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**Report on Activities
July - August 2011**



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

Report on Activities

Joint Secretariat Joint Monitoring Committee of CARHRIHL NDFP-Nominated Section July - August 2011

The following were the major activities and accomplished tasks of the NDFP-nominated section in the Joint Secretariat for the period July 1 to August 31, 2011.

I. Complaints

There were 169 complaint forms received during the period July 1 to August 31, 2011, seven (7) of which were against the forces of the NDFP and the rest were against the forces of the GRP/GPH.

The new numbered complaint forms brought the total number of submitted complaint forms to 4,996 or an increase of 3.50% over the last period. The total complaint forms against the GRP/GPH now constitute 63.09% of all complaint forms or 3,152 while those against the NDFP constitute 36.91% or 1,844 (see Figure 1).

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

A review of the complaint forms submitted against the NDFP was conducted during the joint consultations in Manila between the NDFP-MC and NDFP-JS in July 2011. It was noted that adjustments had to be made in the present report on the classification of these complaint forms.

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 general 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 complaint forms 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. Current Situation

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 Sept-Oct 2010; five (5) in Nov-Dec 2010; two (2) in Jan-Feb 2011; eight (8) in Mar-Apr 2011; and, five (5) in May-Jun 2011.

In the July 2011 joint consultations and after re-evaluation 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.

The seven (7) complaint forms submitted

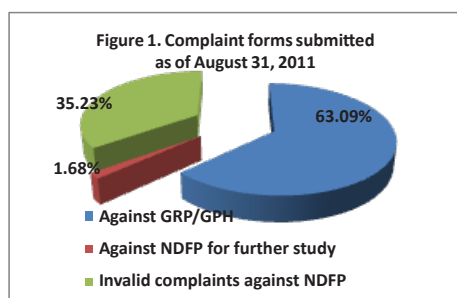
against the forces of the NDFP during this reporting period of July-August 2011 were not included in the abovementioned 33 complaint forms evaluated in the July 2011 joint consultations. These seven (7) are still for separate review and evaluation by the NDFP-MC.

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 further study by the NDFP-HRC	14
For verification by concerned organs	70
For review and evaluation by the NDFP-MC submitted during this period	7

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 incidents in the 162 new complaints against the GRP/GPH in the current reporting period involved allegations of violations of human rights (civil and political and/or social, economic and cultural) and/or international humanitarian law. As well, most allegations, if not all, involved multiple violations of human rights and/or international humanitarian law. In its form

and content study, the NDFP-JS tabulated these different kinds and forms of violations individually as shown in the Tables below.

All of the 162 new complaints involved violations of human rights, with 157 complaints involving violations of civil and political rights. Ten (10) of these 157 complaints also involved violations of social, economic and cultural rights.

One hundred four (104) complaints involved violations of international humanitarian law, one (1) of which involved a violation against the rights of an hors de combat. The rest involved violations against civilians. One hundred fifty-eight (158) complaints involved violations of individual rights and 38 complaints involved violations of collective rights (see Table 2).

Table 2

Violation of HR	162
Civil and Political Rights	157
Social, Economic and Cultural Rights	10
Violations of IHL	104
Against Civilians	103
Against Hors de Combat	1
Violations of Individual Rights	158
Violations of Collective Rights	138

In terms of type of violations, there were 47 complaints involving violations against the right to life. Of these, the most common violations were torture, 23 instances; frustrated killing, 11 instances; killing, 9 instances; and enforced disappearances, 6 instances.

There were 32 complaints involving violations against property, with 27 instances of divestment of property and 16 instances of destruction of property.

There were 153 complaints involving violations of other rights, the most common

violations being threat/harassment/intimidation, 119 instances; coercion, 61 instances; violation of domicile, 56 instances; use/attack of private residences, public places, schools and religious places for military purposes and/or endangerment of civilians, 40 instances; and arbitrary or unjustified detention, 39 instances, one of which was incommunicado.

Eleven (11) complaints involved violations of rights of sectors such as indigenous peoples, religious persons and peasants. There were, among others, two instances (2) of sexual harassment and one (1) instance of land grabbing.

There were 38 complaints involving violations of collective rights, the most common violation being use of public places such as schools, health centers and/or barangay halls, a basketball court and a waiting shed for military purposes. See Table 3 for 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 Incident(s)
Threat/Harassment/Intimidation	119
Coercion	61
Violation of Domicile	56
Use/Attack of Private Residences, Public Places, Schools and Religious Places for Military Purposes and/or Endangerment of Civilians (barangay hall, basketball court, waiting shed)	40
Arbitrary or Unjustified Detention (with one incident of detention incommunicado)	39
Arbitrary or Unjustified Search and Seizure	33
Arbitrary or Unjustified Arrest	32
Divestment of Property	27
Torture	23
Destruction of Property	16
Forcible Evacuation/Displacement	13
Frustrated Killing	11
Violation of Rights of Arrested or Detained Persons (against trial by publicity, right to visit by family and right to counsel)	11
Killing	9

Killing	9
Use of Civilians in Military Operations as Guide and/or Shield	9
Violation of Other Rights of Indigenous Peoples	8
Exploitation of Children in the Context of Armed Conflict	7
Forced Labor/Involuntary Servitude	7
Physical Abuse	7
Restriction or Violation of Right to Association or Assembly	7
Aerial Bombardment/Bombing/Indiscriminate Gunfire, Strafing	6
Enforced Disappearance	6
Creating, Maintaining, Supporting or Allowing Paramilitary Groups	6
Criminalization of Political Acts	5
Cruel, Inhuman and/or Degrading Treatment or Punishment	4
Denial of Medical Attention	2
Forced Recruitment/Conscription	2
Restriction or Dispersal of Mass Actions, Public Assemblies and Gatherings	2
Sexual Harassment	2
Violation of Other Rights of Peasants	2
Desecration of Remains	1
Land Grabbing	1
Violation of Rights of Hors de Combat	1
Violation of Rights of Religious Persons	1
TOTAL NO. OF VIOLATIONS	576

There were 82 individual victims identified as adult women and 21 victims identified as female children/minors and 46 male children/minors. There were 784 children and minor victims.

Majority of the reported incidents occurred in 2011. One incident happened in 2000 while the rest happened from 2006 to 2010. Forty-two (42) of the incidents took place in the Bicol Region. The rest occurred in SOCCSKARGEN, Central Visayas, Eastern Visayas, Northern Mindanao, Western Visayas, Caraga, National Capital Region, Cagayan Valley, and Central Luzon. Tables 4.a and 4.b show a breakdown of the number of incidents according to year and province.

Table 4.a

REGION/PROVINCE	No. of Complaints
Bicol	36
Albay	9
Camarines Sur	1
Masbate	26
Cagayan Valley	2
Cagayan	1
Isabela	1
Caraga	4
Agusan del Sur	1
Surigao del Sur	3
Central Luzon	1
Nueva Ecija	1
Central Visayas	23
Bohol	3
Cebu	1
Negros Oriental	19
Davao Region	42
Compostela Valley	14
Davao City	3
Davao Del Norte	2
Davao Del Sur	7
Davao Oriental	16
Eastern Visayas	9
Eastern Samar	3
Leyte	1
Northern Samar	3
Samar	2
NCR	4
Manila	1
Makati	1
Muntinlupa	1
Navotas	1
Northern Mindanao	5
Bukidnon	2
Misamis Oriental	3
SOCCSKARGEN	31
Cotabato City	1
Saranggani	30
Western Visayas	5
Iloilo	1
Negros Occidental	4
TOTAL	162

Table 4.b

Year	No. of Complaints
2000	1
2005	2
2006	4
2007	6
2008	6
2009	10
2010	39
2011	94
TOTAL	162

In most 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 majority of the complaints (142). Twenty-three (23) complaints involved paramilitary elements while 15 complaints involved the PNP. The other perpetrators are listed in Table 5.

Table 5

Alleged Perpetrators	No. of Instances
AFP	142
Paramilitary (CAFGU, etc.)	23
PNP	15
Unidentified but believed to be military	5
Civilian agents	4
LGU	3
Private security agency	2
Unclassifiable	2
Civilian national unit	1
Goons, private army, etc.	1
Landlord/caretaker/management	1

Most of the complaints were filed by human rights organizations such as Karapatan-Bikol, Karapatan-National and Karapatan-Southern Mindanao Region. Tabulated below is the complete list of filers and the number of complaints they filed.

Table 6

Filer	No. of Complaints
Center for Lumad Advocacy and Services (CLANS)	29
Exodus for Justice and Peace (EJP)	1
Hustisya Southern Mindanao Region	2
Karapatan-Bikol	34
Karapatan-National	60
Karapatan-Southern Mindanao Region	36
TOTAL	162