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**Report on Activities
January - February 2012**



**NDFP Nominated Section
Joint Secretariat
Joint Monitoring Committee**

Report on Activities

Joint Secretariat Joint Monitoring Committee of CARHRIHL NDFP-Nominated Section January - February 2012

The following were the major activities and accomplished tasks of the NDFP-nominated section in the Joint Secretariat for the period January 1 to February 29, 2012.

I. Complaints

There were 54 complaint forms received by the Joint Secretariat during the period January 1 to February 29, 2012, all of which are against the GRP/GPH.

The new numbered complaint forms brought the total number of submitted complaint forms to 5,155 or an increase of 1.05% over the last period. The total complaint forms against the GPH now constitute 64.02% of all complaint forms or 3,300 while those against the NDFP constitute 35.98% or 1,855 (see Figure 1).

I.A. On the complaint forms submitted against the NDFP

To facilitate understanding of the evolution of the complaint forms submitted against the forces of the NDFP since June 2004, we are incorporating hereunder the entire section on "Summary of Events" in the July-August 2011 report.

I.A.1. Summary of Events

The NDFP-Joint Secretariat (NDFP-JS) conducts a form and content study of complaint forms submitted against the NDFP as soon as these are filed with the JMC. The study is forwarded to the NDFP-Monitoring Committee (NDFP-MC) for review and evaluation. The NDFP-MC and NDFP-JS then hold joint consultations (at least once a year) to discuss the study and draft a report for consideration by the NDFP Human Rights Committee (HRC).

In its form and content study, the NDFP-JS classifies the complaint forms into six gene-

ral categories formulated by the NDFP-HRC. These are: 1. Duplication (submission of two or multiple complaints for a single incident); 2. Defective (complaints that are invalid in form and content or are lacking in sufficient data or proper documentation which render the allegations practically impossible to investigate and verify); 3. Outside of the Coverage and Scope of CARHRIHL (incidents that occurred before August 7, 1998, effectivity date of CARHRIHL, or complaints that do not qualify as violations of CARHRIHL); 4. False Attribution (violations by the GRP/GPH military and paramilitary units or allegations against criminal armed groups and common crime suspects that are passed off or falsely attributed to the NPA); 5. Reported (allegations that are reported in revolutionary publications or by concerned NPA commands); and, 6. Further Study (complaints that are for further study and investigation by the NDFP-HRC).

In March 2008, the NDFP-MC and the NDFP-JS published their first major report of complaints submitted to the Joint Monitoring Committee, including those against the NDFP, in the pamphlet, A Look into the Complaints Submitted to the Joint Monitoring Committee.

The study revealed that from June 4, 2004 to December 31, 2007, out of 1,791 complaint forms submitted against the NDFP, 152 were duplications; 1,349 were defective in form and content; 42 were outside the coverage or scope of CARHRIHL; 41 were falsely attributed; six (6) were for further study and investigation by the NDFP-HRC; and 201 were reported in revolutionary publications or by concerned NPA commands. Of the 201 reported, 138 were legitimate military operations or armed encounters; 32 were in implementation of the movement's revolutionary justice system; and, 31 were in implementation of the movement's revolutionary policies

on taxation, protection of the environment and promotion of the rights and welfare of workers and peasants.

Thus, of the 1,791 complaints against the forces of the NDFP, 69 appeared to be valid, of which six (6) were for further study and 63 (32 plus 31) were for verification with the concerned organs of the revolutionary movement.

During the September 2008 joint consultations of the NDFP-MC and NDFP-JS, it was decided after review that six (6) complaints previously classified as defective in form and content in March 2008 be considered for further study and investigation by the NDFP-HRC.

In the March 2010 joint consultations, it was decided after review that one (1) of the original six (6) complaints categorized for further study and investigation in March 2008 be included among the 63 for verification by concerned units and organs of the revolutionary movement. It was also decided that of the 13 complaint forms submitted against the NDFP after December 31, 2007 until February 2010 (or for more than two years), only one (1) was for further study and investigation by the NDFP-HRC; two (2) were for verification by concerned units and organs of the revolutionary movement; one (1) was false attribution; and, the rest were considered defective in form and content.

Thus, as of March 2010, the total of what appeared to be valid complaint forms against the NDFP was 78, broken down as follows: 12 for further study and investigation by the NDFP-HRC and 66 for verification by concerned organs of the revolutionary movement.

I.A.2. The July 2011 Consultations in Manila

In the joint consultations between the NDFP-MC and the Head of the NDFP-JS in December 2010 and February 2011, it was

decided that the form and content study by the NDFP-JS of complaint forms submitted against the NDFP after April 2010 would be done in the joint consultations between the NDFP-MC and NDFP-JS in July or August 2011 in Manila.

From April 30, 2010 to June 30, 2011, there were 33 complaint forms submitted against the forces of the NDFP: 13 in September-October 2010; five (5) in November-December 2010; two (2) in January-February 2011; eight (8) in March-April 2011; and, five (5) in May-June 2011.

In the July 2011 joint consultations and after reevaluation by the NDFP-MC in August 2011, it was determined that of the 33 complaint forms, three (3) were duplications; two (2) were deemed defective in form and content; 19 were falsely attributed to the NPA; seven (7) were reported in revolutionary publications or by concerned NPA commands [four (4) of which were for verification]; and, two (2) were for further study and investigation. Sixteen (16) of the falsely attributed were filed by PNP Sorsogon – common crimes like family feud, personal grudges and even a karaoke bar brawl shooting that were being attributed to the NPA.

I.A.3. Current Situation

The seven (7) complaint forms submitted against the forces of the NDFP during the reporting period of July-August 2011 were not included in the abovementioned 33 complaint forms evaluated in the July 2011 joint consultations. These complaints, together with the seven (7) complaints submitted in September-October 2011 and the four (4) complaints submitted in November-December 2011, had already undergone form and content study by the NDFP-JS. They had also been forwarded to the NDFP-MC for review and evaluation.

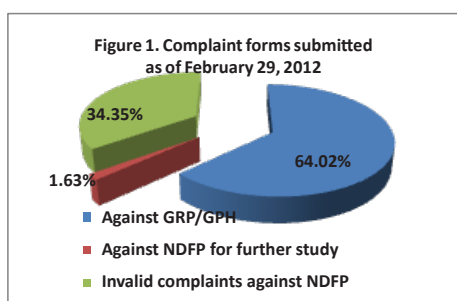
As of the present reporting period, only 84 complaint forms against the NDFP

appeared to be valid: 14 for further study and investigation of the NDFP-HRC, and 70 for verification by concerned organs of the revolutionary movement (see Table 1).

Table 1

Complaints for study and verification	84
For verification by concerned organs	70
For further study by the NDFP-HRC	14
For review and evaluation by the NDFP-MC	18
Submitted in July-August 2011	7
Submitted in September-October 2011	7
Submitted in November-December 2011	4
Submitted in January-February 2012	0

The pie chart below shows the breakdown of all the complaints submitted against both the GRP/GPH and the NDFP.



I. B. On the complaint forms submitted against the GRP/GPH

All of the 54 new complaints against the GPH in the current reporting period involved violations of human rights, with all 54 complaints involving violations of civil and political rights. Five (5) complaints involved violations of social, economic and cultural rights.

Fifteen (15) complaints involved violations of international humanitarian law, with all 15 involving violations against civilians. These include five (5) instances of use of public places (barangay halls), private residences and schools for military purposes and/or endangerment of civilians, and two

(2) instances each of forcible evacuation/displacement and use of civilians in military operations as guide and/or shield.

All of the complaints involved violations of individual rights while five (5) complaints involved violations of collective rights (see Table 2).

Table 2

Violation of HR	54
Civil and Political Rights	54
Social, Economic and Cultural Rights	5
Violations of IHL	15
Against Civilians	15
Violations of Individual Rights	54
Violations of Collective Rights	5

In terms of type of violations, there were 15 complaints involving violations against the right to life. Of these, the most common violation was torture with 11 instances. There were also six (6) instances of physical abuse and three (3) instances of frustrated killing. There were two (2) instances of killing.

There were eight (8) complaints involving violations against property, with five (5) instances of divestment of property and four (4) instances of destruction of property.

All 54 complaints involved violations of other rights, the most common violations being threat/harassment/intimidation, 33 instances; arbitrary or unjustified detention, 18 instances; arbitrary or unjustified arrest, 16 instances; violation of domicile, 13 instances; coercion, 10 instances; and arbitrary or unjustified search and seizure, seven (7) instances.

There were five (5) complaints involving violations of collective rights, specifically forcible evacuation/displacement and restriction or dispersal of mass actions.

Table 3 is a complete tabulation of the types of rights violated and the number of

instances for each type of violation.

Table 3

Type of Violation	No. of Incidents
Threat/Harassment/Intimidation	33
Arbitrary or Unjustified Detention	18
Arbitrary or Unjustified Arrest	16
Violation of Domicile	13
Torture	11
Coercion	10
Arbitrary or Unjustified Search and Seizure	7
Physical Abuse	6
Use of Public Places (barangay hall), Private Residences and Schools for Military Purposes and/or Endangerment of Civilians	5
Divestment of Property	5
Destruction of Property	4
Frustrated Killing	3
Demolition	3
Cruel, Inhuman and/or Degrading Treatment or Punishment	3
Killing	2
Violation of Rights of Arrested or Detained Persons	2
Forcible Evacuation/Displacement	2
Use of Civilians in Military Operations as Guide and/or Shield	2
Restriction of Dispersal of Mass Actions	2
Indiscriminate Gunfire	1
Criminalization of Political Acts	1
Forced Recruitment/Conscription	1
Forced Labor/Involuntary Servitude	1
Denial of Decent Burial, Refusal to Tender Remains and/or Desecration of Remains	1
Restriction or Violation of Right to Association	1
Violation of Other Rights of Indigenous	1
Violation of Other Rights of Children	1
Violation of Basic Students' Rights and Academic Freedom	1
TOTAL NO. OF INSTANCES	156

There were 25 individual victims identified as adult women and four (4) victims identified as children and minors, three of whom were males. Not included in this count are the individual victims in the hundreds of households affected by massive displacement and forcible evacuation.

Majority of the incidents (35) occurred in 2011. Fifteen (15) occurred in 2010 while the rest happened in 2012. Thirty-one (31) incidents took place in Southern Tagalog while 11 took place in the National Capital Region (NCR). The rest occurred in Western Mindanao and Eastern Visayas. See the table below for breakdown of the incidents by year and province.

Table 4

Region/ Province	2010	2011	2012	TOTAL
<i>Southern Tagalog</i>	13	18	0	31
Laguna	3	1	0	4
Quezon	7	16	0	23
Rizal	3	0	0	3
Mindoro Occidental	0	1	0	1
<i>NCR</i>	0	7	4	11
<i>Western Mindanao</i>	1	6	0	7
Zamboanga del Sur	1	5	0	6
Misamis Occidental	0	1	0	1
<i>Eastern Visayas</i>	1	4	0	5
Northern Samar	0	3	0	3
Samar	1	1	0	2
TOTAL	15	35	4	54

In some of the incidents, the perpetrators were identified as combined elements of the Armed Forces of the Philippines (AFP) or the Philippine National Police (PNP) with their respective paramilitary groups such as the Citizen Armed Forces Geographical Unit (CAFGU), civilian volunteers and private security agents of politicians or multinational corporations. Elements of the AFP were the alleged perpetrators in 38 of the complaints while the PNP were involved in 16 complaints. The other perpetrators are

listed in Table 5.

Table 5

Alleged Perpetrators	No. of Instances
AFP	38
PNP	16
Paramilitary (CAFGU, etc.)	4
Civilian national unit	4
Landlord/caretaker/management	2
Goons, private army, etc.	1
Unidentified but believed to be military	1

The complaints were filed by various human rights organizations: Karapatan-Southern Tagalog, Karapatan National and Karapatan-NCR. Tabulated below is the list of filers and the number of complaints they filed.

Table 6

Filer	No. of Complaints
Karapatan-Southern Tagalog	30
Karapatan-National	13
Karapatan-NCR	11
TOTAL	54