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**Report on Activities  
September - October 2011**



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

# Report on Activities

## Joint Secretariat Joint Monitoring Committee of CARHRIHL NDFP-Nominated Section September - October 2011

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

### I. Complaints

There were 66 complaint forms received during the period September 1 to October 31, 2011, seven (7) of which were against the forces of the NDFP and fifty-nine (59) were against the forces of the GRP/GPH.

The new numbered complaint forms brought the total number of submitted complaint forms to 5,062 or an increase of 1.32% over the last period. The total complaint forms against the GRP/GPH now constitute 63.43% of all complaint forms or 3,211 while those against the NDFP constitute 36.57% or 1,851 (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" and some parts of the "Current Situation" 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. 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 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.

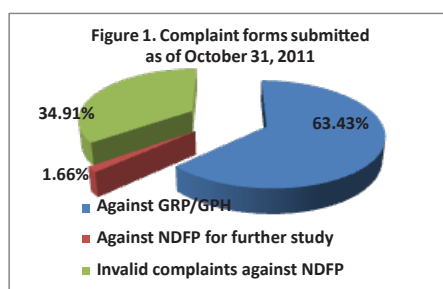
The NDFP-JS has finished its form and content study of the seven (7) complaint forms submitted against the forces of the NDFP in the present reporting period of September-October 2011. These have already been forwarded to the NDFP-MC for review and evaluation.

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

<b>Complaints for study and verification</b>	<b>84</b>
For verification by concerned organs	70
For further study by the NDFP-HRC	14
<b>For review and evaluation by the NDFP-MC</b>	<b>14</b>
Submitted in July-August 2011	7
Submitted in September-October 2011	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 59 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 59 new complaints involved violations of human rights, with all 59 complaints involving violations of civil and political rights. Eight (8) of these complaints also involved violations of social, economic and cultural rights.

Forty-two (42) complaints involved violations of international humanitarian law, forty-one (41) of which involved violations against civilians. Two (2) complaints involved violations against persons deprived of liberty while one (1) complaint involved a violation against persons *hors de combat*. Fifty-seven (57) complaints involved violations of individual rights, and seven (7) complaints involved violations of collective rights (see Table 2).

Table 2

<b>Violation of HR</b>	<b>59</b>
Civil and Political Rights	59
Social, Economic and Cultural Rights	8
Violations of IHL	42
Against Civilians	41
Against Persons Deprived of Liberty	2
Against Hors de Combat	1
Violations of Individual Rights	57
Violations of Collective Rights	7

In terms of type of violations, there were 39 complaints involving violations against the right to life. Of these, the most common violation was killing with 23 instances and a total of 34 victims. Four (4) of the killings were instances of massacre. There were also 11 instances of frustrated killing, nine (9) instances of aerial bombardment, bombing, indiscriminate gunfire, and strafing, and seven (7) instances of physical abuse, among others.

There were 42 complaints involving violations of other rights, the most common violations being threat/harassment/intimidation, 30 instances; arbitrary or unjustified detention, 15 instances; arbitrary or unjustified arrest, 12 instances; coercion, nine (9) instances; and violation of domicile, nine (9) instances.

Ten (10) complaints involved violations of rights of sectors such as indigenous peoples, farmers and fisherfolk. Among others, there were three (3) instances of violation of other rights of farmers and two instances (2) of land grabbing, land reconcentration or land use conversion.

There were seven (7) complaints involving violations of collective rights, the most common violation being use of private residences and public places such as school, place of worship, day care center, health center, Sangguniang Kabataan office, barangay hall, and waiting shed for military purposes and/or endangerment of civilians with six (6) instances.

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 Incident(s)
Threat/Harassment/Intimidation	30
Killing	23
Arbitrary or Unjustified Detention	15
Arbitrary or Unjustified Arrest	12
Frustrated Killing	11
Aerial Bombardment, Bombing, Indiscriminate Gunfire, Strafing	9
Coercion	9
Violation of Domicile	9
Divestment of Property	8
Violation of Rights of Arrested or Detained Persons (against trial by publicity, right to visit by family and right to counsel)	8
Physical Abuse	7
Destruction of Property	7
Use of Private Residences, Public Places (day care center, health center, Sangguniang Kabataan office, barangay hall, and waiting shed), Schools and Religious Places for Military Purposes and/or Endangerment of Civilians	6

Torture	5
Criminalization of Political Acts	5
Forcible Evacuation/Displacement	3
Use of Civilians in Military Operations as Guide and/or Shield	3
Demolition	3
Violation of Other Rights of Peasants/Farmers	3
Forced Recruitment/Conscription	2
Forced Labor/Involuntary Servitude	2
Land Grabbing, Land Reconcentration or Land Use Conversion	2
Enforced Disappearance	1
Death Due to Indiscriminate Gunfire	1
Cruel, Inhuman and/or Degrading Treatment or Punishment	1
Restriction or Dispersal of Mass Actions, Public Assemblies and Gatherings	1
Exploitation of Children in the Context of Armed Conflict	1
Creating, Maintaining, Supporting or Allowing Paramilitary Groups	1
Denial of Decent Burial, Refusal to Tender Remains and/or Desecration of Remains	1
Denial of Humanitarian Access	1
Hamletting	1
Forced/Fake Surrender	1
Violation of Rights of Hors de Combat	1
Restriction, Denial, Prohibition of the Right to Form Union and the Right to Strike	1
Violation of Other Rights of Indigenous Peoples	1
Violation of Other Rights of Fisherfolk	1
Violation of Other Rights of Workers	1
Violation of Other Rights of Children	1
Sexual Abuse/Sexual Harassment	1
<b>TOTAL NO. OF VIOLATIONS</b>	<b>205</b>

There were 35 individual victims identified as adult women. There were a total of 53 children and minor victims. Of these, 12 were identified as female while 35 were identified as male. The rest were of unspecified gender.

Twenty-one (21) of the reported incidents occurred in 2011 while 18 occurred in 2010. The rest of the incidents happened in 2001, 2004, 2005, 2006, 2008, and 2009. Nineteen (19) of the incidents took place in Northern Mindanao while six (6) took place in Southern Tagalog. The rest occurred in Eastern Visayas, Western Visayas, Cagayan Valley, CARAGA, Central Visayas, Davao, Bicol, SOCCSKSARGEN, Central Luzon,

Ilocos, and the Zamboanga Peninsula (see (see Tables 4.1 and 4.b).

Table 4.a

REGION / PROVINCE	2001	2004	2005	2006	2008	2009	2010	2011
Northern Mindanao	19	0	0	0	0	4	7	8
Southern Mindanao	6	1	2	0	0	0	1	2
Tagalog								
Eastern Visayas	5	0	1	0	0	1	3	0
Western Visayas	5	0	0	0	2	0	1	2
Cagayan Valley	4	0	0	1	0	2	0	1
CARAGA	4	0	0	0	0	0	1	3
Central Visayas	4	1	0	0	0	0	2	1
Davao	3	0	1	0	0	1	0	1
SOCCSKSARGEN	3	0	0	0	0	0	1	2
Bicol	3	0	0	0	0	1	1	1
Central Luzon	1	0	0	1	0	0	0	0
Ilocos	1	0	0	0	0	0	1	0
Zamboanga Peninsula	1	0	1	0	0	0	0	0
<b>TOTAL</b>	<b>59</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>9</b>	<b>18</b>	<b>21</b>

Table 4.b

Region/Province	No. of Complaints
<b>Northern Mindanao</b>	<b>19</b>
Bukidnon	7
Misamis Oriental	6
Cagayan de Oro	5
Lanao del Norte	1
<b>Southern Tagalog</b>	<b>6</b>
Quezon	2
Laguna	1
Cavite	1
Batangas	1
Occidental Mindoro	1
<b>Eastern Visayas</b>	<b>5</b>
Samar	2
Northern Samar	1
Eastern Samar	1
Leyte	1
<b>Western Visayas</b>	<b>5</b>
Negros Occidental	5
<b>Cagayan Valley</b>	<b>4</b>
Cagayan	4
<b>CARAGA</b>	<b>4</b>
Surigao del Sur	3
Agusal del Sur	1
<b>Central Visayas</b>	<b>4</b>
Cebu	2
Negros Oriental	2

Camarines Sur	1
Albay	1
Davao	3
Davao Oriental	2
Compostela Valley	1
SOCCSKSARGEN	3
Sarangani	3
Central Luzon	1
Pampanga	1
Ilocos	1
Ilocos Sur	1
Zamboanga Peninsula	1
Zamboanga del Sur	1
<b>TOTAL</b>	<b>59</b>

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. Thirty-one (31) of the alleged perpetrators were elements of the AFP while 14 were unidentified elements also believed to be the military. Ten (10) complaints involved elements of the PNP. For the other perpetrators, refer to Table 5.

Table 5

Alleged Perpetrators	No. of Instances
AFP	31
Unidentified but believed to be military	14
PNP	10
Private security agency	6
Paramilitary (CAFGU, etc.)	5
Landlord/caretaker/management	2
Goons, private army, etc.	2
Civilian national unit	1
LGU	1
Civilian agents	1

Majority of the complaints (56) were filed by human rights organizations Karapatan-National and Karapatan-Northern Mindanao Region. Table 6 lists the complete list of filers and the number of complaints they filed.

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Table 6

Filer	No. of Complaints
Karapatan-National	39
Karapatan-Northern Mindanao Region	17
Center for Lumad Advocacy and Services (CLANS)	1
NPA Command	1
Victim	1
<b>TOTAL</b>	<b>59</b>