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**Report on Activities
November - December 2011**



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

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**Joint Secretariat
Joint Monitoring Committee of CARHRIHL
NDFP-Nominated Section
November - December 2011**

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

I. Complaints

There were 39 complaint forms received by the Joint Secretariat during the period November 1 to December 31, 2011, four (4) of which were against the forces of the NDFP and thirty-five (35) were against the forces of the GRP/GPH.

The new numbered complaint forms brought the total number of submitted complaint forms to 5,101 or an increase of 0.77% over the last period. The total complaint forms against the GRP/GPH now constitute 63.63% of all complaint forms or 3,246 while those against the NDFP constitute 36.37% 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 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. 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 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 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 seven (7) had already undergone form and content study by the NDFP-JS and had been forwarded to the NDFP-MC for review and evaluation.

Likewise, the seven (7) complaint forms submitted in the September-October 2011 reporting period had already been forwarded to the NDFP-MC for review and evaluation. These had already undergone form and content study by the NDFP-JS.

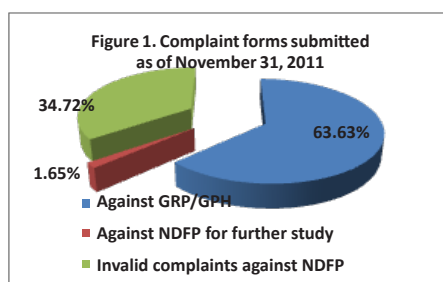
The NDFP-JS has also finished its form and content study of the four (4) complaint forms submitted against the forces of the NDFP in the present reporting period of November-December 2011. These have already been forwarded to the NDFP-MC for review and evaluation.

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

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



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

All of the incidents in the 35 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 35 new complaints involved violations of human rights, with all 35 complaints involving violations of civil and political rights. One (1) complaint also involved violations of social, economic and cultural rights.

Eighteen (18) complaints involved violations of international humanitarian law, with all 18 involving violations against civilians. 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	35
Civil and Political Rights	35
Social, Economic and Cultural Rights	1
Violations of IHL	18
Against Civilians	18
Violations of Individual Rights	35
Violations of Collective Rights	5

In terms of type of violations, there were 23 complaints involving violations against the right to life. Of these, the most common violation was killing with 11 instances, one of which was a massacre. There were also five (5) instances of frustrated killing, five (5) instances of physical abuse, and three (3) instances of torture.

There were nine (9) complaints involving violations against property, with six (6) instances of destruction of property and five (5) instances of divestment of property.

There were 27 complaints involving violations of other rights, the most common violations being threat/harassment/intimidation, 24 instances; arbitrary or unjustified arrest, 8 instances; forcible evacuation/displacement, six (6) instances; arbitrary or unjustified detention, five (5) instances;

and demolition, five (5) instances. One (1) complaint involved an incident of sexual harassment.

There were five (5) complaints involving violations of collective rights, specifically forcible evacuation/displacement.

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	24
Killing	11
Arbitrary or Unjustified Arrest	8
Forcible Evacuation/Displacement	6
Destruction of Property	6
Frustrated Killing	5
Physical Abuse	5
Arbitrary or Unjustified Detention	5
Demolition	5
Divestment of Property	5
Coercion	4
Violation of Domicile	4
Torture	3
Arbitrary or Unjustified Search or Seizure	2
Aerial Bombing, Indiscriminate Gunfire, Strafing	2
Enforced Disappearance	1
Sexual Harassment	1
TOTAL NO. OF VIOLATIONS	97

There were 20 individual victims identified as adult women and seven (7) victims identified as children and minors. 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 (28) occurred in 2011. Five (5) occurred in 2010 while one (1) happened in 2008 and another one (1) in 2003. Twelve (12) of the incidents took place in the National Capital Region while 10 took place in Southern Tagalog. The rest occurred in Western Visayas, SOCSKARGEN, Eastern Visayas, Davao, CARAGA, and Central Visayas. For a breakdown of the incidents by year and province, see Table 4.

Table 4

Region/ Province	No. of Complaints	2003	2008	2010	2011
NCR	12	0	0	0	12
Parañaque	4	0	0	0	4
Manila	3	0	0	0	3
Quezon City	2	0	0	0	2
Mandaluyong	2	0	0	0	2
Marikina	1	0	0	0	1
Southern Tagalog	10	1	0	1	8
Batangas	7	0	0	0	7
Rizal	1	0	0	1	0
Palawan	1	0	0	0	1
Mindoro Oriental	1	1	0	0	0
Bicol	4	0	0	3	1
Camarines Sur	3	0	0	3	0
Albay	1	0	0	0	1
Central Visayas	1	0	1	0	0
Negros Oriental	1	0	1	0	0
Western Visayas	3	0	0	0	3
Iloilo	2	0	0	0	2
Negros Occidental	1	0	0	0	1
SOCSKARGEN	2	0	0	0	2
North Cotabato	2	0	0	0	2
Eastern Visayas	1	0	0	1	0
Northern Samar	1	0	0	1	0
Davao	1	0	0	0	1
Compostela Valley	1	0	0	0	1
CARAGA	1	0	0	0	1
Agusan del Norte	1	0	0	0	1
TOTAL	35	1	1	5	28

In seven (7) 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. Fifty per cent (50% or 24) of the alleged perpetrators during this reporting period were elements of the AFP and the PNP. See Table 5 for the list of perpetrators.

Table 5

Alleged Perpetrators	No. of Instances
AFP	18
PNP	6
Civilian agents	5
Goons, private army, etc.	4
Landlord/caretaker/management	4
Unidentified but believed to be military	3
LGU	3
Paramilitary (CAFGU, etc.)	2
Private security agency	2
Civilian national unit	1

Almost all of the complaints (33) were filed by two (2) human rights organizations, Karapatan-National and Karapatan-NCR. The remaining two (2) complaints were filed by the victims (see Table 6).

Table 6

Filer	No. of Complaints
Karapatan-National	21
KARAPATAN-NCR	12
Victims	2
TOTAL	35