



Addressing the economic, social and cultural root causes of torture

**OMCT ACTION FILE: PHL031207.ESCR
PHILIPPINES: MILITARY ACTIVITY SERIOUSLY AFFECTING THE SAFETY AND
WELLBEING OF RURAL COMMUNITIES IN SURIGAO DEL SUR**

**Anti-insurgency operations by the Philippine military are seriously compromising
the economic, social and cultural rights of indigenous communities**

The International Secretariat of the World Organisation Against Torture (OMCT) has received information from KARAPATAN - The Alliance for the Advancement of People's Rights - a member of the SOS-Torture Network, concerning intensifying military activity in the area of Surigao del Sur, in *the Philippines*, in the context of counter-insurgency operations against the New People's Army. In particular, OMCT is concerned at reports that around 500 military personnel from the 58th Infantry Battalion of the Armed Forces of the Philippines have been stationed in and around the homes of members of Lumad indigenous communities since 4 November, 2007.

OMCT wishes to draw attention both to the direct impact that this armed conflict has on the civilian populations of this area and to the serious implications for the social, economic, and cultural rights of the members of the affected communities. These communities already number among some of the poorest and most vulnerable in the Philippines. The disruption military operations cause to their living standards, their ability to provide food and safe housing for their families, and to their children's education only serves to exacerbate their vulnerability.

OMCT is particularly concerned that civilians have been used as shields, schools and other buildings appropriated as military barracks, children questioned by soldiers, community members denied access to their fields, families forced to seek shelter in makeshift evacuation centres and individuals forcibly enrolled as military guides. The latest reports from KARAPATAN indicate that the build-up of troops is continuing, suggesting that the military operation will be a long one. OMCT calls for urgent action to ensure that the extensive human rights violations that took place in the context of similar military operations between April and May 2005 are not repeated.

To prevent further human rights violations, OMCT calls upon the *Government of the Philippines* to ensure that its military fully respects the human rights of the men, women and children in every area in which it operates and to compensate individuals for any damage or loss caused by military operations.

Background

According to reports from KARAPATAN, the 58th Infantry Battalion of the Army of the Philippines has been increasingly active in areas of Surigao del Sur in the month of November. These troops are engaged in counter-insurgency activities against the New People's Army (NPA), the military wing of the Communist Party of the Philippines. The area of these military operations is also home to a number of indigenous Lumad communities.¹ The Lumad face serious challenges in securing their rights to their ancestral lands, despite the provisions of the 1997 Indigenous Peoples' Rights Act. Their livelihood and survival are increasingly threatened by the activities of multinational corporations, mining companies, logging companies and other economic interests.

KARAPATAN also indicates that the military operation is being assisted by the Semirara Mining Corporation, the biggest coal producer in the Philippines. It is reported that a military contingent that arrived in Emerald community, Diatagon on November 11 not only included two trucks, two 105mm cannons and some 50 fully-armed men, but also two armoured personnel carriers bearing the name of Semirara. This Corporation's exploration permit on Semirara Island, Caluya, Antique is due to expire this year, and Semirara Mining is said to have an interest in moving operations to the Tandag-Tago-Lianga coal quadrant, one of six potential areas for coal mining in the country approved by the Department of Energy. This quadrant overlaps with the area currently targeted by the military for counter-insurgency activities.

Surigao del Sud has already seen serious human rights violations due to activities conducted by the Army of the Philippines. In April and May 2005, counter-insurgency activities resulted in the forced evacuation of 11 communities, comprising some 1200 individuals, while five other communities were held under food and economic blockades. Civilians were also physically assaulted and interrogated as to the whereabouts of members of the NPA, and forest areas and crops were strafed and bombarded.

Human Rights Violations

OMCT is concerned that the manner in which the current military actions are conducted puts local communities at risk and that human rights violations have already occurred. Specifically, OMCT has received reports that schools and other buildings have been appropriated as military barracks, civilians have been used as shields, children and teachers have been questioned by soldiers, movement of civilians has been restricted, community members have been denied access to their fields, families have been forced to seek shelter in makeshift evacuation centres and individuals have been forcibly enrolled as military guides.

Appropriation of public and private buildings

Shortly after midnight on 5 November, a group of soldiers arrived at Simowao community, where they woke up teachers from the Simowao Tribal School in order to use the school for sleeping accommodation. Soldiers returned around 3am on 10 November and again occupied the school. On 11 November, a group of around 100 soldiers set up camp close to the homes of the residents of Emerald community and took over a partly-constructed sari-sari store as a station for military personnel. That evening some of the troops stayed in tents, while others slept in the houses of local residents. At Manluy-a, some 100 soldiers stayed in the local school and in the homes of local residents, with as many as 4 to 10 military personnel

¹ The Lumad have never engaged in armed struggle against the Government of the Philippines. They have, however, been recruited by armed groups representing Moro indigenous communities and by the NPA. They have also been recruited into paramilitary organisations by the armed forces to fight the Moros and the NPA.

stationed in each house. On 15 November a number of soldiers arrived in the Lumad community of Kubuluhan, San Agustin, where they broke the lock of the teachers' cottage at the Lumad Community School and transformed both the cottage and the adjoining school building into a billet. The military presence in these communities contributes to a sense of insecurity among residents, to the extent that they will not leave their homes at night for fear of the soldiers billeted in and around their homes.

Civilians used as shields

The strategy of setting up camp in the middle of local communities offers soldiers a degree of protection from attacks, but puts civilians at serious risk. On 13 November it is reported that the military stationed at Emerald warned school children and teachers at the nearby Simowao Tribal Filipino Community School, as well as local residents, that in the event that the Army was attacked, they would harm civilians.

Community members, including children, questioned by soldiers

On November 4, two teachers at the Manluy-a Tribal Filipino Community School were questioned by soldiers wearing black uniforms and no identification. They were interrogated as to their salaries, what grades they taught and who provided support for the school. Community members residing close to the school were also questioned. On 5 November, children aged between 7 and 10 arriving at Simowao Tribal School were interrogated as to whether they had seen men carrying guns or if their older brothers or sisters were members of the NPA. The children who were questioned also had their names recorded. Five days later soldiers returned to question the teachers at the same school. On 12 November, two teachers at the Alternative Learning Centre for Agricultural Development in Emerald were questioned by soldiers and were ordered to provide their cell phone numbers. On 13 November, soldiers returned to Simowao Tribal Filipino School to question both teachers and children. Military personnel billeted in community members' houses have frequently asked children about their involvement in NPA activities and indicated that if they have elder brothers or sisters who are members of the NPA that they must surrender.

Checkpoints and control of civilians' movements

In areas under military occupation the movements of community members are monitored and restricted, and it has been reported that certain families were able to eat only once a day due to restrictions imposed on community members' access to their crops. Checkpoints have been set up at several locations, including around Simowao and Emerald, and those who pass these points have their belongings searched and must provide ID or a *cedula* (residence certificate), cell phone number and the engine and licence numbers of their vehicle. On 17 November, the military called a community assembly in Kubuluhan, San Agustin, at which they instructed community members not to go to their farmlands and indicated that they name and business of every person entering or leaving Kubuluhan would be recorded. The military also refused requests from community members to be allowed to leave the area for their own safety.

Evacuations to makeshift centres

The fear of being caught in exchanges of fire has driven many to flee their homes – leaving behind belongings and livestock – and seek refuge in makeshift evacuation centres. On 17 November, for example, 62 families from remote communities of barangay Buhisan left behind livestock and belongings to reach the relative safety of the barangay centre. On 21 November, after over one hour of dialogue with the military, more than one thousand Lumads and settlers were allowed to leave nine other communities, carrying what belongings they could. They walked for more than 15 kilometres to the barangay centre of Diatagon, Lianga,

where they joined 48 families who had fled the hinterland communities of San Agustin four days before. They are now staying at the same cramped and cold evacuation centres that served as their homes during the 2005 evacuations in San Agustin and Lianga. It was also reported that at least 23 families along with two literacy teachers from the Lumad community of Manluy-a were prevented by the military from leaving their village. They were eventually permitted to join the rest of their community in Diatagon following the intervention of a group of municipal government agencies, the barangay council of Diatong and concerned church members.

On 25 November, staff of the Tribal Filipino Program in Surigao del Sur issued an urgent message that food stocks in the Diatagon gym, which serves as the evacuations centre, were running dangerously low. There remained only two sacks of rice to feed some 2000 evacuees, and three children had been taken to the district hospital because of convulsions. They also indicated that the evacuees included 12 pregnant women who needed special care, and 30 babies below the age of one. There was also a shortage of sleeping mats, blankets, milk and medicines.

Individuals forced to serve as guides and to support military operations

On 12 November a 19-year old from Upper Oregon, San Isidro, Lianga, was arrested by the military while harvesting rattan. He was then forced to act as a guide for four days until he was freed after his family petitioned the battalion headquarters. On 16 November an abaca² stripper was forced to accompany the soldiers in their operations and latest information indicates that he is still being held. Reports coming from San Isidro, Tandag, suggest that soldiers were recruiting youths who were out of school to support military activities.

Economic, social and cultural rights and violence

The operations being carried out by the Philippine military are ostensibly part of a counter-insurgency initiative against the NPA, however they also serve to stabilise this area in order to facilitate mining activities, a development which local communities strongly oppose. It is these same communities that are experiencing the repercussions of this military activity, not least in terms of their human right to an adequate standard of living, established under Article 11 of the International Covenant of Economic, Social and Cultural Rights, and in particular their right to adequate food, clothing and housing, and to the continuous improvement of living conditions. The disruption caused by military operations, together with the evacuation of several communities has also caused the suspension of classes at seven Lumad Literacy Schools and one Lumad High School, thus compromising the community members' right to education, enshrined under Article 13 of the Covenant and Article 28 of the Convention on the Rights of the Child. The effect of these developments is to exacerbate the socio-economic vulnerability of communities that already experience serious marginalisation.

² Abaca is a fibre from the bark of the abaca plant, used to make rope, fabric and paper.

Requested Action

Please write to the Government of the Philippines asking it to ensure that:

- military personnel engaged in activities in Surigao del Sur refrain from staying in the houses of civilians, occupying schools or setting up camp close to civilian homes;
- the presence of the Philippine Army does not restrict the economic activity of community members or their ability to provide food for themselves and their families;
- military personnel conduct themselves in a manner that fully respects the human rights of the men, women and children they encounter in the course of their activities;
- civilians are in no way put at risk during military operations;
- soldiers refrain from harassing schoolchildren and teachers and that the right to education is not compromised in any way;
- those families and individuals living in makeshift evacuation centres receive adequate food and care;
- households that have lost belongings or livestock or suffered economically as a result of military operations are fully compensated.

Also request the Government of the Philippines to:

- carry out a full and independent investigation into the events in Surigao del Sur and to make the results of this report public.

Please also remind the Government of the Philippines to respect the protections afforded to indigenous communities under the 1997 Philippines' Indigenous Peoples' Rights Act, and to ensure that these protections are in no way compromised by other legislation, including the country's 1995 Mining Code.

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Please also write to the Embassy of the Philippines in your country.

Information on action taken and follow-up

OMCT would appreciate receiving information on any action taken in relation to the matters dealt with in this Action File so that it might be shared with OMCT's network and others interested in this issue. Please quote the code of this appeal on the cover page in contacting us.

Geneva, 3 December, 2007

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