by expanding their mandate and intervening in the public debate. Human rights groups need to make a political decision on the issue of mandate while formulating policy innovations in the area of human rights. Their silence breeds greater paralysis – they are not only losing the battle over the legitimacy of holding armed opposition groups accountable to human rights but have also unwittingly allowed the Philippine government to shape the public construction of armed opposition groups – cold-blooded abusers of human rights – thus de-legitimizing the serious historical and socio-political reasons why these armed rebels exist.
16. I have come close with a few victims and listened to their own stories of how they have been maltreated while in detention, tortured during interrogation, witnessed the execution of some of their comrades by their own comrades. In those times, one has no resort but to lie – claim that they are indeed spies – in order to save oneself from humiliation and pain.
17. Members of the armed groups themselves should look into their own accountability – to make them accountable to their own claims for political legitimacy. Now that issue has been raised in the broader public, they too should have the obligation to respond. The NDF-Mindanao spokesperson Jorge Madlos, has publicly admitted the Kampanyang Kahos as “grave error and criminal act.”⁶ and claimed to have indemnified the victims. But in the main, the top leadership of the CPP have muddled the issue by using the anti-infiltration incidents in the 1980s against the former CPP leaders and members who bolted from the party when they disagreed to re-affirm the party leadership and party line in 1992. Although the some CPP leaders have acknowledged the culpability of the Party, it remains to be seen what types of “reforms” have they undertaken in their own judicial processes/system in order not to repeat the alleged human rights abuses committed by the Party in Kahos, OPML and elsewhere. The extensive use of torture during these anti-infiltration campaigns is only reflective of the absence of a rational judicial system. Torture is a medieval method of extracting information/evidences and determining the guilt of a person. If the CPP-NPA claims political legitimacy to its own “struggle,” then, through their actual practice, they should prove that their own political, economic and judicial system can match or is a better alternative to the prevailing one.

⁶ As cited in Joma says purge stories as a smear job” in Philippine Daily Inquirer, March 12, 2000:7.