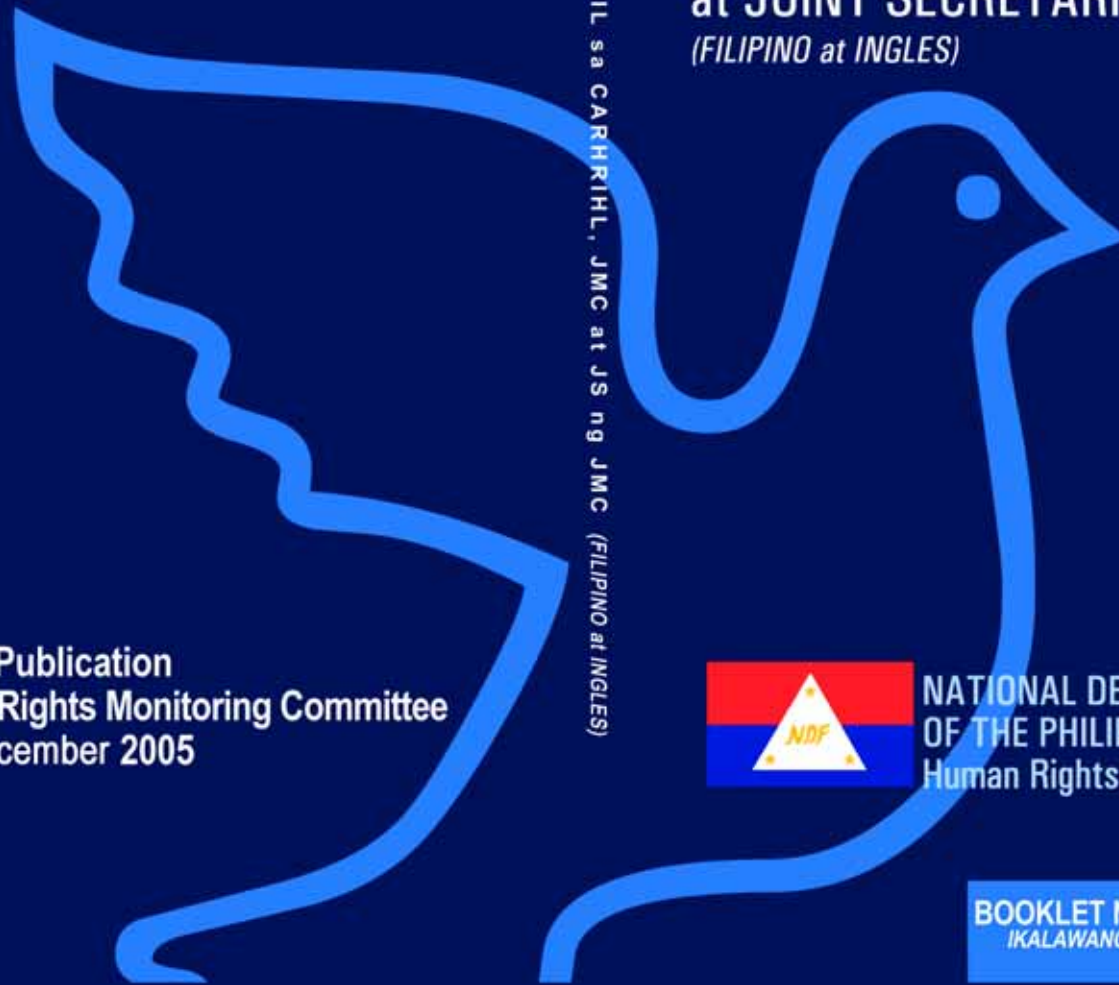


PRAYMER HINGGIL sa CARHRIHL

JOINT MONITORING COMMITTEE (JMC)
at JOINT SECRETARIAT (JS) ng JMC
(FILIPINO at INGLES)

PRAYMER HINGGIL sa CARHRIHL, JMC at JS ng JMC *(FILIPINO at INGLES)*



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**Praymer hinggil sa CARHRIHL,
Joint Monitoring Committee (JMC)
at Joint Secretariat (JS) ng JMC**

(Filipino at Ingles)

Ikalawang Edisyon

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at Joint Secretariat (JS) ng JMC

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Introduksyon

Ang *Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law* (CARHRIHL) o Komprehensibong Kasunduan Para sa Paggalang sa mga Karapatang-tao at Internasyunal na Makataong Batas ay isa sa mahahalagang dokumento na ibinunga ng negosasyong pangkapayapaan sa pagitan ng *National Democratic Front of the Philippines* (NDFP) at *Government of the Republic of the Philippines* (GRP).

Ang praymer na ito ay pangunahin na nakapatungkol sa pagbibigay kaalaman sa mamamayang Pilipino na interesado sa negosasyong pangkapayapaan sa pagitan ng NDFP at GRP. Maaaring may halaga rin ang praymer sa mga indibidwal at grupo sa loob at labas ng bansa na nagnanais itaguyod ang paggalang sa karapatang-tao at sa internasyunal na makataong batas, laluna sa mga sitwasyong may armadong tunggalian.





I. Ang Negosasyong Pangkapayapaan sa Pagitan ng NDFP at GRP



1. Bakit may negosasyong pangkapayapaan sa pagitan ng NDFP at GRP?

Sapagkat sa kasalukuyan ay may nagaganap na armadong tunggalian sa pagitan ng NDFP at GRP. Kapwa sila may pwersang militar na kumikilos sa buong bansa, may kani-kanyang pampulitikang kapangyarihan at mga organisasyong namumuno sa mga pwersang militar na ito, at may kani-kanyang pananaw at mga solusyon sa mga sosyo-ekonomikong suliraning kinakaharap ng mamamayang Pilipino. Higit pa, ang bawat panig ay may kani-kanyang kontroladong teritoryong nasasakupan at mamamayang nasasaklawan.

Kinakatawan ng NDFP ang mga pwersang nagnanais ng batayang pagbabago sa umiiral na marahas at di-makatarungang sistemang panlipunan. Kabilang sa mga kinakatawan ng NDFP ay ang Partido Komunista ng Pilipinas (PKP), Bagong Hukbong Bayan (BHB), mga organo ng kapangyarihang pampulitika, at ang rebolusyonaryong organisasyong pangmasa at mga mamamayan sa buong kapuluan.

Sa kabilang banda, kinakatawan naman ng GRP ang mga pwersang nais panatiliin ang umiiral na marahas at di-makatarungang sistemang panlipunan na pinaghaharian ng mga malalaking panginoong maylupa at komprador burgesya na, sa tulong ng malalaking dayuhang kapitalista, ay nagsasamantala



at umaapi sa higit na nakararaming mamamayang Pilipino tulad ng mga manggagawa, magbubukid, karaniwang sahurang tulad ng mga guro, kawani sa pampubliko at pribadong opisina, kababaihan, katutubong minorya, at iba pa.

2. Paano makakamit ang makatarungan at pangmatagalang kapayapaan sa ating bansa?

Makakamit ang makatarungan at pangmatagalang kapayapaan sa ating bansa kapag nalutas na ang mga ugat ng armadong tunggalian o gyera sibil. Ito’y nangangahulugan ng pag-alis ng kontrol at dominasyon ng imperyalismo o dayuhang monopolyo kapitalismo sa ekonomya at pulitika ng bansa, pagpawi sa pyudalismo na nang-aalipin sa mga magbubukid na siyang pinakamalaking bahagi ng ating populasyon, at paglansag sa burukrata kapitalismo na siyang pangunahing pinagmumulan ng katiwalian sa pamahalaan at pangungurakot sa kaban ng bayan. Sa pamamagitan ng mga pagbabagong ito, ang Pilipinas ay magiging isang tunay na malaya, demokratiko, makatarungan at masaganang bansa.

Hanggat ang lipunang Pilipino ay pinaghaharian at kontrolado ng imperyalismo, lokal na pyudalismo at burukrata kapitalismo, hindi magkakaroon ng makatarungan at pangmatagalang kapayapaan sa bansa. Ang mamamayan ay patuloy na makikibaka at ipaglalaban ang kanilang karapatan para sa pambansang kalayaan, demokrasya at katarungang panlipunan.

Ayon sa CARHRIHL, kinikilala ng dalawang Partido sa negosasyong pangkapayapaan “na ang mga saligang indibidwal at kolektibong kalayaan at karapatang-tao sa larangan ng pulitika, lipunan, ekonomya at kultura ay makakamit lamang at yayabong sa kalagayang may pambansa at panlipunang kalayaan ang mamamayan” (*Unang Bahagi: Deklarasyon ng mga Prinsipyo; Artikulo 4*).

3. Matatamo ba ang makatarungan at pangmatagalang kapayapaan sa pamamagitan ng negosasyong pangkapayapaan?

Mahirap makamit ang makatarungan at pangmatagalang kapayapaan sa





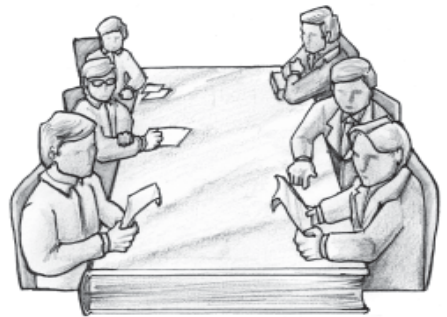
pamamagitan ng negosasyong pangkapayapaan lamang. Sa katunayan, ang mga pwersang tutol sa panlipunang pagbabago ay gumagamit ng lahat ng paraan at ng buong mapamwersang instrumento ng estado (pamahalaan, kongreso, korte, pulisya at pwersang militar) upang mapanatili ang kanilang paghahari at marahas na pigilin at supilin ang hangarin ng mamamayan para sa isang malaya, demokratiko, makatarungan at maunlad na lipunan.

Sa ganitong kalagayan, may karapatan ang mamamayan na gumamit ng lahat ng anyo ng pakikibaka, mula sa ligal, parliamentaryo at militanteng kilos-masa hanggang sa armadong pakikibaka, upang labanan at mapangibabawan ang karahasang panlipunan at bangis ng mga pwersang tutol sa panlipunang pagbabago. Ang negosasyong pangkapayapaan ay isang anyo ng pakikibaka na maaaring maging kapaki-pakinabang lamang sa mamamayan kung ito ay mahusay na napanghahawakan at kaugnay ng iba pang anyo ng pakikibaka.

4. Paano maaaring maging kapaki-pakinabang ang negosasyong pangkapayapaan sa mamamayan?

Ang negosasyong pangkapayapaan ay magiging kapaki-pakinabang lamang sa mamamayan kung:

- a. haharapin nito at sisikaping lutasin ang mga ugat ng armadong tunggalian o digmaang sibil;
- b. makapagpapalakas ito, hindi makapagpapahina, sa mga pwersang nakikibaka para sa makatarungang panlipunang pagbabago; at
- k. may makakamit na tiyak at kagyat na pakinabang ang mamamayan kahit hindi humantong ang negosasyon sa pagtigil ng armadong tunggalian o digmaang sibil.



5. Anu-ano ang mga pangunahing dokumento o kasunduan na nilagdaan at pinagkasunduan na ng NDFP at GRP bago ang CARHRIHL?

Kabilang sa mga ito ang:

- a. *The Hague Joint Declaration* o Pinagkaisahang Deklarasyon sa The Hague (Setyembre 1, 1992);



b. *Breukelen Joint Statement* o Pinagkaisahang Pahayag sa Breukelen (Hunyo 14, 1994);

k. *Joint Agreement on Safety and Immunity Guarantees* o Pinagkaisahang Kasunduan sa mga Garantiya sa Kaligtasan at Imyuniti (Pebrero 24, 1995);

d. *Joint Agreement on the Ground Rules of the Formal Meetings Between the GRP and the NDFP Negotiating Panels* o Pinagkaisahang Kasunduan sa mga Alituntunin ng Pormal na Pulong sa Pagitan ng GRP at NDFP Negotiating Panels (Pebrero 26, 1995); at

e. *Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committees (RWCs)* o Pinagkaisahang Kasunduan sa Pagbubuo, Pagkakasunud-sunod at Operasyonalisasyon ng mga Reciprocal Working Committee (Hunyo 26, 1995).

6. Ano ang nilalaman at kahalagahan ng *The Hague Joint Declaration* (THJD) o Pinagkaisahang Deklarasyon sa The Hague?

Una, itinakda sa *The Hague Joint Declaration* na ang layunin ng negosasyong pangkapayapaan ay ang pagkakamit ng makatarungan at pangmatagalang kapayapaan sa pamamagitan ng paglutas sa mga ugat ng armadong tunggalian.

Pangalawa, nakasaad sa THJD na ang mga prinsipyong katanggap-tanggap sa magkabilang panig, kabilang ang pambansang soberanya, demokrasya at katarungang panlipunan, ang siyang magsisilbing balangkas ng negosasyon, at walang itatakdang pre-kondisyon na magpapawalambisa sa likas na katangian at hangarin ng negosasyong pangkapayapaan. Kung kayat ang NDFP at GRP ay magkapantay sa negosasyon at wala sa alinmang Partido ang mapapailalim sa balangkas ng Konstitusyon o sa mga batas ng kabilang Partido.

Muling pinagtibay ng GRP ang nakasaad sa itaas sa sumusunod na sipi mula sa *Breukelen Joint Statement* o Pinagkaisahang Pahayag sa Breukelen: “Malinaw na ang pagtalima ng GRP sa mga prosesong Konstitusyunal ay hindi nangangahulugan ng pagtakda ng Konstitusyon ng GRP bilang balangkas sa usapang pangkapayapaan.”

Pangatlo, itinakda ng THJD na ang adyenda ng pormal na negosasyon ay ang sumusunod ayon sa ganitong pagkakasunud-sunod:



- a. Karapatang-Tao at Internasyunal na Makataong Batas;
- b. Repormang Sosyo-ekonomiko;
- k. Repormang Pampulitika at Konstitusyonal; at
- d. Pagtigil ng Labanan at Disposisyon ng mga Pwersa.

Pang-apat, itinakda ng THJD ang pamamaraan ng negosasyon sa pamamagitan ng pagbubuo ng magkabilang Partido ng kani-kanyang mga *Reciprocal Working Committee* o RWCs na siyang maghahanda ng mga borador ng kasunduan sa bawat isyu ng substantibong adyenda.

7. Ano ang nilalaman at kahalagahan ng *Joint Agreement on Safety and Immunity Guarantees* (JASIG) o Pinagkaisahang Kasunduan sa mga Garantiya sa Kaligtasan at Imyuniti?

Una, hinahawan ng JASIG ang daan para sa pagdaraos ng pormal na negosasyong pangkapayapaan.

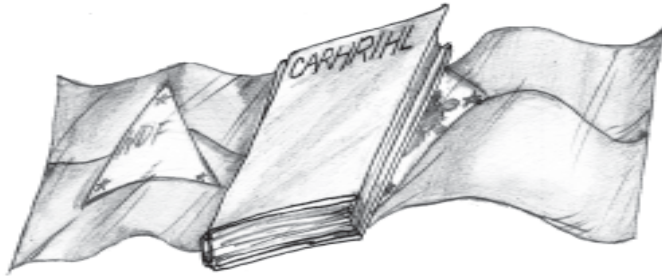
Pangalawa, ginagarantiyahan ng JASIG ang kaligtasan ng mga negosyador, tagapayo, istap, security at iba pa at binigyan sila ng imyunidad mula sa pagmanman, pagharas, paghalughog, pag-aresto, pagdetine, prosekusyon, interogasyon at iba pang mga katulad na hakbang pamparusa dahil sa anumang paglahok o partisipasyon sa negosasyong pangkapayapaan;

Pangatlo, nakasaad sa JASIG na ang pormal na negosasyong pangkapayapaan ay gaganapin sa dayuhang lugar na nyutral o *foreign neutral venue*.

Ang pangunahing layunin ng JASIG ay padulasin ang negosasyong pangkapayapaan, maglikha ng paborableng klima para sa malayang diskusyon at malayang kilos ng mga kalahok sa negosasyong pangkapayapaan; at maiwasan ang anumang insidente na maaaring magsapeligro sa negosasyong pangkapayapaan.



II. Ang CARHRIHL



8. Ano ang CARHRIHL o ang Komprehensibong Kasunduan sa Paggalang sa Karapatang-tao at Internasyunal na Makataong Batas?

Ang CARHRIHL ay ang unang komprehensibong kasunduan sa substantibong adyenda ng negosasyong pangkapayapaan sa pagitan ng NDFP at GRP.

Nabuo ito matapos ang mahigit na dalawang taon ng kumplikadong proseso ng negosasyon at pinirmahan ng dalawang Panel sa negosasyong pangkapayapaan noong Marso 16, 1998 sa *The Hague, The Netherlands*. Pinagtibay ito ni Kasamang Mariano Orosa, Tagapangulo ng Pambansang Konseho ng NDFP, noong Abril 10, 1998 at ni dating Presidente Joseph Estrada ng GRP noong Agosto 7, 1998.

Ang CARHRIHL ay bunga ng mahabang kasaysayan ng pakikibaka ng mamamayang Pilipino para sa pagtataguyod at pagtatanggol sa kanilang karapatang-tao. Isa itong kasunduan na nakabatay sa kongkretong kalagayan na may sistematiko at malawakang paglabag sa mga karapatang-tao sa bansa. Ang CARHRIHL ay napapanahong karagdagan sa mga umiiral nang lokal at internasyunal na dokumento ukol sa karapatang-tao, laluna sa mga sitwasyong may armadong tunggalian.

Sa ngayon, ang CARHRIHL ang pinakamalaking pakinabang na nakamit para sa mamamayan sa negosasyong pangkapayapaan. Walang anumang dokumento, batas o kasulatan ang GRP ukol sa karapatang-tao na maihalalintulad sa CARHRIHL.



9. Ano ang dahilan sa pagbubuo ng CARHRIHL?

Dahil sa makasaysayang katotohanan na matagal nang nilalabag nang walang pakundangan ang karapatang-tao sa bansa, ang dahilan sa pagbubuo ng CARHRIHL ay ang pangangailangang itaguyod, palawakin at garantiyahan ang mga demokratikong karapatan at kalayaan ng mamamayan, laluna ng masang anakpawis ng manggagawa at magbubukid. “Bukod pa rito, dahil sa kalagayang may matagalang armadong tunggalian, kinikilala ng dalawang Partido ang pangangailangan ng paglapat ng internasyunal na makataong batas” sa kondukta ng digmaan. Sa pagbuo ng CARHRIHL, pinagtibay ng dalawang Partido ang kanilang palagian at tuloy-tuloy na mutwal na komitment na igalang ang karapatang-tao at internasyunal na makataong batas at kilalanin ang kani-kanyang mabuting hakbang at hangarin na tumalima at tumupad sa internasyunal na makataong batas.

(Preambulo at Unang Bahagi: Deklarasyon ng mga Prinsipyo; Artikulo 3, 5, 6 at 7)

10. Anu-ano ang mga layunin ng CARHRIHL?

Nilalayon ng CARHRIHL na:

a. garantiyahan sa lahat ng sirkumstansya ang proteksyon ng mga karapatang-tao ng lahat ng mamamayang Pilipino, laluna ng mga manggagawa, magbubukid, at iba pang maralitang mamamayan;

b. pagtibayin at ilapat ang mga alituntunin ng internasyunal na makataong batas upang mapangalagaan ang populasyong sibliyan at mga indibdwal na sibilyan, gayundin ang mga taong hindi tuwirang kalahok o tumigil na sa paglahok (o wala nang kapasidad na lumahok) sa armadong labanan, kabilang ang mga taong pinagkaitan ng kanilang kalayaan sa mga dahilang may kaugnayan sa armadong tunggalian (mga bihag ng digma);



k. magtayo ng epektibong mekanismo at paraan upang ipatupad, imonitor, iberipika at tiyakin ang pagtalima sa mga probisyon ng CARHRIHL; at

d. hawanin ang daan para sa mga komprehensibong kasunduan sa mga reporma sa ekonomya, lipunan at pulitika na titiyak sa pagtatamo ng



makatarungan at pangmatagalang kapayapaan.

(Ikalawang Babagi: Mga Batayan, Saklaw at Aplikasyon; Artikulo 2)

11. Ano ang kabuluhan ng CARHRIHL sa negosasyong pangkayapaan?

Nilagdaan ng NDFP at GRP ang CARHRIHL sa balangkas ng negosasyon para sa makatarungan at pangmatagalang kapayapaan. Sa kalagayang ang paglabag sa mga karapatang-tao at internasyunal na makataong batas ay nagaganap nang walang pakundangan laban sa mamamayan at rebolusyonaryong pwersa, mahalagang maresolba muna ang isyung ito bago tumuloy ang negosasyong pangkayapaan sa iba pang punto sa substantibong adyenda. Ang pag-apruba at pagpapatupad ng CARHRIHL ang lumikha ng batayan upang tumuloy sa iba pang mga punto.

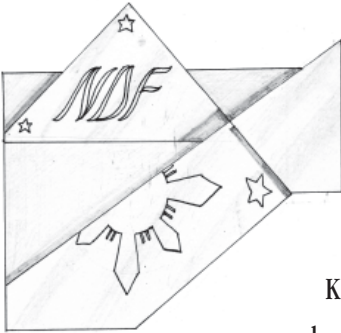
Nakabatay ang CARHRIHL sa mga interes, adhikain at kongkretong kalagayan ng mamamayang Pilipino, laluna ng mga manggagawa, magbubukid, maralitang-lunsod, kababaihan, kabataan, mamamalakaya, katutubo at iba pang aping sektor ng lipunang Pilipino. Ang CARHRIHL ay tumutugon sa kanilang paghingi ng katarungan laban sa patuloy na paglabag sa kanilang mga karapatan.

Ngunit ang CARHRIHL ay hindi ang solusyon sa mga batayang suliranin ng mamamayang Pilipino. Habang nananatili ang mga panlipunan at pang-ekonomyang batayan ng kanilang paghihirap, magpapatuloy ang armadong tunggalian. Gayunpaman, kung maipapatupad ang CARHRIHL, maaaring magkaroon ng pag-unlad sa kalagayan ng karapatang-tao sa bansa at sa aplikasyon ng mga alituntunin ng internasyunal na makataong batas sa kondukta ng armadong tunggalian. Ang mahalaga'y mapapakinabangan ng mamamayan ang Kasunduan, mapapangalagaan ang kanilang karapatan kahit hindi pa tapos ang negosasyong pangkayapaan at hindi pa nakakamit ang tunay na kapayapaan.

12. Bakit makasaysayang dokumento ang CARHRIHL?

Makasaysayan ang CARHRIHL dahil:

a. sa kauna-unahang pagkakataon, kinilala ng GRP ang buong saklaw ng mga karapatang-tao na kinabibilangan ng mga karapatang sibil, pampulitika, pang-ekonomya, panlipunan at pangkultura;



b. inamin ng GRP ang katotohanang sistematiko at malaganap ang paglabag nito sa karapatang-tao at internasyunal na makataong batas;

k. sa pamamagitan ng paglagda sa CARHRIHL, sumang-ayon ang GRP na tutuparin nito ang kanyang mga obligasyon sa ilalim ng Kasunduan;

d. pinatotohanan at pinagtibay ng CARHRIHL ang istatus ng NDFP bilang isang lehitimo at kapantay na pwera sa digmaang sibil; at

e. kinilala ng CARHRIHL ang sariling pampulitikang awtoridad at organisasyon ng NDFP at ang hiwalay na responsibilidad nito sa pagpapatupad ng CARHRIHL at sa paggampan ng kanyang mga obligasyon sa pagtataguyod at pagtatanggol ng mga karapatang-tao at internasyunal na makataong batas.

13. Ano ang kahalagahan ng CARHRIHL?

Una, ang CARHRIHL ay karagdagang sandata o instrumento sa kamay ng mamamayan para ipaglaban, itaguyod at palawakin ang kanilang mga karapatang-tao.

Pangalawa, ipinapakita nito na may sapat na lakas at kakayahan ang NDFP para humarap sa GRP bilang kapantay na pwera sa negosasyon at matamo ang isang kasunduang magagamit at mapakikinabangan ng mamamayan.

Pangatlo, pinabubulaanan nito ang di-makatotohanang bintang na ang NDFP ay hindi naghahangad ng kapayapaan sa paglulunsad nito ng makatarungang gyera o armadong pakikibaka. Bagkus, ipinapakita ng prosesong dinaanan sa pagtamo ng Kasunduan na ang NDFP ay malayong higit na seryoso at may kapasayahang makamit ang tunay at makatarungang kapayapaan kaysa sa GRP.

Panghuli, hinahawan ng Kasunduan ang daan para sa pagdaraos ng pormal na negosasyong pangkapayapaan sa repormang sosyo-ekonomiko; repormang pampulitika at konstitusyonal; at ang pagtigil ng labanan at disposisyon ng mga armadong pwera.



14. Anu-ano ang iba pang mga mahahalagang probisyon sa mga pambungad na bahagi ng CARHRIHL (Preambulo; Deklarasyon ng mga Prinsipyo; at Batayan, Saklaw at Aplikasyon)?

Ang iba pang mahahalagang probisyon ng pambungad na bahagi ng Preambulo, Deklarasyon ng mga Prinsipyo at Batayan, Saklaw at Aplikasyon ay ang mga probisyong nagtitibay sa mga prinsipyong inilatag sa *The Hague Joint Declaration* hinggil sa mga layunin at balangkas ng negosasyong pangkapayapaan, ang antas ng pagkakapatas, pagkakapantay, pagkakaroon ng magkatumbas na karapatan at mutwalidad ng mga Partido sa Kasunduan, ang pampulitikang awtoridad at integridad ng NDFP at ang mga alyadong organisasyon at pwersa nito, at ang paggampan ng magkahiwalay na tungkulin at pananagutan ng dalawang Partido sa pagpapatupad ng CARHRIHL.

May probisyon din dito na nag-oobliga sa mga Partido na tumalima at tumupad sa mga pandaigdigang instrumento at kumbensyon tulad ng *Universal Declaration of Human Rights* ng UN, ng *International Covenant on Civil and Political Rights*, ng *International Covenant on Economic, Social and Cultural Rights*, at ng mga *Geneva Conventions* at mga *Protocols* nito.

Pinagtibay din dito ng dalawang Partido na ang CARHRIHL ay aplikable hindi lamang sa mga indibidwal, pamilya at grupo na kasapi o may kaugnayan sa alinman sa mga Partido kundi maging sa lahat ng mga sibilyan at taong hindi direktang kasangkot sa mga labanan, kasama na ang mga taong pinagkaitan ng kanilang kalayaan sa mga dahilang may kaugnayan sa armadong tunggalian.

*(Preambulo; Unang Babagi: Deklarasyon ng mga Prinsipyo;
at Ikalawang Babagi: Mga Batayan, Saklaw at Aplikasyon)*



Hinggil Sa Paggalang sa Karapatang-Tao

15. Ano ang sinasabi sa CARHRIHL tungkol sa paggalang sa mga karapatang-tao?

Itinatakda ng CARHRIHL na ang mga Partido ay tatalima at sasaklawin ng



mga prinsipyo at pamantayang nakasaad sa mga pandaigdigang instrumento ng karapatang-tao na nabanggit sa bilang 14. Nilalayan nitong harapin, remedyuhan at iwasan ang mga pinakamalalang paglabag sa mga karapatang-tao sa saklaw ng mga karapatang sibil at pampulitika, gayundin para itaguyod, pangalagaan at palaganapin ang buong saklaw ng karapatang-tao at mga saligang kalayaan batay sa ispesipikong kalagayan ng bansa.

16. Anu-ano ang mga karapatang-taong itinatakda sa CARHRIHL?

Ang mga sumusunod ang saklaw ng mga karapatang-tao at mga saligang kalayaan ng mamamayang Pilipino na nakapaloob sa CARHRIHL:

1. Ang karapatan sa pagpapasya sa sarili ng bansang Pilipino na may bisang ang mamamayan ang siyang dapat na lubos at malayang magpasya sa kanilang katayuan sa pulitika, isulong ang kanilang kaunlaran sa ekonomya, lipunan at kultura, at gamitin ang kanilang likas na yaman at mga rekurso para sa sariling kapakanan at benepisyo tungo sa tunay na pambansang kalayaan, demokrasya, katarungang panlipunan at kaunlaran.



2. Ang likas at di-maipagkakait na karapatan ng mamamayan na itayo ang isang makatarungan, demokratiko at mapayapang lipunan, magpatupad ng mga epektibong hakbang paniyak laban sa at para labanan ang paniniil at tiranya na gaya ng sa nakaraang rehimeng diktadura.

3. Ang karapatan ng mga biktima at ng kanilang mga pamilya na humanap ng katarungan sa mga paglabag sa karapatang-tao, kabilang ang sapat na kompensasyon o indemnipikasyon, restitusyon at rehabilitasyon, mga epektibong parusa at mga garantiya laban sa pagpapaulit-ulit at kawalan ng pananagutan.

4. Ang karapatan para mabuhay, laluna laban sa mga agarang pagpatay (pagsalbeyds), imboluntaryong pagkawala, masaker at walang pakundangang pambobomba sa mga komunidad, at ang karapatang hindi mapasailalim sa mga kampanya ng pang-uupat ng karahasan laban sa katauhan o sarili.



5. Ang karapatan para maging malaya, partikular laban sa walang batayan at walang katwirang pang-aaresto at pagkakakulong at para epektibong magamit ang pribilehiyo ng *writ of habeas corpus*.

6. Ang indibidwal at kolektibong karapatan ng mamamayan at ng mga komunidad na maging ligtas at panatag sa kanilang sariling pagkatao, tahanan, papeles, at mga epekto laban sa mga di-makatwirang paghahaluhog at kumpiskasyon at para sa mga epektibong paniyak sa mga karapatang ito laban sa anumang iligal na operasyon ng mga ahensya ng GRP.



7. Ang karapatang hindi mapasailalim sa pisikal at *mental torture*, solitaryong detensyon, panggagahasa at abusong sekswal, at iba pang hindi makatao, malupit at nakaaabang pagtrato, detensyon at pagpaparusa.

8. Ang karapatang hindi mapasailalim sa imboluntaryong paninilbihan o paggampan ng pwersahan o sapilitang paggawa.

9. Ang karapatan para sa substantibo at nasa tuntuning makatarungang proseso, ang ipagpalagay na inosente hanggang hindi napatutunayang nagkasala at laban sa pagdadawit sa sarili.

10. Ang karapatan para sa pantay na proteksyon ng batas at laban sa anumang anyo ng diskriminasyon sa batayan ng lahi, etnidad, kasarian, paniniwala, edad, pisikal na kalagayan o estado sibil at laban sa anumang pang-uupat sa gayong diskriminasyon.

11. Ang karapatan sa kalayaan sa pag-iisip at pagpapahayag, kalayaan ng konsensya, mga paniniwala at ugaling pampulitika at panrelihiyon, at ang karapatang hindi maparusahan o managot sa pagpapatupad ng mga karapatang ito.

12. Ang karapatan sa malayang pagsasalita, pamamahayag, asosasyon at pagtitipon at paghahabol ng katarungan sa mga karaingan.

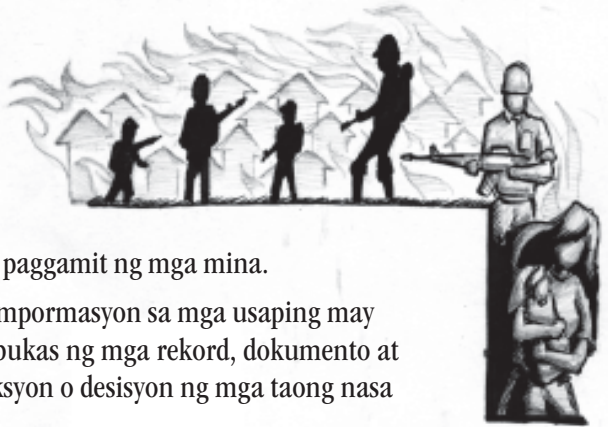
13. Ang karapatan sa pribadong komunikasyon at pakikipagtalastasan, laluna laban sa pagharang, pang-uumit at pagbubukas ng mga sulat at



pagsasagawa ng ilegal na paniniktik at pangangalap ng impormasyon sa pamamagitan ng elektronik at iba pang paraan.

14. Ang karapatan sa malayang pagpili ng tirahan, paggalaw at pagbibyahe sa loob at labas ng bansa, paghiling ng asyllum, pangingibang bayan at pagkadistyero, at laban sa mga restriksyon sa pagbibyahe sa mga dahilan o layuning pulitikal.

15. Ang karapatan na hindi mapasailalim sa pwersahang ebakwasyon, blokeyo sa pagkain at iba pang anyo ng blokeyo sa ekonomya at walang habas na pambobomba, panganganyon, istraping, pamumutok ng baril at paggamit ng mga mina.



16. Ang karapatan para sa impormasyon sa mga usaping may kabuluhang publiko at pagiging bukas ng mga rekord, dokumento at papeles ukol sa mga akto, transaksyon o desisyon ng mga taong nasa awtoridad.

17. Ang karapatan para sa unibersal na pagboto ng walang pagtatangi sa kasarian, lahi, trabaho, pinagmulan sa lipunan, ari-arian, estado, edukasyon, paninindigang pang-ideolohiya at pampulitika at paniniwalang panrelihiyon.

18. Ang karapatang magkaroon ng sariling ari-arian at mga kagamitan sa produksyon at konsumo na nakuha sa pamamagitan ng reporma sa lupa, malinis na trabaho at pagnenegosyo, kasanayan, pagkamaimbento at intelektwal na merito at paggamit ng mga kagamitang ito para sa kapakanan ng lahat.

19. Ang karapatan para sa kapaki-pakinabang na empleyo, makataong kondisyon sa trabaho at pamumuhay, kabuhayan at seguridad sa trabaho, pagtatrabaho at pantay na sahod, pagbubuo ng mga unyon, pagwewelga at paglahok sa mga proseso ng pagbubuo ng mga patakaran at desisyon na nakakaapekto sa kanilang mga karapatan at interes, at ang karapatang hindi mapagkaitan ng mga karapatang ito dahil sa nasyunalidad, paniniwala, katayuang minorya, kasarian o piniling kasarian o katayuang sibil.



20. Ang karapatan para sa unibersal at libheng elementarya at sekondaryong edukasyon, at pagkakaroon ng mga batayang serbisyo at pangangalagang pangkalusugan.

21. Ang karapatan para malayang makalahok sa siyentipikong pananaliksik, imbensyong teknolohikal, paglikha sa panulat at arte at iba pang adhikaing pangkultura.

22. Ang karapatan sa pag-aasawa at pagbubuo ng pamilya, at pagtiyak sa komunikasyon at reyunyon ng pamilya.

23. Ang pantay na karapatan ng kababaihan sa lahat ng larangan ng gawain at lahat ng larangan sa pulitika, ekonomya, kultura, panlipunan at domestik na pamumuhay at kanilang emansipasyon.

24. Ang karapatan ng mga bata at ng mga may kapansanan sa proteksyon, pag-aalaga, at tahanan, laluna laban sa abusong pisikal at mental, prostitusyon, droga, sapilitang paggawa, kawalan ng tirahan at iba pang katulad na anyo ng pang-aapi at pagsasamantala.



25. Ang mga umiiral na karapatan ng mga komunidad ng minorya sa Pilipinas para sa awtonomya, para sa kanilang mga lupaing ninuno at likas na yaman sa mga lupaing ito, para makalahok at makakuha ng benepisyo mula sa positibong pagkilos, sa kanilang partisipasyon at representasyon sa buhay at mga institusyong pang-ekonomya, pampulitika at panlipunan at para sa pag-unlad sa kultura at lahatang panig ng pag-unlad.

(Ikatlong Bahagi: Paggalang sa mga Karapatang-tao; Artikulo 2, par. 1-25)

17. Ano ang sinasabi ng CARHRIHL hinggil sa paglabag at pang-aabuso sa mga karapatang-tao?

Kinukondena ng NDFP at GRP sa CARHRIHL ang lahat ng mga paglabag at pang-aabuso sa mga karapatang-tao. Pinupuri nila ang mga nagreklamo o nagsampa ng kaso sa lahat ng matagumpay na pagdinig ukol sa mga karapatang-tao. Hinihikayat din nila ang lahat ng mga biktima o nakaligtas na mga pamilya at o kamag-anak na maghapag ng kanilang mga reklamo at ebidensya.



Nakasaad sa CARHRIHL na ang mga taong may pananagutan sa mga paglabag at pang-aabuso sa karapatang-tao ay dapat na sumailalim sa imbestigasyon at, kung sapat ang ebidensya, sa pag-uusig at paglilitis. Ang mga biktima o ang kanilang mga nakaligtas na pamilya ay dapat na pagkalooban ng bayad-pinsala. Lahat ng kinakailangang hakbang ay gagawin upang maalis ang mga kondisyong nagbubunsod sa mga paglabag at pang-aabuso ng karapatang-tao at upang mabigyan ng katarungan at bayad-pinsala ang mga biktima.

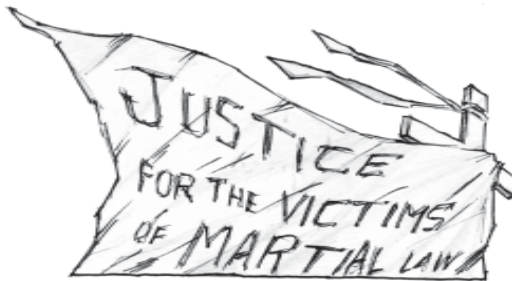
(Ikatlong Babagi: Paggalang sa mga Karapatang-tao; Artikulo 3 at 4)

18. Ano ang sinasabi ng CARHRIHL hinggil sa mga biktima ng batas militar?

Ayon sa CARHRIHL, dapat igalang at suportahan ng NDFP at GRP ang mga karapatan ng mga biktima ng mga paglabag sa karapatang-tao sa ilalim ng diktadurang rehimeng Marcos.

Sa pagsasakatuparan nito, dapat na isaalang-alang ng dalawang Partido ang pinal na husga ng *United States Federal Court System sa Human Rights Litigation Against Marcos* noong 1996, desisyon ng Korte Suprema ng Swiso noong 1997, Resolusyon Bilang 1640 ng Senado ng Pilipinas noong 1998 at mga kaukulang probisyon sa *International Covenant on Civil and Political Rights* ng 1966 at sa *UN Convention Against Torture* ng 1984.

Dagdag pa, nakasaad sa CARHRIHL na kung magkakaroon ng anumang setelment, o pag-aayos ng bayad-pinsala sa labas ng korte, ang GRP at ang mga awtorisadong kinatawan ng mga biktima ay gagawa ng kasulatan upang isakatuparan ang partikular na probisyon na ito ng CARHRIHL at gagabayan nito ang proseso upang makamit ang makatwirang hinihingi ng mga biktima





hinggil sa halaga at paraan ng kompensasyon sa pinakamakawatiran at pinakamabilis na paraan alinsunod sa kaugnay na desisyon ng Korte Suprema ng Swiso.

Sa kaso ng anumang setlement sa labas ng hurisdiksiyon ng US, lahat o mayorya ng mga nasabing biktima ay magtatakda ng kanilang representasyon sa pamamagitan ng kapangyarihan ng abugado (*power of attorney*).

(*Ikatlong Babagi: Paggalang sa mga Karapatang-tao; Artikulo 5*)

19. Ano ang sinasabi ng CARHRIHL hinggil sa mga bilanggong pulitikal?

Ayon sa CARHRIHL, ang GRP ay tatalima sa sarili nitong doktrina hinggil sa opensang pulitikal na inilatag sa kaso ng *Mamamayan vs. Hernandez* (Hulyo 1956), na pinalawig pa sa kaso ng *Mamamayan vs. Geronimo* (Oktubre 1956). Ang doktrinang *Hernandez* ay inilatag sa kaso laban sa patriyotikong si Amado V. Hernandez.

Ang mga desisyong ito ay umaayon sa prinsipyong ligal na tinatanggap ng pangkalahatan na ang lahat ng mga aksyong ginawa tungo sa isang pampulitikang layunin ay itinuturing na iisang opensang pulitikal.

Halimbawa, kung ang isang mamamayan ay lumahok sa pampulitikang kilusan at kasangkot sa armadong pakikibaka upang ibagsak ang kasalukuyang gobyerno o ang naghaharing sistema, lahat ng iba pa niyang hakbangin sa pagsusulong ng pampulitikang layunin ay kabilang sa ilalim ng kasong rebelyon na isang opensang pulitikal.

Hindi siya dapat arestuhin, sampahan ng kaso, ipiit o sentensiyahan para sa iba pang diumano'y iligal na gawain tulad ng iligal na pangangalaga ng armas, pagpatay, pangingidnap, panununog o anupamang karaniwang krimen maliban o dagdag pa sa kasong pulitikal na rebelyon. Dapat siyang itrato bilang “bilanggo ng konsensya o paniniwala” at hindi bilang isang karaniwang kriminal.

Nakasaad pa sa CARHRIHL ang agarang pagrerepaso ng GRP sa lahat ng mga kaso ng mga bilanggong pulitikal na inihabla, ikinulong o hinatulan





taliwas sa *doktrinang Hernandez* at kaagad silang palalayain.

(Ikatlong Bahagi: Paggalang sa mga Karapatang-tao; Artikulo 6)

20. Ano ang sinasabi ng CARHRIHL hinggil sa mga mapanupil na batas, dikreto, utos-ehekutibo (*executive issuances*), at mga di-makatarungang desisyon ng korte ng GRP?



Ang GRP ay kikilos para sa kagyat na pagpapawalambisa sa anumang nananatiling mapaniil na batas, dikreto at iba pang utos-ehekutibo (*executive issuances*). Ang mga batas, dikreto at utos-ehekutibo ay ginagamit lamang upang supilin ang pampulitika at sibil na karapatan ng mamamayan.

Ang mga sumusunod na batas, dikreto at utos-ehekutibo ay kabilang sa mga dapat repasuhin ng GRP:

- a. *General Orders 66* at *67* na nagpapahintulot sa mga tsekpoynat at pangahalughog nang walang mandamiento o *search warrant*;
- b. *Presidential Decree 1866* na nagpapahintulot sa pagsampa ng kasong iligal na pangangalaga ng armas o pampasabog sa halip na, o dagdag pa, sa anumang kasong pulitikal na naisampa o isasampa pa laban sa isang indibidwal;

(Ito ay inamyendahan na ng *Republic Act 8294* ngunit sa praktika ay kaso pa rin ng iligal na pangangalaga ng armas ang isinasampa laban sa pinaghibinalaang mga rebelde, ordinaryong sibilyan na pinaghibinalaang nakikisimpatya sa mga rebelde o kabit sa mga masang aktibista.)

- k. *Presidential Decree 169* na sapilitang pinapag-ulat sa militar o pulisya ang mga manggagamot ukol sa kanilang mga pasyenteng may tama ng bala ng baril;

(Ito ay inamyendahan na ng *Executive Order 102* na nag-oobliga pa rin na mag-ulat sa *Municipal* o *City Health Officer*.)



d. *Batas Pambansa 880* na sumisiil at naghihigpit sa karapatan sa malaya at mapayapang pagtitipon dahil sa “*no permit, no rally*” na patakaran;

e. *Executive Order 129* na nagpapahintulot sa pwersahang demolisyon ng mga maralitang komunidad sa kalunsuran;

g. *Executive Order 264* na nagliligalisa sa paramilitar na *Citizen’s Armed Forces Geographical Unit* o CAFGU (na siyang kadalasan ay lumalabag sa karapatang-tao);

h. *Executive Order 272* na nagpapahaba sa pinahihintulutang tagal ng pagkakakulong nang walang kasong isinasampa sa korte (para sa mga paghuli na walang *warrant of arrest*);

i. *Memorandum Circular 139* na nagpapahintulot sa pagpataw ng mga blokeyo sa pagkain sa panahon ng mga “*counterinsurgency operation*”; at

l. *Administrative Order No. 308* na nag-eestabliha ng isang *national identification system* na nag-oobliga sa mamamayan na maghayag ng personal na impormasyon at sirkumstansya na lumalabag sa karapatan laban sa panghihimasok sa personal na katauhan.

Rirepasuhin din ng GRP ang umiiral na mga desisyon (*jurisprudence*) ng kanilang korte tulad ng:

a. *Umil vs. Ramos* na nagpapahintulot, sa mga kaso ng rebelyon o sedisyon, sa pag-aresto kahit walang *warrant of arrest* sa kahit na anong oras at kahit na ano pa man ang kanyang ginagawa dahil ang mga ito ay “*continuing offenses*”;

b. *Valmonte vs. De Villa* na nagpapahintulot sa pagtatayo at pagpapanatili ng mga tsekpoynat na pinapahintulutan ang paghahalughog nang walang *search warrant*;

k. *Guazon vs. De Villa* na pinapahintulutan ang mga pagsosona o *saturation drives* sa mga komunidad kung saan ang mga kabahayan at kabuhayan ay hinahalughog, ang mga ari-arian ay sinasamsam at ang mga residente ay iligal na hinuhuli nang walang *warrant*;

d. *Posadas vs. Court of Appeals* na nagpapahintulot sa pangangapak nang walang *warrant* sa isang tao dahil sa kahina-hinala niyang kilos;





e. *Baylous vs. Chavez* na nagpapahintulot sa pagsampa ng kasong ilegal na pangangalaga ng armas dagdag pa sa anumang naisampa nang kasong pulitikal (kahit na may kaugnayan ang diumanong pangangalaga ng armas sa pampulitikang paninindigan; ito ang tinatawag na kriminalisasyon ng mga opensang pulitikal na labag sa *doktrinang Hernandez*);

g. *Ilagan vs. Ponce-Enrile* na nawawalan ng saysay ang remedyo ng *habeas corpus* dahil ito ay idi-dismiss lamang kapag nasampahan na ng kaso ang akusado kahit na, sa una, ang pag-aresto at pagdetine ay ilegal (ang ilegal na pag-aresto at pagdetine ay nagiging ligal o nalulunasan ng mga kasong isinampa na pagkatapos ng pagka-aresto at pagkakulong);

(Ang habeas corpus ay isang ligal na remedyo upang kwestyunin ang ligal na batayan ng pagkaaresto at pagdetine ng isang akusado, na kung hindi mai-establisa ay nagbibigay ng karapatan sa kanyang agarang paglaya).

h. iba pang mga kasong katulad sa mga naunang nabanggit.

Ayon sa CARHRIHL, kinakailangang kumilos agad ang GRP upang magpatupad ng angkop na mga remedyo alinsunod sa mga layunin ng dalawang probisyon ukol sa mapaniil na batas, dikreto at utos-ehekutibo at sa mga di-makatarungang desisyon ng korte.

Mula nang magkabisang ang CARHRIHL, pinaalalahanan ang GRP na huwag nang gamitin ang mga mapaniil na mga batas, dikreto, utos-ehekutibo at mga desisyon ng korte upang ikutan o salungatin ang dalawang probisyong ito ng CARHRIHL.

(Ikatlong Bahagi: Paggalang sa mga Karapatang-tao; Artikulo 7 at 8)

21. Ano ang sinasabi ng CARHRIHL hinggil sa mga gawain na maaring makapinsala, pangkalikasan o ibang kapinsalaan, at makasama sa buhay, kabuhayan at ari-arian ng mamamayan?



Inaatasan ng CARHRIHL ang NDFP at GRP na gumawa ng mga kongkretong hakbang upang pangalagaan ang buhay, kabuhayan at ari-arian ng mamamayan laban sa panghihimasok mula sa pagmimina, *real estate*, pagtotroso, turismo at iba pang katulad na proyekto at programa.

(Ikatlong Bahagi: Paggalang sa mga Karapatang-tao; Artikulo 9)



22. Ano ang sinasabi ng CARHRIHL ukol sa mga saligang kolektibo at indibidwal na karapatan ng mamamayan?

Itataguyod ng NDFP at GRP ang mga saligang kolektibo at indibidwal na karapatan ng mga manggagawa, magbubukid, mamamalakaya, maralitang lunsod, manggagawang migrante, katutubo, kababaihan, kabataan, bata at iba pang mamamayan. Gagawa sila ng mga kongkretong hakbang upang matigil at maiwasan ang mga paglabag sa mga karapatang-tao, tiyaking ang mapatunayang nagkasala ay mapaparusahan, at mabigyan ng indemnipikasyon, rehabilitasyon, restitusyon ang mga biktima.

Dapat din silang magtaguyod at magsagawa ng mga kampanya sa mga pag-aaral sa karapatang-tao, reporma sa lupa, mas mataas na produksyon, kalusugan at sanitasyon, at iba pang kampanya na may panlipunang benepisyo sa mamamayan. Bibigyan nila ng pinakamalaking atensyon ang reporma sa lupa bilang pangunahing hakbang para matamo ang demokrasya at katarungang panlipunan.

(Ikatlong Bahagi: Paggalang sa mga Karapatang-tao; Artikulo 10 at 13)

23. Ano ang sinasabi ng CARHRIHL hinggil sa mga obligasyon ng GRP na pangalagaan ang mga karapatan ng mga manggagawa?

Ayon sa CARHRIHL, dapat igitang ng GRP ang mga saligang karapatan ng mga manggagawa na ginagarantiyahan ng Internasyunal na Kumbensyon ng Paggawa ukol sa Kalayaan sa Asosasyon at Proteksyon sa Karapatang Mag-organisa (*International Labor Convention on Freedom of Association and Protection of the Right to Organize*) at ang mga pamantayang itinakda ng Internasyunal na Organisasyon sa Paggawa (*International Labor Organization*) ukol sa mga sumusunod:

- a. katiyakan sa trabaho;
- b. sahod at kondisyon sa pamumuhay;
- k. karapatang mag-unyon;
- d. medikal at sosyal na seguro;





e. karapatan ng mga kababaihang manggagawa sa benepisyo sa panganganak at laban sa diskriminasyon kumpara sa kalalakihang manggagawa; at

g. karapatan laban sa pagtatrabaho ng mga bata (*child labor*).

Nakasaad din sa CARHRIHL na dapat igalang ng GRP ang karapatan ng mga manggagawang migrante sa labas ng bansa alinsunod sa Internasyunal na Kasunduan ukol sa mga Karapatan ng mga Migranteng Manggagawa at Myembro ng Kanilang Pamilya (*International Convention on the Rights of Migrant Workers and Members of their Families*).

(*Ikatlong Babagi: Paggalang sa mga Karapatang-tao; Artikulo 11*)

24. Ano ang sinasabi ng CARHRIHL hinggil sa mga obligasyon ng GRP na pangalagaan ang karapatan ng mga magbubukid na siyang bumubuo sa mayorya ng populasyon ng Pilipinas?

Inaatasan ng CARHRIHL ang GRP na dapat nitong igalang ang mga karapatan ng mga magbubukid na magbungkal ng lupa at magmay-ari ng lupang sinasaka nila. Ito ay maisasakatuparan sa pamamagitan ng tunay na reporma sa lupa.

Dapat din igalang ng GRP ang mga karapatang anestral ng mga katutubong minoritya o mga katutubong mamamayan sa mga lugar na natukoy na pag-aaring publiko, at ang kanilang karapatan laban sa diskriminasyon sa lahi at etnidad.

Dapat din igalang ng GRP ang karapatan ng mga katutubong minoritya o mga katutubong mamamayan gayundin ng mga maralitang naghohomsted o mga setler sa mga lugar na pag-aaring publiko kung saan sila naninirahan at nagtatrabaho.

Dapat na igalang din ng GRP ang karapatan ng mga maralitang mamamalakaya na mangisda sa mga tubig ng Pilipinas.

Dapat na repasuhin agad ng GRP ang mga batas at iba pang kautusan nito na may kinalaman sa mga karapatan ng mga manggagawa at magbubukid na





nabanggit sa mga naunang bilang at agaran itong kikilos para sa kagyat na pagpapawalambisa sa mga batas na lumalabag sa mga nasabing karapatan.

(*Ikatlong Babagi: Paggalang sa mga Karapatang-tao; Artikulo 12*)

Hinggil Sa Paggalang sa Internasyunal na Makataong Batas

25. Ano ang internasyunal na makataong batas?

Ang internasyunal na makataong batas (*international humanitarian law* o IHL) ay binubuo ng mga prinsipyo, alituntunin at pamantayan na naghahangad na limitahan ayon sa batayang makatao ang mga epekto ng armadong tunggalian. Ang internasyunal na makataong batas ay tinatawag ding “mga alituntunin sa digmaan” o “batas ng armadong tunggalian”.



Sumasaklaw ito sa dalawang larangan: ang pagbibigay proteksyon sa mga sibilyan o hindi kalahok, at di na kalahok (o wala na sa kapasidad na lumahok), sa armadong labanan; at ang pagtatakda ng mga restriksyon sa mga anyo at pamamaraan ng pakikidigma.

Nakapaloob dito ang mga unibersal na prinsipyo at pamantayan na nakasaad sa mga internasyunal na tratado o kumbensyon na pinagkaisahan ng mga estado sa daigdig at itinataguyod ng ilang mga partido o organisasyong kalahok sa mga armadong labanan. Kabilang sa mga tratado o kumbensyong ito ang *Geneva Conventions of 1949* at ang *Additional Protocols of 1977*.

26. Bakit kailangan pang isama ang IHL sa CARHRIHL gayong ang mga internasyunal na kumbensyon naman ay maaaring iangkop o maging aplikable sa nagaganap na armadong tunggalian sa bansa?

Ang internasyunal na makataong batas ay maaaring aplikable sa pangkalahatan sa lahat ng internasyunal at di-internasyunal na armadong tunggalian. May CARHRIHL man o wala, ang armadong tunggalian sa pagitan ng NDFP at GRP ay saklaw ng internasyunal na makataong batas.



Parehong nakita ng NDFP at GRP ang pangangailangang magkaroon ng kasunduan hinggil sa internasyunal na makataong batas upang muling pagtibayin ang kanilang komitment sa batas ng armadong tunggalian sa kondukta ng armadong labanan. Mahalaga ito lalunat nagpapatuloy ang negosasyong pangkapayapaan, hindi pa nalulutas ang mga ugat ng armadong tunggalian, at nagpapatuloy pa rin ang labanan.

Kailangan rin ilapat ang internasyunal na makataong batas sa partikular na kalagayan ng bansa. May mga partikular na sitwasyong maaaring hindi direktang nasasaklaw ng internasyunal na makataong batas tulad ng pagbuo at paggamit ng GRP ng mga panatikong grupong paramilitar para sa pakikidigma laban sa mamamayan at mga rebolusyonaryong pwersa.

Niratipika ng GRP ang *Geneva Conventions of 1949* noong 1952 at ang *Protocol II* noong 1986 sa panahon ni Corazon Aquino. Kahit hindi pa nito niraratipika ang *Protocol I*, ang GRP ay nasasaklaw na ng *Protocol* dahil ang internal na armadong tunggalian ay nagkaroon na ng internasyunal na anyo kung saan ang GRP ang isang partido sa gyera sibil.

Ang NDFP ay nagpahayag ng kanyang pagtalima sa internasyunal na makataong batas, kabilang ang *Protocol II*, noong Agosto 15, 1991. Isinumite nito ang kanyang pormal na deklarasyon ng pagtalima sa *Geneva Conventions* at sa *Protocol I* noong Hulyo 5, 1996 sa *Swiss Federal Council* bilang opisyal na tagapag-ingat ng *Geneva Conventions* at mga *Protocol*.

Muling pinagtitibay ng NDFP at GRP sa CARHRIHL ang kanilang komitment sa pagtalima at pagpapailalim sa mga pangkalahatang alituntunin ng internasyunal na makataong batas.

(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 1)

27. Kanino aplikable ang mga alituntunin ng internasyunal na makataong batas?

Ang mga alituntunin ng internasyunal na makataong batas ay aplikable sa mga sumusunod:

- a. mga sibilyan o mga taong hindi aktibong kalahok sa mga hostilidad;
- b. mga myembro ng mga armadong pwersang sumuko na o nagbaba na ng kanilang armas;



k. mga nalagay sa katayuang *bors de combat* (wala na sa katayuang lumaban) dahil sa sakit, sugat o anumang kadahilanan;

d. mga taong pinagkaitan ng kanilang kalayaan sa mga dahilang may kaugnayan sa armadong tunggalian; at,

e. mga kamag-anak at awtorisadong kinatawan ng mga taong nabanggit sa itaas.



(Ikaapat na Babagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 2)

28. Anu-anong mga gawain o hakbang ang ipinagbabawal ng CARHRIHL na gawin sa mga taong nasa ilalim ng proteksyon ng internasyunal na makataong batas?

Ang mga sumusunod na akto o gawain ay ipinagbabawal at mananatiling bawal kahit kailan at kahit saan kaugnay ng mga tao na tinukoy sa bilang 27:

a. karahasan sa buhay at pagkatao, partikular ang pagpatay o pamiminsala, pagpapailalim sa pisikal at *mental torture*, mutilasyon, mabigat na pagpaparusa, malupit o mapang-abang pagtrato at lahat ng anupamang karahasan at paghihiganti, kasama ang pagkuha ng *hostage* at mga akto laban sa pisikal na kagalingan, dignidad, paniniwalang pampulitika at iba pang mga karapatang-tao;

b. pagpapanagot sa sinuman para sa aktong hindi naman niya ginawa at pagpaparusa sa sinuman na hindi sinusunod ang lahat ng rekisito ng karampatang proseso;

k. pag-oobliga sa mga taong pinagkaitan ng kanilang kalayaan sa mga dahilang may kaugnayan sa armadong tunggalian, na maghayag ng impormasyon liban sa kanilang identidad;

d. desekrasyon o hindi paggalang sa labi ng mga namatay sanhi ng armadong tunggalian o namatay habang sila ay nakabilango, at paglabag sa tungkuling kagyat na ibigay ang nasabing labi sa kanilang pamilya o bigyan ang mga ito ng disentang libing;



e. hindi pag-uulat ng identidad, personal na kalagayan at sirkumstansya ng isang taong pinagkaitan ng kanyang kalayaan sa mga dahilang may kaugnayan sa armadong tunggalian sa mga Partido para magampanan nila ang kanilang mga tungkulin at responsibilidad sa ilalim ng Kasunduang ito at sa ilalim ng internasyunal na makataong batas;

g. hindi pagkilala sa karapatan ng kamag-anak at mga awtorisadong kinatawan ng isang taong pinagkaitan ng kanyang kalayaan sa mga dahilang may kaugnayan sa armadong tunggalian na alamin kung ang tao ay nasa pangangalaga o nakakulong, mga dahilan ng pagkakakulong, sa anong mga sirkumstansya ang taong nasa pangangalaga ay nakakulong, at tuwirang humiling o sa pamamagitan ng mga intermedyaryong kapwa katanggap-tanggap para sa maayos at kagyat niyang paglaya;

h. mga gawi na nagdudulot o nagpapahintulot sa sapilitang pagpapalikas o sapilitang rekonsentrasyon ng mga sibilyan, maliban kung kinakailangan dahil sa seguridad ng mga sibilyang nasasangkot o dahil sa di-maiiwasang mga kadahilanang militar; ang paglitaw at pagdami sa loob ng bansa ng mga pamilya at komunidad na napalayas sa kanilang lugar; at ang pagkawasak ng mga buhay at ari-arian ng populasyong sibilyan;

i. pagmimintina, pagsuporta at pagkunsinti sa mga grupong paramilitar tulad ng mga armadong grupong relihiyoso-panatiko, mga grupong vigilante, mga pribadong armadong grupo ng mga negosyante, ng mga panginoong maylupa at mga pulitiko, at ng mga pribadong ahensya sa seguridad na ginagamit sa mga gusot sa lupa at paggawa at sa mga panghihimasok na tinutukoy sa Artikulo 9, Ikatlong Bahagi ng Kasunduang ito; at

l. pagpapahintulot sa paglahok ng sibilyan o mga sibilyang opisyal sa operasyong militar sa larangan at kampanyang militar.

(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 3)

29. Kailan o sa anong mga kalagayan ipatutupad ang mga alituntunin ng internasyunal na makataong batas?

Ang mga alituntunin ng internasyunal na makataong batas ay ipatutupad at mangangalaga sa mga karapatan ng mga tao, entidad o bagay na sangkot o apektado sa alinman sa mga kaso o sitwasyong nasa ibaba:

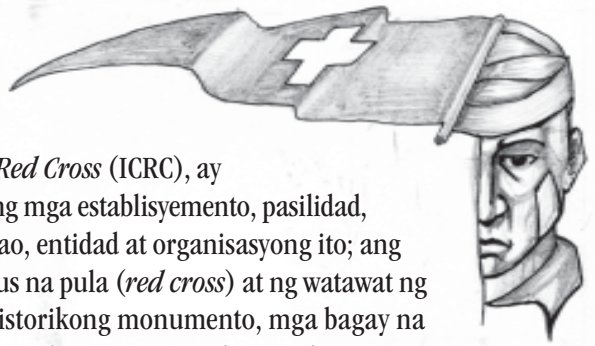


a. Ang mga taong wala na sa katayuang lumaban (*bors de combat*) at ang mga hindi tuwirang kalahok sa mga hostilidad ay may karapatan sa paggalang sa kanilang buhay, dignidad, mga karapatang-tao, mga paniniwalang pampulitika, at moral at pisikal na integridad, at pangangalagaan sa lahat ng sirkumstansya at makataong itatrato nang walang pagtatangi batay sa lahi, kulay, paniniwala, kasarian, kapanganakan, katayuang panlipunan o anumang katulad na pamantayan.

b. Ang mga sugatan at maysakit ay titipunin at aalagaan ng partido sa armadong tunggalian na nangangalaga o may responsibilidad sa kanila.

k. Ang mga nyutral na tao o entidad at tauhang medikal, kabilang ang mga makatao at/o organisasyong medikal tulad ng

International Committee of the Red Cross (ICRC), ay pangangalagaan at igagalang. Ang mga establisyemento, pasilidad, sasakyan at kagamitan ng mga tao, entidad at organisasyong ito; ang mga bagay na may sagisag na krus na pula (*red cross*) at ng watawat ng mapayapang intensyon; at mga istorikong monumento, mga bagay na pangkultura at mga lugar ng pagsamba ay pangangalagaan din.



d. Ang sibilyang populasyon at mga sibilyan ay itatrato bilang sibilyan at itatangi sa mga mandirigma at, kasama ang kanilang ari-arian, ay hindi dapat atakihin. Sila ay pangangalagaan din laban sa walang-habas na pambobomba mula sa himpapawid, istraping, panganganyon, pagmomortar, panununog, pambubuldoer at iba pang katulad na anyo ng pagwasak sa mga buhay at ari-arian, paggamit ng mga pampasabog gayundin ang pag-imbak ng mga ito malapit o mismo sa kinalalagyan ng mga sibilyan, at sa paggamit ng mga sandatang kemikal at bayolohikal.

e. Ang mga sibilyan ay may karapatang igiit ang angkop na mga aksyong pandisiplina laban sa mga pang-aabusong lumilitaw mula sa di pagtalima ng mga Partido sa armadong tunggalian sa mga alituntunin ng internasyunal na makataong batas.

g. Lahat ng taong pinagkaitan ng kanilang kalayaan sa mga dahilang may kaugnayan sa armadong tunggalian ay makataong itatrato, bigyan ng sapat na



pagkain at inuming tubig at pagkalooban ng mga panananggalang (*safeguards*) kaugnay ng kalusugan at kalinisan, at ilagay sa ligtas na lugar. Sapat na impormasyon ang ibibigay ukol sa mga taong pinagkaitan ng kanilang kalayaan. Batay sa makatao at iba pang makatwirang batayan, sila ay ikokonsidera para sa ligtas na paglaya.

h. Ang ICRC at iba pang makatao at/o entidad na medikal ay tutulungan para magawa nilang mangalaga sa mga maysakit at sugatan at maipatupad nila ang kanilang makataong misyon at mga aktibidad.

i. Ang mga tauhan at pasilidad ng mga paaralan, propesyong medikal, institusyong relihiyoso at lugar ng pagsamba, mga boluntaryong sentro ng ebakwasyon, mga programa at proyektong panaklolo at kaunlaran ay hindi dapat maging target ng anumang atake. Gagarantiyahan ang kaligtasan ng mga tauhan ng mga nasabing entidad.

l. Ang lahat ng posibleng hakbang ay gagawin, nang walang antala, para hanapin at tipunin ang mga sugatan, maysakit at nawawalang mga tao at pangalagaan sila mula sa anumang pananakit at masamang pagtrato, tiyakin ang sapat na pag-aalaga sa kanila at para hanapin ang mga namatay, iwasan ang pagkaagnas at mutilasyon at mailibing nang may paggalang.

*(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas;
Artikulo 4)*

30. Ano ang sinasabi ng CARHRIHL hinggil sa mga paglabag sa internasyunal na makataong batas sa Pilipinas?

Sa CARHRIHL kinukundena ng NDFP at GRP ang lahat ng mga paglabag sa





internasyunal na makataong batas. Hinihikayat ng mga ito ang lahat ng mga biktima ng mga nasabing paglabag o ang kanilang mga kamag-anak na maghapag ng kanilang mga reklamo at ebidensya.

Tinatakda rin sa CARHRIHL na ang lahat ng taong may pananagutan sa paglabag sa internasyunal na makataong batas ay ipasasailalim sa imbestigasyon at, kung may sapat na ebidensya, sa pag-uusig at paglilitis. Ang mga biktima o ang kanilang mga naiwan ay pagkakalooban ng bayad-pinsala. Isasagawa ang lahat ng mga kinakailangang hakbang upang maalis ang mga kundisyong nagbubunsod sa ganitong mga paglabag at upang mabigyang katarungan at makapagbayad-pinsala sa mga biktima.

Ang NDFP at GRP ay inaatasan din na magtaguyod at maglunsad ng mga kampanyang edukasyon hinggil sa internasyunal na makataong batas, laluna sa hanay ng mga mamamayang direktang lumalahok sa armadong tunggalian at sa mga lugar na apektado ng tunggalian.

(Ikaapat na Babagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 5, 6 at 14)

31. Ano ang sinasabi ng CARHRIHL hinggil sa sapolitang pagpapalikas?

Itinatakda ng CARHRIHL na ang GRP ay dapat repasuhin at gumawa ng mga hakbang para baguhin ang mga patakaran, batas, programa, proyekto, kampanya at gawi na nagdulot o nagpahintulot sa sapolitang pagpapalikas at rekonsentrasyon ng mga sibilyan, ng paglitaw at pagdami sa loob ng bansa ng mga pamilya at komunidad na pinalikas mula sa kanilang lugar at ng pagkawasak ng mga buhay at ari-arian ng sibilyang populasyon.

(Ikaapat na Babagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 7)

Ang mga pamilya at komunidad sa loob ng bansa na pinalayas mula sa kanilang lugar ay may karapatang bumalik sa kanilang paninirahan at kabuhayan, igiit ang lahat ng posibleng tulong na kailangan para makabalik sila sa kanilang normal na pamumuhay at mabayaran sa mga pinsalang natamo dahil sa pagkasugat o pagkamatay.

(Ikaapat na Babagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 9)





32. Ano ang sinasabi ng CARHRIHL hinggil sa mga grupong paramilitar?

Ayon sa CARHRIHL, dapat ipagpatuloy ng GRP ang pagrepaso sa patakaran o gawi nito ng pagbubuo, pagmimintina, pagsuporta o pagpapahintulot sa mga pwersang paramilitar tulad ng *Citizen's Armed Forces Geographical Units* (CAFGUs) at *Civilian Volunteers' Organizations* (CVOs) o anupamang katulad na grupo.

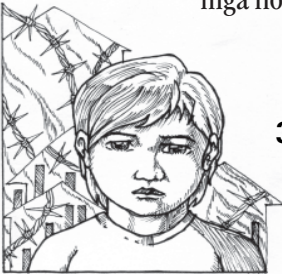
(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 8)



33. Ano ang paninindigan ng CARHRIHL hinggil sa mga kababaihan at mga bata na nasa lugar na may labanan?

Isinasaad sa CARHRIHL na ang NDFP at GRP ay dapat magbigay ng espesyal na atensyon sa kababaihan at mga bata para tiyakin ang kanilang pisikal at moral na integridad. Ang mga bata ay hindi pahihintulutang lumahok sa mga hostilidad.

(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 10)



34. Anu-ano ang mga karapatan at katungkulan ng mga grupong medikal, relihiyoso at makatao, na nakasaad sa CARHRIHL?

Itinatakda sa CARHRIHL na ang mga grupong medikal, relihiyoso at iba pang makataong organisasyon at ang kanilang mga tauhan ay hindi dapat gagampan ng ibang tungkulin na makasasama sa alinmang Partido. Hindi rin sila maaaring piliting gumampan ng mga tungkuling hindi umaayon sa kanilang makataong tungkulin. Sa kahit anong pagkakataon ay hindi maaaring parusahan ang sinumang nagpatupad ng mga aktibidad medikal alinsunod sa mga prinsipyo ng mga etikang medikal, kahit sinupaman ang nakikinabang mula sa nasabing mga aktibidad medikal.

(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 11)



35. Ano ang sinasabi ng CARHRIHL hinggil sa mga kampong militar?

Isinasaad sa CARHRIHL na ang sibilyang populasyon ay may karapatang mapangalagaan laban sa mga panganib at bantang nagmumula sa pagkakaroon ng mga kampong militar sa mga sentrong urban at iba pang matataong lugar.

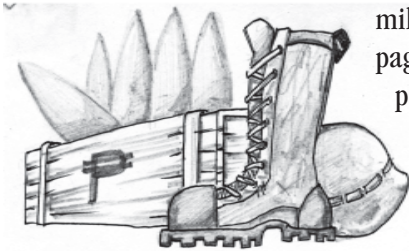
(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 12)



36. Ano ang sinasabi ng CARHRIHL hinggil sa badyet ng militar?

Ayon sa CARHRIHL, kinikilala ng mga Partido ang karapatan ng mamamayan na igiit ang pagbabawas sa mga gastusing militar at ang mga natipid mula sa naturang pagbabawas ay ibabaling tungo sa kaunlarang panlipunan, pang-ekonomya at pangkultura na siyang bibigyan ng pinakamataas na prayoridad.

(Ikaapat na Bahagi: Paggalang sa Internasyunal na Makataong Batas; Artikulo 13)



Hinggil Sa mga Pinal na Probisyon ng CARHRIHL

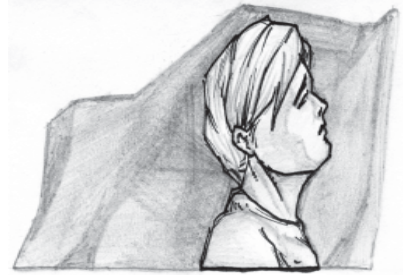
37. Ano ang kahalagahan ng mga pinal na probisyon ng CARHRIHL?

Sa mga Pinal na Probisyon ng CARHRIHL muling idiniin ang mga sumusunod na batayang prinsipyo ng negosasyong pangkapayapaan:

Una, ang mga Partido ay patuloy na aako ng magkahiwalay na tungkulin at responsibilidad sa pagtataguyod, pangangalaga at pagpapalaganap ng karapatang-tao at mga alituntunin ng internasyunal na makataong batas ayon sa kani-kanyang pampulitikang prinsipyo, organisasyon at sirkumstansya hanggat tuluyan na nilang makamit ang pinal na resolusyon ng armadong tunggalian.



Pangalawa, kinikilala ng mga Partido ang kaangkupan ng mga prinsipyo ng karapatang-tao at mga alituntunin ng internasyunal na makataong batas at ang tuluyang bisa ng mga obligasyon na ibinubunsod ng mga nasabing prinsipyo.



Panghuli, nilinaw ng mga Partido na walang anumang probisyon sa CARHRIHL o di kaya sa aplikasyon nito ang makakaapekto sa pampulitika at ligal na katayuan ng mga Partido ayon sa *The Hague Joint Declaration*. Sumasang-ayon din ang mga ito na ang CARHRIHL ay sasailalim sa *Comprehensive Agreements on Political and Constitutional Reforms at sa End of Hostilities and Disposition of Forces*. Kapwa nila pinanindigan na anumang nakasaad sa CARHRIHL na pagtukoy sa mga tratadong pinirmahan ng GRP sa mga batas at ligal na mga proseso nito ay hindi makakaapekto sa pampulitika at pang-organisasyong integridad ng NDFP.

(Ikaanim na Babagi: Mga Pinal na Probisyon)

Hinggil Sa Pagpapatupad ng CARHRIHL

38. Paano ipatutupad ang CARHRIHL?

Sa pagpapatupad ng CARHRIHL, ang dalawang Partido ay may obligasyon na isabalikat ang kanilang magkahiwalay na tungkulin at responsibilidad na itaguyod, pangalagaan at ipalaganap ang mga karapatang-tao at internasyunal na makataong batas. Isasagawa ito alinsunod sa kani-kanyang pampulitikang prinsipyo, organisasyon at sirkumstansya.



Pinakasaligan sa mga tungkuling ito ang paglulunsad ng mga kampanyang edukasyon hinggil sa karapatang-tao at internasyunal na makataong batas sa sariling pwersa at sa malawak na masa ng sambayanan. Lalamnin nito ang mga paksa hinggil sa reporma sa lupa, pagpapataas ng produksyon, kalusugan at kalinisan at iba pa na may panlipunang pakinabang ang mamamayan.



39. Paano isinasakatuparan ng NDFP ang mga obligasyon nito sa CARHRIHL?

Matapos pirmahan ang dokumento, agarang ipinatupad ng NDFP ang mga obligasyon nito sa ilalim ng CARHRIHL. Alinsunod sa NDFP Deklarasyon ng Pagsang-ayon sa CARHRIHL (*NDFP Declaration of Approval of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law*) na pinirmahan ni Kasamang Mariano Orosa, Tagapangulo ng Pambansang Konseho ng NDFP noong April 10, 1998, ang CARHRIHL ay naging bahagi na ng ligal at panghukumang sistema ng kilusang rebolusyunaryo.

Bago pa man ang CARHRIHL, ang NDFP ay nagtataguyod, gumagalang at nagpapalaganap na ng mga karapatang-tao at internasyunal na makataong batas alinsunod sa mga saligang prinsipyo na sinasalamin ng mga sumusunod na kalipunan ng mga patakaran at alituntunin:



- a. Gabay sa Pagtatayo ng Demokratikong Pamahalaang Bayan kung saan nakasaad ang mga probisyon hinggil sa Mga Batayang Karapatan at Tungkulin ng Mamamayan (Ikatlong Bahagi) at ang Hukumang Bayan (Ikatlong Kabanata ng Ikalawang Bahagi);
- b. Ang Rebolusyonaryong Gabay sa Reporma sa Lupa;
- k. Ang Mga Batayang Alituntunin ng Bagong Hukbong Bayan (BHB) kung saan nakasaad ang Tatlong Pangunahing Alituntunin sa Disiplina at ang Walong Puntong Dapat Tandaan ng mga opisyal at kasapi ng BHB;
- d. Memorandum Hinggil sa Minimum na Rekisitong Edad para sa mga Mandirigma ng BHB mula sa Komiteng Tagapagpaganap ng Komite Sentral ng Partido Komunista ng Pilipinas (PKP);
- e. Mga Tuntunin sa Pagsisiyasat at Pag-uusig sa mga Pinaghihinalaang Espiyang Kaaway na pinalabas ng Politburo ng Komite Sentral ng PKP;
- g. Mga patakaran at proseso sa paghuli, pagtrato, paglilitis, pagpaparusa o pagpapalaya ng mga bihag ng digma (*prisoners of war* o POWs); mga lumabag sa karapatang-tao, at iba pa.



Naglunsad ang NDFP ng mga kampanyang edukasyon hinggil sa CARHRIHL sa mga pwera nito. Nagkaroon ng mga pagsasalin ng CARHRIHL sa wikang Pilipino, Cebuano at Ilokano at malawak na naipalaganap at nakapagkondukta ng mga pag-aaral ukol sa mga babasahing ito sa hanay ng masang organisasyon at sa mga taong nasa nasasakupang teritoryo at maging sa mga alyado. Ang CARHRIHL ay kabilang na sa mga saligang dokumentong pinag-aaralan sa PKP, BHB, mga rebolusyunaryong pangmasang organisasyon at mga organo ng kapangyarihang pampulitika.

Bilang bahagi ng komitment nito sa pagtataguyod ng internasyunal na makataong batas, ang NDFP noong Hulyo 5, 1996 ay unilateral na idineklara ang pagtalima nito sa *Geneva Conventions of 1949 at Protocol I of 1977*. Nauna pa rito, noong Agosto 15, 1991, ang NDFP ay unilateral na idineklara ang pagtalima nito sa *Protocol II* sa pamamagitan ng *Declaration of Adherence to International Humanitarian Law* na pinirmahan ni Kasamang Manuel Romero.

Tuluy-tuloy na napatutunayan ng NDFP ang komitment nito sa paggalang sa karapatang-tao at internasyunal na makataong batas. Bukod pa sa mga kampanyang edukasyon, ang NDFP ay aktibong nag-iimbestiga sa mga kaso ng paglabag sa karapatang-tao at nagbibigay ng hustisya sa mga biktima. Iginagalang at ipinagtatanggol nito ang mga sibilyan, gayundin ang kanilang mga ari-arian at kabuhayan, laban sa mga bandido at sa mga mapang-abusong pwera ng AFP, pulis at mga paramilitar.

Sa larangan ng digmaan, ang BHB ay nagbibigay ng medikal na lunas sa mga sugatan at pinangangalagaan nito ang karapatan ng mga bihag ng digma at makatao silang tinatrato. Makailang ulit na ring nagpalaya ang NDFP ng mga bihag ng digma sa makataong kadahilanan at kumikilos para siguruhing maayos at ligtas ang kanilang paglaya. Nakikipag-ugnayan ito sa ICRC sa bagay na ito. Mahigpit na sumusunod ang NDFP sa mga internasyunal na kumbensyon sa minimum na rekisitong edad sa pagrerekrut ng BHB, sa tamang paggamit ng mina, at sa pagtrato sa mga medikal, relihiyoso at makataong organisasyon.

40. Ano ang mga kagyat na obligasyon ng GRP bilang pagtupad nito sa komitment sa CARHRIHL?

Nilalaman ng CARHRIHL ang mga probisyon na dapat ay kagyat na isakatuparan ng GRP. Kailangang tumbasan ng GRP ang mga independyenteng



hakbang na isinagawa na ng NDFP sa pagpapatupad ng CARHRIHL. Ang mga sumusunod na matagal nang mga kahilingan ng mamamayan ay ilan lang sa mga kagyat na obligasyon ng GRP na isinasaad sa CARHRIHL:

a. pag-aruga, rehabilitasyon at indemnipikasyon sa mga biktima ng mga malawakang operasyong militar, laluna ang mga tao, pamilya at komunidad na pinalayas sa kanilang lugar (*internally displaced persons, families and communities*);

b. indemnipikasyon sa mga biktima ng paglabag sa karapatang-tao sa ilalim ng diktadurang Marcos;

k. pagpapalaya sa lahat ng bilanggong pulitikal na inakusahan at nakadetina nang labag sa *doktrinang Hernandez*;

d. pagpapawalambisa sa mga mapanupil na batas, dikreto at utos-ehekutibo, gayundin sa mga desisyon ng korte na pawang lumalabag sa karapatang-tao;

e. pag-imbestiga, pag-aresto at pagpaparusa sa mga lumabag sa mga karapatang-tao at internasyunal na makataong batas;

g. pagtaguyod at pangangalaga sa mga karapatan ng mga manggagawa alinsunod sa mga internasyunal na kumbensyon at tratado;

h. pagtaguyod at pangangalaga sa mga karapatan ng mga magbubikid, etnikong minorya o mga katutubong mamamayan, at mga mahirap na mamamalakaya;

i. pagbawi at pagpapawalambisa sa mga patakarang batas na nagpapahintulot sa sapilitang ebakwasyon, blokeyo sa pagkain, at iba pa;

l. pagbawi ng mga patakarang batas at gawain sa pagbubuo ng mga CAFGUs, CVOs at iba pang mga grupong paramilitar.





III. Ang Joint Monitoring Committee (JMC)



41. Ano ang JMC?

Ang JMC ay ang mekanismong itinayo ng CARHRIHL upang i-monitor ang implementasyon ng Kasunduan.

Ang JMC ay binubuo ng tigatlong kagawad mula sa NDFP at GRP. Gayundin, ang NDFP at GRP ay humirang ng tigalawang kinatawan mula sa mga organisasyon ng karapatang-tao na uupo sa JMC bilang tagamasid o *observers* at naglilingkod ayon sa kasiyahan ng Partidong humirang sa kanila.

Ang kapwa-tagapangulo ng JMC ay mga kinatawan mula sa NDFP at GRP. Sila ay nagsisilbi bilang punong kinatawan ng mga Partido at gagampan bilang tagapagpadaloy sa mga pulong nito. Ang mga tagamasid ay maaaring dumalo sa mga pulong at makilahok sa usapan ngunit wala silang karapatang bumoto.

Ang mga kagawad ng JMC at mga tagamasid ay sinasaklawan ng mga garantiya sa kaligtasan at imyunidad na itinakda ng JASIG.

Pinagtibay ng NDFP at GRP noong Pebrero 14, 2004 ang *Operational Guidelines for the Joint Monitoring Committee* sa harap ng kinatawan ng *Royal Norwegian Government*. Ang JMC ay pormal na natipon noong Abril 1, 2004 sa harap rin ng kinatawan ng *Royal Norwegian Government*.

(Ikalimang Bahagi: Joint Monitoring Committee; Artikulo 1, 2 at 4)



42. Sinu-sino ang mga kasalukuyang kagawad ng JMC?

Hinirang ng NDFP si Kasamang Fidel Agcaoili bilang Tagapangulo at sina Kasamang Coni Ledesma at Danilo Borjal bilang mga kagawad ng NDFP sa *Joint Monitoring Committee*. Hinirang din ng NDFP sina Marie Hilao-Enriquez ng KARAPATAN at si Obispo Tomas Millamena ng Iglesia Filipina Independiente bilang mga tagamasid nito sa JMC.

Hinirang naman ng GRP si Atty. Carlos Medina bilang Tagapangulo at sina Atty. Edgardo Gayos at Atty. Robert Larga bilang mga kagawad ng GRP sa *Joint Monitoring Committee*. Hinirang sina Mercedes Contreras-Danenberga at Mary Aileen Bacalso bilang mga tagamasid nito sa JMC.

43. Anu-ano ang mga partikular na gawain ng JMC?

Itinatakda ng CARHRIHL na ang mga kapwa-tagapangulo ng NDFP at GRP ay tatanggap ng mga reklamo ng diumano'y paglabag ng karapatang-tao at internasyunal na makataong batas at lahat ng kaukulang impormasyon at magsasagawa ng mga kahilingan o rekomendasyon para sa implementasyon ng Kasunduan.

Kapag nagkaroon ng konsensus, ang JMC ay hihiling sa Partidong inireklamo na imbestigahan ang reklamo at gagawa ng mga rekomendasyon. Sa pamamagitan din ng konsensus, ang JMC ay mag-uulat at magrerekomenda ukol sa gawain nito sa mga Partido.

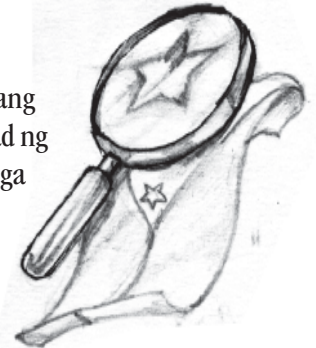
Ayon sa *Operational Guidelines for the Joint Monitoring Committee*, ang ibig sabihin ng salitang konsensus ay ang hayag na pagsang-ayon o pag-apruba ng lahat ng mga kagawad mula sa mga Partido sa JMC.

(*Ikalimang Bahagi: Joint Monitoring Committee; Artikulo 3*)

44. Ano ang ibig sabihin ng imbestigasyon?

Ang tanging pakahulugan ng salitang imbestigasyon ay ang pangangalap ng mga datos at mga *fact finding activities* tulad ng pagbisita sa lugar o *on-site visitations*, *ocular inspections*, mga panayam at kahalintulad na mga aktibidad na ang tanging layunin ay matunton ang mga katibayan sa isang walang-kinikilingan at obhetibong pamamaraan.

(*Operational Guidelines for the Joint Monitoring Committee, February 14, 2004; Bilang 3.1 ng Ikatlong Bahagi*)





45. Kailan at saan nagpupulong ang JMC?

Ang JMC ay kailangang regular na magpulong kada-tatlong buwan at magkaroon ng mga ispesyal na pulong kung napagpasiyahan ng kapwa-tagapangulo na kinakailangan dahil sa isang kagyat na usapin o reklamo at may ispesipikong adyenda na inaprubahan nila. Ang mga pulong ay isasagawa sa Pilipinas o sa iba pang lugar na mapagkasunduan ng mga Partido o ng kapwa-tagapangulo ng JMC.

Nagkaroon ng unang pormal na pagpupulong ang JMC noong Abril 1, 2004. Nagkaroon muli ito ng pagpupulong noong Abril 15, 2004 para pormal na buuin ang *Joint Secretariat* (JS) nito.

(Ikalimang Babagi: Joint Monitoring Committee; Artikulo 3 at Operational Guidelines for the Joint Monitoring Committee; Bilang 4.5 ng Ikaapat na Babagi)

46. Gaano katagal gagampan ng gawain ang JMC?

Ang JMC ay dapat binuo nuon pang Agosto 7, 1998 nang magkabisa ang CARHRIHL alinsunod sa itinakda ng Kasunduan. Tatagal ito hanggat hindi nilulusaw ng alinmang Partido sa pamamagitan ng pagpapadala sa kabilang Partido ng isang nakasulat na abiso ng pagkakalusaw na magkakabisa matapos ang tatlumpung araw mula sa opisyal na pagkatanggap nito. Ang paglusaw sa JMC ay hindi nangangahulugang pagbitaw ng mga Partido sa mga karapatan at tungkulin nito sa CARHRIHL at sa mga prinsipyo at pamantayan ng karapatang-tao at internasyunal na makataong batas.

(Ikalimang Babagi: Joint Monitoring Committee; Artikulo 6 at Operational Guidelines for the Joint Monitoring Committee; Ikapitong Babagi)



IV. Ang Joint Secretariat (JS) ng JMC



47. Ano ang JS ng JMC?

Ang *Joint Secretariat (JS)* ng JMC ay ang *staff support* ng JMC. Ang pagbubuo nito ay pinagtibay sa CARHRIHL at sa *Operational Guidelines for the Joint Monitoring Committee*.

Sa simula, ang JS ay kinabibilangan ng tig-limang independyenteng nominado ng NDFP at GRP na maglilingkod ayon sa kasiyahan ng Partidong humirang sa kanila.

Ang mga kagawad ng JS ay sinasaklawan ng mga garantiya sa kaligtasan at imyunidad na itinakda sa JASIG.

Ang *Joint Secretariat* ay pormal na binuo noong Abril 15, 2004.

(Ikalimang Bahagi: Joint Monitoring Committee; Artikulo 5)

48. Ano ang gawain o responsibilidad ng JS?

Magbibigay ang JS ng teknikal at administratibong suporta sa JMC sa pamamagitan ng pagtanggap ng mga reklamo at ulat ng mga diumano'y paglabag sa karapatang-tao at internasyunal na makataong batas laban sa alinmang Partido, laluna sa mga ispesipikong probisyon ng CARHRIHL, at ipaabot ang mga ito sa kani-kanyang Partido o *Monitoring Committee* para sa kaukulang hakbang o tugon.

**49. Saan at anong oras at araw bukas ang tanggapan ng JS?
Paano ito makokontak?**

Ang JS ay may tanggapan sa *6th Floor, Immaculate Conception Multi-Purpose Bldg., 41 Lantana St., Cubao, 1111 Quezon City.*

Mayroong hotline na (02) 725-2072 na maaaring tawagan araw-araw (pati ang Sabado, Linggo at mga Piyesta Opisyal) mula 8:00 n.u. - 8:00 n.g. Ang telepono ng NDFP-JS ay (02) 725-1457 na nagsisilbi ring *fax line* at ang *email address* ay ndfp_jsection@yahoo.com.

Ang telepono ng GRP-JS ay (02) 725-4621 at ang *fax line* ay (02) 725-3430 habang ang *email address* ay info@grpmc-jmc.org. Bukas ang tanggapan ng JS mula alas 8:00 n.u. hanggang alas 5:00 n.h., Lunes hanggang Biyernes.

50. Sino ang maaaring magsumite ng reklamo sa JMC sa pamamagitan ng JS?

- a. ang biktima;
- b. mga kamag-anak ng biktima;
- k. awtorisadong kinatawan; at/o
- d. kahit sinong interesadong partido.

51. Sino ang maaaring maging mga awtorisadong kinatawan?

- a. *human rights groups*;
- b. *peace advocacy groups*;
- k. taong simbahan;
- d. miyembro ng midya;
- e. mga personal na kinatawan o kamag-anak ng biktima; at
- g. sinumang may kakayahang magsampa ng reklamo para sa biktima o kamag-anak ng biktima.





52. Anu-anong mga paglabag ng karapatang-tao at internasyunal na makataong batas ang maaaring isumite sa JMC sa pamamagitan ng JS?

Mga paglabag ng karapatang-tao at internasyunal na makataong batas, laluna iyong mga nakasaad sa CARHRIHL.

53. Paano isusumite o idudulog ang reklamo sa JMC sa pamamagitan ng JS?

Anumang reklamo ng diumano'y paglabag sa karapatang-tao at internasyunal na makataong batas ay maaaring isumite sa JMC sa pamamagitan ng JS sa anumang porma (sulat, *factsheet*, reklamo, atbp) at sa anumang pamamaraan (telepono, *fax*, sulat, atbp).

Ang salaysay ng pangyayari ng diumano'y paglabag ay ilalagay sa porma ng reklamo (ng NDFP o GRP) ng biktima, kamag-anak o awtorisadong kinatawan o sinumang interesadong partido, kasama ang mga kagawad ng JS. Ang salaysay ng pangyayari ng diumano'y paglabag at lahat ng kaukulang dokumento ay maaaring ipahatid, ipadala o isumite

- a) sa opisina ng JS o sa kaukulang Seksyon (NDFP o GRP) ng JS, o
- b) direkta sa *Monitoring Committee* (MC) ng kaukulang Seksyon (NDFP o GRP) ng JMC.

54. Anu-ano ang mga rekisito sa pagsusumite at pagsasampa ng mga reklamo o impormasyon?

Anumang simple at malinaw na salaysay ng pangyayari ng diumano'y paglabag o ng insidente o isang *factsheet* ay sapat nang maging batayan ng reklamo at upang mapagsimulan ng JMC ng imbestigasyon o aksyon. Ito at iba pang kaukulang dokumento ay maaaring ipahatid, ipadala o isumite sa opisina ng JS o sa kaukulang Seksyon (NDFP o GRP) ng JS.

55. Ano ang dapat nilalaman ng salaysay ng pangyayari o *factsheet*?

Ang mga batayang impormasyon ng insidente tulad ng:

- a. Sino ang biktima?
- b. Ano ang paglabag o aling mga probisyon ng CARHRIHL ang nilabag?



k. Sinu-sino ang diumano'y may kagagawan ng paglabag?

Tandaan: Dapat masagot hanggat maaari ang “A-S-Sa-Ka-Pa-Ba?” o ang Ano, Sino, Saan, Kailan, Paano at Bakit, ng insidenteng inirereklamo.

56. Maaari rin bang magsumite ng iba pang dokumento at ebidensiya?

Oo. Kung ang mga kaukulang dokumento ng insidente ay nasa pangangalaga ng nagrereklamo, mainam na maisumite ang kopya nito kasabay ng maikli ngunit malinaw na salaysay ng pangyayari o *factsheet*. Kung hindi naman, maaaring isumite ang mga ito pagkatapos maisumite ang nasabing salaysay o *factsheet* ayon sa inisyatiba ng nagrereklamo o kanyang kinatawan, o ayon sa kahilingan ng JS o ng JMC.

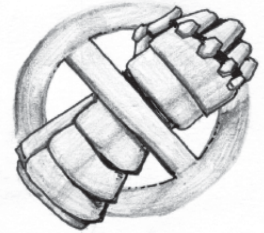
57. Anu-ano ang mga dokumentong maaaring isumite?

Mga halimbawa ay:

- a. *affidavit* o sinumpaang salaysay;
- b. *fact-finding mission report*;
- k. *quick reaction team report*;
- d. *news clippings*;
- e. *police* o *barangay blotter* o *report*;
- g. *pamphlets* o polyetos;
- h. *transcript of stenographic notes* (o TSNs);
- i. mga papeles/desisyon/utos ng korte;
- l. *object evidence* (halimbawa, basyo ng bala, damit, etc.);
- m. *litrato/audio/video*;
- n. *necropsy/post-mortem/autopsy report*;
- ng. *medico-legal report*;
- o. *birth/marriage/death certificate*.



58. Saan isusumite ang mga reklamo o impormasyon ng diumano'y paglabag ng GRP (Armed Forces of the Philippines o AFP, Philippine National Police o PNP, Citizen's Armed Forces Geographical Units o CAFGU, at iba pa)?



Sa *GRP-Nominated Section* ng JS o direktso sa MC nito.

Ang NDFP-JS o ang MC nito ay maaari ring tumanggap ng reklamo o impormasyon ng diumano'y paglabag ng GRP, na siya nitong ipapasa sa GRP-JS o direktso sa MC nito.

59. Saan isusumite ang mga reklamo o impormasyon ng diumano'y paglabag ng NDFP (BHB, Milisyang Bayan, at iba pa)?

Sa *NDFP-Nominated Section* ng JS o direktso sa MC nito.

Ang GRP-JS o ang MC nito ay maaari ring tumanggap ng reklamo o impormasyon ng diumano'y paglabag ng NDFP, na siya nitong ipapasa sa NDFP-JS o direktso sa MC nito.

60. Pinapalitan ba ng gawain ng JMC ang gawain ng ibang mga organisasyong pang-karapatang-tao at pang-kapayapaan?

Hindi. Ang mga organisasyong pang-karapatang-tao ay inaasahang ipagpatuloy ang kanilang independyenteng gawain sa pagtataguyod ng paggalang sa karapatang-tao, pagdo-dokumeto ng mga paglabag at pagbibigay ng serbisyo sa mga biktima at/o sa kanilang kamag-anak.





61. Maaari pa rin bang isumite sa JMC ang mga kaso na naisampa na, nakasampa pa o ibinasura na sa ibang ahensya o larangan?

Oo. Sapagkat ang JMC ay isang karagdagang larangan o mekanismo na tumatanggap ng mga reklamo ng diumano'y paglabag sa karapatang-tao at internasyunal na makataong batas, laluna sa konteksto ng negosasyong pangkapayapaan at sa kasalukuyang nagaganap na armadong tunggalian.

62. Lahat ba ng mga reklamo ng paglabag sa karapatang-tao at internasyunal na makataong batas at sa CARHRIHL at karampatang impormasyon ay maaaring isumite sa JMC?

Hindi. Iyon lamang mga insidente na naganap mula Agosto 7, 1998 pataas kung kailan nagkaroon ng bisa ang CARHRIHL ang maaaring isampa o isumite sa JMC.

(Para sa karagdagang impormasyon ukol sa mga *forms*, daloy ng proseso sa mga reklamo at iba pang mga gabay sa pagsumite ng mga reklamo, magtanong o makipag-ugnayan sa opisina ng NDFP-JS.)



V. Mga Tungkulin ng Mamamayan



63. Paano makapagsisilbi sa mamamayan ang CARHRIHL?

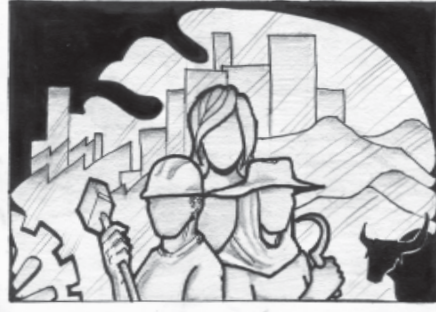
Bagamat may obligasyong-moral ang GRP na ipatupad ang CARHRIHL, walang garantiya na ipatutupad nito ang CARHRIHL. Sa katotohanan, walang garantiya, tulad ng namalas na mula Agosto 7, 1998 at laluna sa ilalim ng rehimeng Macapagal-Arroyo, na ititigil na ng GRP ang sistematikong paglabag nito sa mga karapatang-tao at sa internasyunal na makataong batas. Kung gayon, magagamit ng mamamayan ang CARHRIHL upang ilantad at labanan ang mga patuloy na paglabag ng GRP sa kanilang mga karapatan. Sa kamay ng mulat at militanteng mamamayan, ang CARHRIHL ay maaaring magsilbing karagdagang sandata sa kanilang pakikibaka para sa kanilang demokratikong karapatan at panlipunang kagalingan. Maaaring gamitin ng mamamayan ang CARHRIHL upang mapangalagaan nila ang kanilang mga karapatan laban sa pang-aapi, pagpapahirap, pang-aabuso at pasistang pananalanta ng estado at upang igiit ang katarungan at karampatang pagpaparusa sa mga nagkasala.

64. Ano ang maaaring gawin ng mamamayan upang itaguyod ang CARHRIHL?

Kinakailangang palaganapin ang nilalaman ng CARHRIHL upang maging mulat ang lahat ng mamamayan sa buong saklaw ng kanilang mga karapatan at magamit nila ang kaalamang ito sa kanilang militanteng paggigiit at



pakikibaka. Ang mamamayan ay dapat maarmasan ng matibay at malalim na pag-unawa sa kanilang mga karapatan upang kanilang lubos na maunawaan kung bakit kailangan ang puspusang pakikibaka para sa isang malaya, demokratiko, makatarungan at maunlad na lipunan.



65. Paaano masusuportahan ng mamamayan ang gawain ng JMC?

Masusuportahan ng mamamayan at mabibigyang saysay ang gawain ng JMC sa pamamagitan ng pagsasampa ng mga kaso o reklamo ng paglabag sa mga kaparatang-tao at internasyunal na makataong batas at ang paggiit na mabigyan ng kagyat na resolusyon ng JMC ang mga nakasampang kaso at reklamo. Ang partisipasyon ng mamamayan sa gawain ng JMC ay makakatulong sa pagbibigay ng katarungan sa mga biktima at pagpapatigil sa walang-habas na mga paglabag sa kaparatang-tao at internasyunal na makataong batas.

66. Paano makakatulong ang mamamayan sa pagtiyak ng tagumpay ng negosasyong pangkapayapaan tungo sa makatarungan at pangmatagalang kapayapaan?



Una, manawagan sa pagpapatuloy ng negosasyong pangkapayapaan upang tugunan ang mga ugat ng armadong tunggalian at mailatag ang batayan para sa makatarungan at pangmatagalang kapayapaan;

Pangalawa, tiyaking tumatalima ang GRP at NDFP sa CARHRIHL at ipinatutupad ito sa kabuuan;

Pangatlo, tiyaking ang mga tagumpay at pakinabang na nakamit sa negosasyong



pangkapayapaan ay napapangalagaan at napapayabong.

Pang-apat, magbantay na ang kanilang interes at kagalingan ay kinikilala, ginagarantiyahan at itinataguyod sa negosasyong pangkapayapaan.

At panghuli, makilahok sa pagresolba ng mga batayang suliranin ng lipunan at makibaka para sa isang malaya, demokratiko, makatarungan at maunlad na Pilipinas. ✨



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Introduction

The Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) is one of the important documents that has come out of the peace negotiations between the National Democratic Front of the Philippines (NDFP) and the Government of the Republic of the Philippines (GRP).

This primer is primarily intended as an information material for Filipinos interested in the peace negotiations between the NDFP and the GRP. It can also be of value to individuals and groups inside and outside the country who are interested in promoting respect for human rights and international humanitarian law especially in situations of armed conflict.



I. The Peace Negotiations between the NDFP and the GRP

1. Why are there peace negotiations between the NDFP and GRP?

Because there is an ongoing armed conflict between the NDFP and the GRP. Both Parties have their own armed forces operating nationwide, have their respective political authority and organizations commanding these armed forces, and have their respective viewpoints and solutions to the socio-economic problems facing the Filipino people. Furthermore, both sides have territories and citizens within their respective control and jurisdiction.

The NDFP represents the forces seeking to bring about fundamental change in the existing violent and unjust social system. Among these forces are the Communist Party of the Philippines (CPP), New People's Army (NPA), the organs of political power, and the revolutionary mass organizations and the people in the whole archipelago.

The GRP, on the other hand, represents the forces seeking to preserve the existing violent and unjust social system ruled by the big landlords and comprador capitalists who, with the support of foreign monopoly capitalists, exploit and oppress the great majority of the Filipino people such as the workers, peasants, ordinary wage earners like teachers, employees in the public and private sectors, women, national minorities, etc.

2. How can our country attain a just and lasting peace?

Our country can attain a just and lasting peace once the roots of the armed conflict or civil war have been resolved. Concretely, this means ending the control and domination of imperialism or foreign monopoly capitalism over the economy and politics of the nation, eliminating feudalism which enslaves the peasantry that make up the majority of our population, and dismantling bureaucrat capitalism which is the main source of corruption and anomaly in society. With these changes, the Philippines can become a truly free, democratic, just, and prosperous country.



As long as Philippine society is ruled and controlled by imperialism, domestic feudalism and bureaucrat capitalism, there cannot be a just and lasting peace in the country. The people will continue to struggle and assert their right to national freedom, democracy and social justice.

As stipulated in the CARHRIHL, the two Parties in the peace negotiations “recognize that fundamental individual and collective freedoms and human rights in the political, social, economic and cultural spheres can only be realized and flourish under conditions of national and social freedoms of the people.”

(Part I: Declaration of Principles; Article 4)

3. Is it possible to achieve a just and lasting peace through the peace negotiations?

It is difficult to achieve a just and lasting peace through the peace negotiations alone. The fact is the forces that are against social change use all means and all the coercive instruments of the state (government, congress, courts, police and armed forces) to perpetuate their rule and violently suppress the people’s demand for a free, democratic, just and prosperous society.

In this situation, the people have the right to use all forms of struggle, from legal, parliamentary and militant mass actions to armed struggle, in order to oppose and overcome the social violence and ruthlessness of those who are against change or social transformation. The peace negotiations are a form of struggle that can only be beneficial to the people if they are conducted properly and in coordination with other forms of struggle.

4. How can the peace negotiations be beneficial to the people?

The peace negotiations can be beneficial to the people only if these:

- a. confront and attempt to resolve the roots of the armed conflict or civil war;
- b. strengthen, rather than weaken, the forces fighting for a just social transformation; and
- c. achieve specific and immediate benefits to the people even if the negotiations do not lead to a cessation of the armed conflict or civil war.



5. What are the main documents or agreements already signed and agreed upon by the NDFP and the GRP before the CARHRIHL?

Among these are:

- a. The Hague Joint Declaration (Sept. 1, 1992);
- b. Breukelen Joint Statement (June 14, 1994);
- c. Joint Agreement on Safety and Immunity Guarantees (Feb. 24, 1995);
- d. Joint Agreement on the Ground Rules of the Formal Meetings between the GRP and the NDFP Negotiating Panels (Feb. 26, 1995); and
- e. Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committees (RWCs) (June 26, 1995).

6. What are the contents and significance of The Hague Joint Declaration (THJD)?

Firstly, The Hague Joint Declaration stipulates that the objective of the peace negotiations is the attainment of a just and lasting peace by resolving the root causes of the armed conflict.

Secondly, THJD declares that mutually acceptable principles, including national sovereignty, democracy and social justice, shall serve as the framework of the negotiations, and that no precondition shall be made to negate the inherent character and purpose of the peace negotiations. Thus, across the negotiating table, the NDFP and GRP are equal and that neither Party shall be subject to the constitution or laws of the other.

In the Breukelen Joint Statement, the GRP has reaffirmed the above as follows: “It is clear that GRP’s adherence to Constitutional processes does not constitute the imposition of the GRP Constitution as framework for the peace talks.”

Thirdly, THJD sets the agenda of the formal negotiations in sequential order as follows:

- a. Human Rights and International Humanitarian Law;
- b. Socio-economic Reforms;



- c. Political and Constitutional Reforms; and
- d. End of Hostilities and Disposition of Forces.

Fourthly, THJD establishes the procedure for the negotiations through the formation by the two Parties of their respective Reciprocal Working Committees (RWCs) which shall prepare drafts of agreements on each issue of the substantive agenda.

7. What are the contents and significance of the Joint Agreement on Safety and Immunity Guarantees (JASIG)?

Firstly, the JASIG clears the way for conducting the formal peace negotiations.

Secondly, the JASIG guarantees the safety of the negotiators, consultants, staffers, security and other personnel, and provides for their immunity from surveillance, harassment, search, arrest, interrogation, detention, prosecution, and other similar punitive actions due to any involvement or participation in the peace negotiations.

Thirdly, the JASIG stipulates that the formal peace negotiations shall be held in a foreign neutral venue.

The primary objective of the JASIG is to facilitate the peace negotiations, create a favorable atmosphere conducive to free discussions and free movement during the peace negotiations, and to avert any incident that may jeopardize the peace negotiations.



II. The CARHRIHL

8. What is the CARHRIHL?

The CARHRIHL is the first comprehensive agreement in the substantive agenda of the peace negotiations between the NDFP and the GRP.

It was the product of more than two years of complicated negotiations and was signed by the two Negotiating Panels in the peace negotiations on March 16, 1998 in The Hague, The Netherlands. It was approved by Comrade Mariano Orosa, Chairman of the National Council of the NDFP on April 10, 1998, and by then President Joseph Estrada of the GRP on August 7, 1998.

The CARHRIHL is the fruit of the long history of struggle of the Filipino people to uphold and protect their human rights. It is an agreement based on the concrete reality that there is systematic and widespread violations of human rights in the country. The CARHRIHL is a timely contribution to existing local and international documents on human rights, particularly in situations of armed conflict.

The CARHRIHL is the biggest step so far achieved for the people in the peace negotiations. There is no document or law of the GRP with respect to human rights that is comparable to the CARHRIHL.

9. What is the rationale of the CARHRIHL?

In view of the historical reality that human rights have long been violated with impunity in the country, the rationale of the CARHRIHL is the need to promote, expand and guarantee the people's democratic rights and freedoms, especially of the toiling masses of workers and peasants. Moreover, given the prolonged armed conflict, the two Parties recognize the necessity of applying international humanitarian law in the conduct of the war. In forging the CARHRIHL, the two Parties affirm their constant and continuing mutual commitment to respect human rights and international humanitarian law and recognize their respective acts of good intention to be bound by and comply with international humanitarian law.

(Preamble and Part I: Declaration of Principles; Articles 3, 5, 6 and 7)



10. What are the objectives of the CARHRIHL?

The CARHRIHL aims to:

- a. guarantee the protection of human rights of all Filipinos under all circumstances, especially the workers, peasants and other poor people;
- b. affirm and apply the principles of international humanitarian law in order to protect the civilian population and individual civilians, as well as persons who do not take direct part or who have ceased to take part in the armed hostilities, including persons deprived of their liberty for reasons related to the armed conflict (prisoners of war);
- c. establish effective mechanisms and measures for realizing, monitoring, verifying and ensuring compliance with the provisions of the CARHRIHL; and
- d. pave the way for comprehensive agreements on economic, social and political reforms that will ensure the attainment of a just and lasting peace.

(Part II: Bases, Scope and Applicability; Article 2)

11. What is the significance of the CARHRIHL in the peace negotiations?

The NDFP and the GRP signed the CARHRIHL in the context of negotiations for a just and lasting peace. Under conditions where violations of human rights and international humanitarian law against the people and the revolutionary forces are committed with impunity, it is imperative that this issue be resolved first before the peace negotiations can move forward to the other items in the substantive agenda. The approval and implementation of the CARHRIHL created the basis for moving on to the other items.

The CARHRIHL is based on the interests, aspirations and concrete conditions of the Filipino people, especially those of the workers, peasants, urban poor, women, youth, fisherfolk, ethnic minorities and other oppressed sectors in Philippine society. The CARHRIHL is a response to their demand for justice against the continuing violations of their rights.

But the CARHRIHL is not the solution to the basic problems of the Filipino people. For as long as the social and economic bases for their poverty remain, the armed conflict will continue. Nevertheless, if the CARHRIHL is implemented, progress may be achieved in improving the human rights situation in the country and in the application of the principles of international



humanitarian law in the conduct of the armed conflict. The important thing is that the Agreement benefits the people, that their human rights are safeguarded even while the peace negotiations are still ongoing and genuine peace has yet to be attained.

12. Why is the CARHRIHL a historic document?

The CARHRIHL is historic because:

- a. for the first time, the GRP has recognized the whole scope of human rights which include civil, political, economic, social and cultural rights;
- b. the GRP has admitted the fact of its systematic and widespread violations of human rights and international humanitarian law;
- c. by signing the CARHRIHL, the GRP has agreed to comply with its obligations under the Agreement;
- d. the CARHRIHL has confirmed and affirmed the status of the NDFP as a co-belligerent in the civil war; and
- e. the CARHRIHL has recognized the independent political authority and organization of the NDFP and its separate responsibility in implementing the CARHRIHL and in carrying out its obligations in promoting and defending human rights and international humanitarian law.

13. What is the importance of the CARHRIHL?

Firstly, the CARHRIHL is an additional weapon or instrument in the hands of the people to fight for, promote and broaden their human rights.

Secondly, it shows that the NDFP has sufficient strength and capability to face the GRP as an equal party in the negotiations and forge an agreement that the people can benefit from and take recourse to.

Thirdly, it belies the false accusation that the NDFP does not aspire for peace in waging a just war or armed struggle. In fact, the process leading towards the Agreement shows that the NDFP was much more serious and committed in pursuing genuine and just peace than the GRP.

Lastly, the Agreement paves the way for conducting formal peace negotiations on socio-economic reforms; political and constitutional reforms; and the cessation of hostilities and disposition of armed forces.



14. What are the other significant provisions in the initial sections of the CARHRIHL (Preamble; Declaration of Principles; and Bases, Scope and Applicability)?

The other significant provisions of the Preamble, Declaration of Principles and Bases, Scope and Applicability are those that reaffirm the principles laid down in The Hague Joint Declaration on the objectives and framework of the peace negotiation, the status of parity, equality, reciprocity and mutuality of the Parties to the Agreement, the political authority and integrity of the NDFP and its allied organizations and forces, and the assumption of separate duties and responsibilities by the two Parties in carrying out the CARHRIHL.

There is also a provision that bound both Parties to abide by and comply with international instruments and conventions such as the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Geneva Conventions and its Protocols.

The two Parties likewise affirm that the CARHRIHL is applicable not only to persons, families and groups affiliated with either Party but also to all civilians and persons not directly taking part in the hostilities, including persons deprived of their liberty for reasons related to the armed conflict.

(Preamble; Part I: Declaration of Principles; Part II: Bases, Scope and Applicability)

On Respect for Human Rights

15. What does the CARHRIHL say about respect for human rights?

The CARHRIHL requires both Parties to adhere to and be bound by the principles and standards of international human rights instruments as stated in number 14. It seeks to confront, remedy and prevent the most serious violations of human rights in terms of civil and political rights, as well as to uphold, protect and promote the full scope of human rights and fundamental freedoms with respect to the specific conditions of the country.

16. What are the human rights specified in the CARHRIHL?

The following comprise the range of human rights and fundamental freedoms of the Filipino people in the CARHRIHL:



1. The right to self-determination of the Filipino nation by virtue of which the people should fully and freely determine their political status, pursue their economic, social and cultural development, and dispose of their natural wealth and resources for their own welfare and benefit towards genuine national independence, democracy, social justice and development.

2. The inherent and inalienable right of the people to establish a just, democratic and peaceful society, to adopt effective safeguards against, and to oppose oppression and tyranny similar to that of the past dictatorial regime.

3. The right of the victims and their families to seek justice for violations of human rights, including adequate compensation or indemnification, restitution and rehabilitation, and effective sanctions and guarantees against repetition and impunity.

4. The right to life, especially against summary executions (salvagings), involuntary disappearances, massacres and indiscriminate bombardments of communities, and the right not to be subjected to campaigns of incitement to violence against one's person.

5. The right to liberty, particularly against unwarranted and unjustified arrest and detention and to effectively avail of the privilege of the writ of habeas corpus.

6. The individual and collective right of the people and of communities to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and to effective safeguards of these rights against any illegal operations by GRP agencies.

7. The right not to be subjected to physical or mental torture, solitary confinement, rape and sexual abuse, and other inhuman, cruel or degrading treatment, detention and punishment.

8. The right not to be held in involuntary servitude or to perform forced or compulsory labor.

9. The right to substantive and procedural due process, to be presumed innocent until proven guilty, and against self-incrimination.

10. The right to equal protection of the law and against any form of discrimination on the basis of race, ethnicity, gender, belief, age, physical condition or civil status and against any incitement to such discrimination.



11. The right to freedom of thought and expression, freedom of conscience, political and religious beliefs and practices and the right not to be punished or held accountable in the exercise of these rights.

12. The right to free speech, press, association and assembly, and to seek redress of grievances.

13. The right to privacy of communication and correspondence, especially against intercepting, pilfering and opening of mail matters and conducting illegal surveillance and information gathering through electronic and other means.

14. The right to free choice of domicile, movement and travel within the country and abroad, to seek asylum, migration and exile, and against travel restrictions for political reasons or objectives.

15. The right not to be subjected to forced evacuations, food and other forms of economic blockades and indiscriminate bombings, shellings, strafing, gunfire and the use of landmines.

16. The right to information on matters of public concern and access to records, documents and papers pertaining to acts, transactions or decisions of persons in authority.

17. The right to universal suffrage irrespective of sex, race, occupation, social origin, property, status, education, ideological and political conviction, and religious belief.

18. The right to own property and the means of production and consumption that are obtained through land reform, honest labor and entrepreneurship, skill, inventiveness and intellectual merit and to use such means for the common good.

19. The right to gainful employment, humane working and living conditions, livelihood and job security, to work and equal pay, to form unions, to strike and participate in the policy and decision-making processes affecting their rights and interests, and the right not to be denied these rights due to nationality, creed, minority status, gender or sexual preference, or civil status.

20. The right to universal and free elementary and secondary education, and access to basic services and health care.



21. The right to freely engage in scientific research, technological invention, literary and artistic creations and other cultural pursuits.
22. The right to form a marital union and to found a family, and to ensure family communications and reunions.
23. The equal right of women in all fields of endeavor and in all spheres of political, economic, cultural, social and domestic life and to their emancipation.
24. The right of children and the disabled to protection, care, and a home, especially against physical and mental abuse, prostitution, drugs, forced labor, homelessness, and other similar forms of oppression and exploitation.
25. The existing rights of the minority communities in the Philippines to autonomy, to their ancestral lands and the natural resources in these lands, to engage in and benefit from affirmative action, to their participation and representation in the economic, political and social life and institutions, and to cultural and all round development.

(Part III: Respect for Human Rights; Article 2 pars 1-25)

17. What does the CARHRIHL say about violations and abuses of human rights?

In the CARHRIHL, the NDFP and the GRP condemn all violations and abuses of human rights. They commend the complainants or plaintiffs in all successful human rights proceedings. They also encourage all victims or surviving families and relatives to come forward with their complaints and evidence.

The CARHRIHL stipulates that persons liable for violations and abuses of human rights shall be subject to investigation and, if evidence warrants, to prosecution and trial. The victims or their survivors shall be indemnified. All necessary measures shall be undertaken to remove the conditions for violations and abuses of human rights and to render justice to and indemnify the victims.

(Part III: Respect for Human Rights; Articles 3 and 4)





18. What does the CARHRIHL say about the victims of Martial Law?

The CARHRIHL provides that the NDFP and the GRP shall respect and support the rights of the victims of human rights violations during the Marcos dictatorial regime.

In doing so, the two Parties must take into account the final judgment of the United States Federal Court System in the Human Rights Litigation Against Marcos in 1996, the decision of the Swiss Supreme Court in 1997, Resolution No. 1640 of the Philippine Senate in 1998, and the pertinent provisions of the International Covenant on Civil and Political Rights of 1966 and the UN Convention Against Torture of 1984.

In addition, the CARHRIHL specifies that should there be any settlement, the GRP shall execute with the duly-authorized representatives of the victims a written instrument to implement this particular provision of the CARHRIHL and guide the satisfaction of the claims of the victims, with regard to the amount and means of compensation in the most direct and quickest way possible, in accordance with the relevant Swiss Supreme Court decisions.

In case of any settlement outside of U.S. jurisdiction, all or the majority of the victims shall determine their representation by power of attorney.

(Part III: Respect for Human Rights; Article 5)

19. What does the CARHRIHL say about political prisoners?

The CARHRIHL provides that the GRP shall abide by its own doctrine on political offense laid down in the case of *People vs. Hernandez* (July 1956) as further elaborated in the case of *People vs. Geronimo* (October 1956). The *Hernandez doctrine* refers to the case against the patriot Amado V. Hernandez.

These decisions are in accordance with the generally accepted legal principle that all actions undertaken in pursuit of a political objective are considered a single political offense.

For example, when a citizen gets involved in a political movement and participates in armed struggle to overthrow the existing government or ruling system, all of her/his actions in the pursuit of the political objective shall be subsumed under the charge of rebellion which is a political offense.



She/he should not be arrested, charged, prosecuted, jailed or sentenced for other alleged illegal acts such as illegal possession of firearms, murder, kidnapping, arson or any common crime in lieu of or in addition to rebellion. She/he should be treated as a “prisoner of conscience or belief” and not as an ordinary criminal.

The CARHRIHL further stipulates that the GRP shall forthwith review the cases of all political prisoners who have been charged, detained or convicted contrary to the Hernandez political offense doctrine and shall immediately cause their release.

(Part III: Respect for Human Rights; Article 6)

20. What does the CARHRIHL say about repressive laws, decrees, executive issuances and unjust court decisions of the GRP?

The GRP shall work for the immediate repeal of any subsisting repressive laws, decrees and other executive issuances. These laws, decrees, orders and issuances are only being used to clamp down on the political and civil rights of the people.

The following laws, decrees and executive issuances are among those which the GRP is required to review:

a. *General Orders 66 and 67* which authorize checkpoints and warrantless searches;

b. *Presidential Decree 1866* as amended which allows the filing of the charge of illegal possession of firearms or explosives instead of, or in addition to, any political charges which may have been or will be filed against an individual;

(This has been amended by Republic Act 8294 but in practice, cases of illegal possession of firearms are still routinely filed against suspected rebels, ordinary civilians suspected of sympathizing with the rebels or even mass activists.)

c. *Presidential Decree 169* as amended which obliges doctors to report to the military or police patients suffering from bullet wounds;

(This has been amended by Executive Order 102 which similarly obliges doctors to report to the Municipal or City Health Officer.)



d. *Batas Pambansa 880* which restricts and controls the right to free and peaceful assembly because of the “no permit, no rally” policy;

e. *Executive Order 129* which authorizes the demolition of urban poor communities;

f. *Executive Order 264* which legalizes the paramilitary Citizen’s Armed Forces Geographical Unit or CAFGU (which is a frequent violator of human rights);

g. *Executive Order 272* which lengthens the allowable period of detention even in the absence of any case filed in court (for those arrested without warrants);

h. *Memorandum Circular 139* which allows the imposition of food blockades during “counterinsurgency operations”; and

i. *Administrative Order No. 308* which establishes a national identification system that obliges the people to divulge personal information and circumstances, in violation of their right to privacy.

The GRP shall also review existing decisions (jurisprudence) of its courts such as:

a. *Umil vs. Ramos* which permits, in cases of rebellion or sedition, warrantless arrests anytime and regardless of what one is doing because these are considered as “continuing offenses”;

b. *Valmonte vs. De Villa* which allows the setting up and maintenance of checkpoints that permits arbitrary searches without warrants;

c. *Guazon vs. De Villa* which permits zoning and saturation drives in communities where houses and means of livelihood are ransacked, properties are illegally confiscated, and residents are arrested illegally without warrants;

d. *Posadas vs. Court of Appeals* which allows arbitrary body searches of individuals without warrant on the basis of allegedly suspicious behavior;

e. *Baylosis vs. Chavez* which permits the filing of the charge of illegal possession of firearms on top of any political charges already filed (even though the possession of firearms is or is alleged to be directly related to a political objective; this practically criminalizes political offenses in violation of the *Hernandez doctrine*);



f. *Ilagan vs. Ponce-Enrile* which renders inutile any resort to habeas corpus because such will be dismissed once charges are subsequently filed against the accused even if, in the first place, the arrest and detention have been illegal (the illegal arrest and detention are deemed legalized or cured by the charges filed after the arrest and detention);

(Habeas corpus is a legal remedy to question the legal basis of the arrest and detention of an accused, which, if not established, entitles her/him to immediate release).

g. other cases similar to those already mentioned.

The CARHRIHL requires the GRP to move immediately for the adoption of appropriate remedies consistent with the objectives of the two provisions on repressive laws, decrees and executive issuances and on unjust jurisprudence.

Upon the effectivity of the CARHRIHL, the GRP is also admonished not to invoke these repressive laws, decrees, executive issuances and jurisprudence to circumvent or contravene these two provisions of the CARHRIHL.

(Part III: Respect for Human Rights; Articles 7 and 8)

21. What does the CARHRIHL say about activities that could, environmentally and otherwise, be harmful to the lives, livelihood and properties of the people?

The CARHRIHL mandates the NDFP and GRP to take concrete steps to protect the lives, livelihood and properties of the people against intrusions from mining, real estate, logging, tourism or other similar projects or programs.

(Part III: Respect for Human Rights; Article 9)

22. What does the CARHRIHL say on the collective and individual rights of the people?

The NDFP and the GRP shall promote the basic collective and individual rights of workers, peasants, urban poor, migrant workers, ethnic minorities, women, youth, children and other citizens. They shall undertake concrete steps to stop and prevent the violations of human rights, ensure that those found guilty of such violations are punished, and provide for indemnification, rehabilitation and restitution of the victims.

They shall also promote and undertake educational campaigns on human rights, land reform, higher production, health and sanitation, and others that



are of social benefit to the people. They shall give the utmost attention to land reform as the principal measure for attaining democracy and social justice.

(Part III: Respect for Human Rights; Articles 10 and 13)

23. What does the CARHRIHL say on the obligations of the GRP to protect the rights of workers?

The CARHRIHL requires the GRP to respect the basic rights of workers guaranteed by the International Labor Convention on Freedom of Association and Protection of the Right to Organize and the standards set by the International Labor Organization (ILO) pertaining to the following:

- a. job tenure;
- b. wage and living conditions;
- c. right to unionize;
- d. medical and social insurance;
- e. right of women workers to maternity benefits and against discrimination vis-à-vis male workers; and
- f. right against child labor.

The CARHRIHL also requires the GRP to respect the rights of migrant workers abroad in accordance with the International Covenant on the Rights of Migrant Workers and the Members of their Families.

(Part III: Respect for Human Rights; Article 11)

24. What does the CARHRIHL say on the obligations of the GRP to protect the rights of peasants who make up the majority of the Philippine population?

The CARHRIHL mandates the GRP to respect the rights of peasants to land tenure and to own the land they till. This can be achieved through a genuine land reform program.

The GRP shall also respect the ancestral rights of the ethnic minorities or indigenous peoples in the areas classified as public domain and their rights against racial and ethnic discrimination.

The GRP shall also respect the rights of ethnic minorities or indigenous peoples and poor homesteaders or settlers to the areas of public domain on which they live and work.



The GRP shall finally respect the right of poor fisherfolk to fish in Philippine waters.

The GRP shall forthwith review its laws and other issuances pertinent to the rights of workers and peasants mentioned in the above preceding numbers and shall move for the immediate repeal of those found violative of such rights.

(Part III: Respect for Human Rights; Article 12)

On Respect for International Humanitarian Law

25. What is International Humanitarian Law?

International Humanitarian Law (IHL) is made up of principles, rules and guidelines which aim to limit on humanitarian grounds the effects of armed conflict. It is also known as “rules of war” or “laws governing armed conflict.”

International Humanitarian Law covers two areas: giving protection to civilians or those who are not involved, no longer involved (or no longer capable of being involved) in the armed hostilities; and setting restrictions on the forms and methods of fighting.

It embodies the universal principles and standards contained in international treaties or conventions signed by states of the world and upheld by some parties or organizations involved in armed conflict. Among these treaties or conventions are the Geneva Conventions of 1949 and its Additional Protocols of 1977.

26. Why is it still necessary to include IHL in the CARHRIHL when international conventions are already deemed applicable to the ongoing armed conflict in the country?

International Humanitarian Law is deemed universally applicable to all international and non-international armed conflicts. With or without the CARHRIHL, the armed conflict between the NDFP and the GRP is covered by international humanitarian law.

The NDFP and GRP have deemed it necessary to forge an agreement on international humanitarian law to reaffirm their respective commitment to the rules of war in the conduct of the armed conflict. This is important considering that the peace negotiations are still ongoing, the roots of the armed conflict are still unresolved, and the hostilities are still continuing.



There is also the need to apply international humanitarian law to the specific conditions of the country. There are particular situations which may not be directly covered by international humanitarian law such as the GRP's use of fanatical paramilitary groups against the people and the revolutionary forces.

The GRP ratified the Geneva Conventions of 1949 in 1952 and Protocol II in 1986 during the time of Corazon Aquino. While it has not ratified Protocol I, the GRP is deemed bound by the Protocol because the internal armed conflict has already acquired an international character with the GRP representing one party in the civil war.

The NDFP declared its adherence to international humanitarian law, including Protocol II, on August 15, 1991. It submitted its undertaking to apply the Geneva Conventions and Protocol I on July 5, 1996 to the Swiss Federal Council as the official depositary of the Geneva Conventions and its Protocols.

In the CARHRIHL, the NDFP and GRP reaffirm their commitment to adhere to and be bound by the generally accepted principles and standards of international humanitarian law.

(Part IV: Respect for International Humanitarian Law; Article 1)

27. To whom do the principles and standards of international humanitarian law apply?

The principles and standards of international humanitarian law are applicable to the following:

- a. civilians or those taking no active part in the hostilities;
- b. members of armed forces who have surrendered or laid down their arms;
- c. those placed *hors de combat* by sickness, wounds or any other cause;
- d. persons deprived of their liberty for reasons related to the armed conflict; and,
- e. relatives and duly authorized representatives of above-named persons.

(Part IV: Respect for International Humanitarian Law; Article 2)



28. What acts are prohibited by the CARHRIHL to be done to persons under the protection of international humanitarian law?

The following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the persons enumerated in number 27:

a. violence to life and person, particularly killing or causing injury, being subjected to physical or mental torture, mutilation, corporal punishment, cruel or degrading treatment and all acts of violence and reprisals, including hostage-taking, and acts against the physical well-being, dignity, political convictions and other human rights;

b. holding anyone responsible for an act that she/he has not committed and punishing anyone without complying with all the requisites of due process;

c. requiring persons deprived of their liberty for reasons related to the armed conflict to disclose information other than their identity;

d. desecration of the remains of those who have died in the course of the armed conflict or while under detention, and breach of duty to tender immediately such remains to their families or to give them decent burial;

e. failure to report the identity, personal condition and circumstances of a person deprived of his/her liberty for reasons related to the armed conflict to the Parties to enable them to perform their duties and responsibilities under this Agreement and under international humanitarian law;

f. denial of the right of relatives and duly authorized representatives of a person deprived of liberty for reasons related to the armed conflict to inquire whether a person is in custody or under detention, the reasons for the detention, under what circumstances the person in custody is being detained, and to request directly or through mutually acceptable intermediaries for his/her orderly and expeditious release;

g. practices that cause or allow the forcible evacuations or forcible reconcentration of civilians, unless the security of the civilians involved or imperative military reasons so demand; the emergence and increase of internally displaced families and communities; and the destruction of the lives and property of the civilian population;



- h. maintaining, supporting and tolerating paramilitary groups such as armed religious fanatical groups, vigilante groups, private armed groups of businessmen, landlords and politicians, and private security agencies which are being used in land and labor disputes and the incursions in Article 9, Part III of the Agreement; and,
- i. allowing the participation of civilian or civilian officials in military field operations and campaigns.

(Part IV: Respect for International Humanitarian Law; Article 3)

29. In which cases or situations shall the principles and standards of international humanitarian law apply?

The principles and standards of international humanitarian law shall apply and protect the rights of persons, entities or objects involved or affected in any of the following cases or situations:

- a. Persons *hors de combat* and those who do not take a direct part in hostilities are entitled to respect for their lives, dignity, human rights, political convictions and their moral and physical integrity and shall be protected in all circumstances and treated humanely without any adverse distinction founded on race, color, faith, sex, birth, social standing or any other similar criteria.
- b. The wounded and the sick shall be collected and cared for by the party to the armed conflict which has them in its custody or responsibility.
- c. Neutral persons or entities and medical personnel, including persons of humanitarian and/or medical organizations like the International Committee of the Red Cross (ICRC), shall be protected and respected. The establishments, facilities, transport and equipments of these persons, entities and organizations; objects bearing the emblem of the red cross and the flag of peaceful intention; and historic monuments, cultural objects and places of worship shall likewise be protected.
- d. The civilian population and civilians shall be treated as such and shall be distinguished from combatants and, together with their property, shall not be the object of attack. They shall likewise be protected against indiscriminate aerial bombardment, strafing, artillery fire, mortar fire, arson, bulldozing and other similar forms of destroying lives and property, from the use of explosives as well as the stockpiling near or in their midst, and the use of chemical and biological weapons.



e. Civilians shall have the right to demand appropriate disciplinary actions against abuses arising from the failure of the Parties to the armed conflict to observe the principles and standards of international humanitarian law.

f. All persons deprived of their liberty for reasons related to the armed conflict shall be treated humanely, provided with adequate food and drinking water, and be afforded safeguards as regards health and hygiene, and be confined in a secure place. Sufficient information shall be made available concerning persons who have been deprived of their liberty. On humanitarian or other reasonable grounds, such persons deprived of liberty shall be considered for safe release.

g. The ICRC and other humanitarian and/or medical entities shall be granted facilitation and assistance to enable them to care for the sick and the wounded and to undertake their humanitarian missions and activities.

h. Personnel and facilities of schools, the medical profession, religious institutions and places of worship, voluntary evacuation centers, programs and projects of relief and development shall not be the target of any attack. The persons of said entities shall be guaranteed their safety.

i. Every possible measure shall be taken, without delay, to search for and collect the wounded, sick and missing persons and to protect them from any harm and ill treatment, to ensure their adequate care and to search for the dead, prevent despoliation and mutilation and to dispose of them with respect.

(Part IV: Respect for International Humanitarian Law; Article 4)

30. What does the CARHRIHL say about violations of international humanitarian law in the Philippines?

In the CARHRIHL, the NDFP and GRP condemn all violations of international humanitarian law. They encourage all victims of such violations or their surviving relatives to come forward with their complaints and evidence.

The CARHRIHL stipulates that persons liable for violations of international humanitarian law shall be subject to investigation and, if evidence warrants, to prosecution and trial. The victims or their survivors shall be indemnified. All necessary measures shall be undertaken to remove the conditions for such violations and to render justice to and indemnify the victims.

The NDFP and GRP are also mandated to promote and carry out campaigns of education on international humanitarian law, especially among



the people involved in the armed conflict and in areas affected by such conflict.

(Part IV: Respect for International Humanitarian Law; Articles 5, 6 and 14)

31. What does the CARHRIHL say about forced evacuation?

The CARHRIHL requires the GRP to review and undertake to change its policies, laws, programs, projects, campaigns and practices that cause or allow the forced evacuation and reconcentration of civilians, the emergence and increase of internally displaced families and communities and the destruction of the lives and property of the civilian population.

(Part IV: Respect for International Humanitarian Law; Article 7)

Internally displaced families and communities have the right to return to their places of abode and livelihood, to demand all possible assistance necessary to restore them to their normal lives and to be indemnified for damages suffered due to injuries and loss of lives.

(Part IV: Respect for International Humanitarian Law; Article 9)

32. What does the CARHRIHL say about paramilitary groups?

The CARHRIHL requires the GRP to continue to review its policy or practice of creating, maintaining, supporting, or allowing paramilitary forces like the Citizen's Armed Forces Geographical Units (CAFGUs) and Civilian Volunteers' Organizations (CVOs) or any other similar groups.

(Part IV: Respect for International Humanitarian Law; Article 8)

33. What is the position of CARHRIHL on women and children in war zones?

The CARHRIHL states that the NDFP and GRP shall provide special attention to women and children in order to ensure their physical and moral integrity. Children are not allowed to participate in hostilities.

(Part IV: Respect for International Humanitarian Law; Article 10)

34. What are the rights and functions of medical, religious and humanitarian groups stated in the CARHRIHL?

The CARHRIHL states that medical, religious and other humanitarian organizations and their personnel shall not carry out other tasks inimical to any of the Parties. Neither shall they be compelled to carry out tasks which are not compatible with their humanitarian tasks. Under no circumstances shall



any person be punished for having carried out medical activities compatible with the principles of medical ethics, regardless of whoever is benefiting from such medical activities.

(Part IV: Respect for International Humanitarian Law; Article 11)

35. What does the CARHRIHL say regarding military camps?

The CARHRIHL states that the civilian population shall have the right to be protected against the risks and dangers posed by the presence of military camps in urban centers and other populated areas.

(Part IV: Respect for International Humanitarian Law; Article 12)

36. What does the CARHRIHL say regarding the military budget?

The CARHRIHL states that both Parties recognize the right of the people to demand the reduction of military expenditures and the rechanneling of savings from such reduction towards social, economic and cultural development which shall be given the highest priority.

(Part IV: Respect for International Humanitarian Law; Article 13)

On the Final Provisions of the CARHRIHL

37. What is the significance of the final provisions of the CARHRIHL?

The Final Provisions reiterate the following fundamental principles of the peace negotiations:

First, the Parties shall continue to assume separate duties and responsibilities for upholding, protecting and promoting human rights and the principles of international humanitarian law in accordance with their respective political principles, organizations and circumstances until they shall have reached the final resolution of the armed conflict.

Second, the Parties recognize the applicability of the principles of human rights and principles of international humanitarian law and the continuing force of obligations arising from these principles.

Last, the Parties clarify that nothing in the provisions of the CARHRIHL nor in its application shall affect the political and legal status of the Parties in



accordance with The Hague Joint Declaration. They also agree that the CARHRIHL shall be subject to the Comprehensive Agreements on Political and Constitutional Reforms and on End of Hostilities and Disposition of Forces. They likewise maintain that any reference to the treaties signed by the GRP to its laws and legal processes in the CARHRIHL shall not in any manner prejudice the political and organizational integrity of the NDFP.

(Part VI: Final Provisions)

On the Implementation of the CARHRIHL

38. How will the CARHRIHL be implemented?

In implementing the CARHRIHL, the two Parties are required to assume their separate duties and responsibilities to uphold, protect and promote human rights and international humanitarian law. This shall be done in accordance with their respective political principles, organizations and circumstances.

The most basic among these duties is the launching of educational campaigns on human rights and international humanitarian law to their respective forces and the people. These shall include topics on land reform, increasing production, health and sanitation and others that are socially beneficial to the people.

39. How does the NDFP comply with its obligations in the CARHRIHL?

After signing the document, the NDFP has immediately proceeded to carry out its obligations under the CARHRIHL. In accordance with the NDFP Declaration of Approval of the CARHRIHL signed by Comrade Mariano Orosa, Chairperson of the NDFP National Council on April 10, 1998, the CARHRIHL has become part of the legal and judicial system of the revolutionary movement.

Even before the CARHRIHL, the NDFP has already been upholding, respecting and promoting human rights and international humanitarian law in accordance with its basic principles as reflected in the following list of guidelines and policies:

a. Guide for Establishing the People's Democratic Government which contains provisions on the Fundamental Rights and Duties of Citizens (Part III) and the People's Court (Chapter III of Part II);



b. The Revolutionary Guide to Land Reform;

c. The Basic Rules of the New People's Army (NPA) which contain the Three Main Rules of Discipline and the Eight Points of Attention for officials and members of the NPA;

d. Memorandum on the Minimum Age Requirement for NPA Fighters from the Executive Committee of the Central Committee of the Communist Party of the Philippines (CPP);

e. Rules in the Investigation and Prosecution of Suspected Enemy Spies released by the Politburo of the Central Committee of the CPP;

f. Policies and processes on arrest, treatment, trial, punishment or release of prisoners of war (POWs); violators of human rights, etc.

The NDFP has launched educational campaigns on CARHRIHL among its forces. It has caused the translation of the CARHRIHL into Filipino, Cebuano and Ilokano and has widely distributed and conducted studies on these reading materials within its mass organizations and the people in its territories and among its allies. The CARHRIHL has become a basic study material in the CPP, NPA, the revolutionary mass organizations and the organs of political power.

As part of its commitment to uphold international humanitarian law, the NDFP on July 5, 1996, unilaterally declared its undertaking to apply the Geneva Conventions of 1949 and Protocol I of 1977. Previously, on August 15, 1991, the NDFP unilaterally declared its adherence to Protocol II by means of the Declaration of Adherence to International Humanitarian Law signed by Comrade Manuel Romero.

The NDFP has consistently demonstrated its commitment to respect human rights and international humanitarian law. Aside from educational campaigns, the NDFP actively investigates human rights violations and renders justice to the victims. It respects and protects civilians, including their property and livelihood, against bandits and the marauding forces of the AFP, police and paramilitary.

In battle, the NPA provides medical treatment to the wounded and safeguards the rights of prisoners of war and treats them humanely. On many occasions, the NDFP has released prisoners of war on humanitarian grounds



and acts to ensure their proper and safe release. It coordinates with the ICRC on this matter. The NDFP strictly complies with international conventions on the minimum age requirement for recruitment to the NPA, on the proper use of landmines, and on the treatment of medical, religious and humanitarian organizations.

40. What are the immediate obligations of the GRP to comply with its commitment to the CARHRIHL?

The CARHRIHL contains provisions which are for immediate implementation by the GRP. The GRP must also respond in equal terms to the independent steps already undertaken by the NDFP in implementing the CARHRIHL. The following long-standing demands of the people are some of the immediate obligations of the GRP under the CARHRIHL:

- a. care for, rehabilitate and indemnify the victims of massive military operations, especially the internally displaced persons, families and communities;
- b. indemnify the victims of human rights violations under the Marcos dictatorship;
- c. release all political prisoners charged and detained in violation of the *Hernandez doctrine*;
- d. nullify repressive laws, decrees and executive orders, as well as court decisions violative of human rights;
- e. investigate, arrest and punish violators of human rights and international humanitarian law;
- f. uphold and protect the rights of workers in accordance with international conventions and treaties;
- g. uphold and protect the rights of peasants, ethnic minorities or indigenous peoples and poor fisherfolk;
- h. withdraw and nullify policies and laws that allow forced evacuation, food blockades, etc.;
- i. withdraw policies and practices in creating the CAFGUs, CVOs and other paramilitary units.



III. The Joint Monitoring Committee (JMC)

41. What is the JMC?

The JMC is the mechanism established by the CARHRIHL to monitor the implementation of the Agreement.

The JMC is composed of three members each from the NDFP and the GRP. In addition, the NDFP and the GRP nominate two representatives each from human rights organizations to sit in the JMC as observers and who serve at the pleasure of the nominating Party.

The JMC is co-chaired by one representative each from the NDFP and the GRP. The co-chairpersons serve as chief representatives of the Parties and act as moderators of meetings. The observers may attend meetings and participate in discussions but are not allowed to vote.

The members of the JMC and the observers are entitled to the safety and immunity guarantees stipulated by the JASIG.

On February 14, 2004, the NDFP and the GRP approved the Operational Guidelines for the Joint Monitoring Committee in the presence of a representative of the Royal Norwegian Government. On April 1, 2004, the JMC was organizationally convened also in the presence of a representative of the Royal Norwegian Government.

(Part V: Joint Monitoring Committee; Articles 1, 2 and 4)

42. Who are the current members of the JMC?

The NDFP appointed Comrade Fidel Agcaoili as Chairperson and Comrades Coni Ledesma and Danilo Borjal as members of the NDFP to the Joint Monitoring Committee. It nominated Marie Hilao-Enriquez of KARAPATAN and Bishop Tomas Millamena of the Philippine Independent Church as its observers to the JMC.

The GRP appointed Atty. Carlos Medina as Chairperson and Atty. Edgardo Gayos and Atty. Robert Larga as members of the GRP to the Joint Monitoring



Committee. It nominated Mercedes Contreras-Danenberg and Mary Aileen Bacalso as its observers to the JMC.

43. What are the specific tasks of the JMC?

The CARHRIHL stipulates that the co-chairpersons of the NDFP and GRP shall receive complaints regarding alleged violations of human rights and international humanitarian law and all pertinent information and shall initiate requests or recommendations for the implementation of the Agreement.

Upon its approval by consensus, the JMC shall request the investigation of a complaint by the Party concerned and make recommendations. By consensus, the JMC shall make reports and recommendations on its work to the Parties.

As defined in the Operational Guidelines for the Joint Monitoring Committee, the term consensus means the express consent or approval of all members from both Parties in the JMC.

(Part V: Joint Monitoring Committee; Article 3)

44. What is meant by investigation?

The term investigation solely means data-gathering and fact finding activities such as on-site visitations, ocular inspections, interviews and similar activities for the sole purpose of determining the facts in an impartial and objective manner.

*(Operational Guidelines for the Joint Monitoring Committee,
February 14, 2004; No. 3.1 of Part III)*

45. When and where does the JMC hold its meetings?

The JMC is required to hold regular meetings every three months, and special meetings as often as deemed necessary by the co-chairpersons due to an urgent issue or complaint and with a specific agenda approved by them. The meetings shall be held in the Philippines or in any other venue agreed upon by the Parties or the JMC co-chairpersons.

The first formal meeting of the JMC took place on April 1, 2004. The JMC held another meeting on April 15, 2004 to formally convene its Joint Secretariat (JS).

*(Part V: Joint Monitoring Committee; Article 3 and Operational Guidelines
for the Joint Monitoring Committee; Number 4.5 of Part IV)*



46. How long will the JMC exist?

The JMC should have been established as early as August 7, 1998 when the CARHRIHL took effect as provided for in the Agreement. It will continue to exist until dissolved by either Party by sending to the other Party a written notice of dissolution which shall take effect thirty days after official receipt. The dissolution of the JMC shall not mean the abandonment of rights and duties by any Party under the CARHRIHL and under the principles and standards of human rights and international humanitarian law.

(Part V: Joint Monitoring Committee; Article 6 and Operational Guidelines for the Joint Monitoring Committee; Part VII)



IV. The Joint Secretariat (JS) of the JMC

47. What is the Joint Secretariat (JS) of the JMC?

The Joint Secretariat (JS) of the JMC is the staff support of the JMC. Its existence is provided for in the CARHRIHL and the Operational Guidelines for the Joint Monitoring Committee.

The JS is initially composed of five independent nominees each chosen respectively by the NDFP and the GRP who shall serve at the pleasure of the nominating Party.

The members of the JS are entitled to the safety and immunity guarantees stipulated in the JASIG.

The Joint Secretariat was formally convened by the Parties on April 15, 2004.

(Part V: Joint Monitoring Committee; Article 5)

48. What is the task or responsibility of the JS?

The JS shall provide technical and administrative support to the JMC by receiving on the latter's behalf complaints and reports of alleged violations of human rights and international humanitarian law by either Party, especially with regard to specific provisions of the CARHRIHL, and shall deliver these to their respective Parties or Monitoring Committees for appropriate action or response.

49. Where and at what time and days is the office of the JS open? How can it be contacted?

The JS holds office at the 6th Floor, Immaculate Conception Multi-Purpose Bldg., 41 Lantana St., Cubao, 1111 Quezon City.

There is a hotline (02) 725-2072 open daily (including Saturday, Sunday and Official Holidays) from 8:00 a.m. – 8:00 p.m. The telephone of the NDFP-JS is (02) 725-1457 which also serves as a fax line and the email address is ndfp_jsection@yahoo.com.



The telephone of the GRP-JS is (02) 725-4621 and the fax line is (02) 725-3430 while the email address is info@grp-jmc.org. The office of the JS is open from 8:00 a.m. up to 5:00 p.m., Monday to Friday.

50. Who may submit complaints to the JMC through the JS?

- a. the victim;
- b. relatives of the victim;
- c. authorized representative; and/or
- d. any interested party.

51. Who can be the authorized representatives?

- a. human rights groups;
- b. peace advocacy groups;
- c. church members;
- d. members of media;
- e. personal representatives or relatives of the victim; and
- f. anyone capable of filing the complaint on behalf of the victim or relative of the victim.

52. Which violations of human rights and international humanitarian law may be submitted to the JMC through the JS?

Violations of human rights and international humanitarian law, especially those provided for in the CARHRIHL.

53. How can the complaint be submitted or forwarded to the JMC through the JS?

Any complaint of alleged violation of human rights and international humanitarian law may be submitted to the JMC through the JS in whatever form (letter, factsheet, complaint, etc.) and by whatever means (telephone, fax, mail, etc.)

The narrative of the alleged violation will be put in a complaint form (NDFP or GRP) by the victim, relative or authorized representative or any interested



party, including members of the JS. The narrative of the alleged violation and all available pertinent documents may be transmitted, sent or submitted to

- a) the office of the JS or the appropriate Section (NDFP or GRP) of the JS, or
- b) directly to the Monitoring Committee (MC) of the appropriate Section (NDFP or GRP) of the JMC.

54. What are the requirements for submitting and filing complaints or information?

Any simple and clear narrative of the alleged violation or incident or a factsheet may already serve as basis for a complaint and for the JMC to start an investigation or action. This and other pertinent documents may be transmitted, sent or submitted to the office of the JS or to the appropriate Section (NDFP or GRP) of the JS.

55. What should the narrative or factsheet contain?

Basic information of the incident such as:

- a. Who is the victim?
- b. What is the violation or which provisions of the CARHRIHL have been violated?
- c. Who are the alleged perpetrators of the violation?

Remember: The questions who, what, when, where, why and how should as much as possible be answered regarding the case being filed.

56. Can other documents and evidence be submitted?

Yes. When pertinent documents of the incident are in the possession of the complainant, copies of these may be submitted together with the short and clear narrative of events or factsheet. Otherwise, these documents may be submitted after the filing of the aforesaid narrative or factsheet on the initiative of the complainant or her/his representative, or upon request of the JS or the JMC.

57. What types of documents may be submitted?

Examples of these are:

- a. affidavit;



- b. fact-finding mission report;
- c. quick reaction team report;
- d. news clippings;
- e. police or barangay blotter or report;
- f. pamphlets;
- g. transcript of stenographic notes or TSNs;
- h. court papers/decisions/orders;
- i. object evidence (for ex., bullet shells, clothes, etc.);
- j. pictures/audio/video;
- k. necropsy/post-mortem/ autopsy report;
- l. medico-legal report;
- m. birth/marriage/death certificate.

58. Where should complaints or information be submitted when the violations are alleged to have been committed by the GRP (Armed Forces of the Philippines or AFP, Philippine National Police or PNP, Citizen's Armed Forces Geographical Units or CAFGU, etc.)?

To the GRP Section of the JS or directly to its MC.

The NDFP-JS or its MC may also receive complaints or information regarding alleged violations of the GRP for submission to the GRP-JS or directly to its MC.

59. Where should the complaints or information be submitted when the violations are alleged to have been committed by the NDFP (NPA, People's Militia, etc.)?

To the NDFP Section of the JS or directly to its MC.

The GRP-JS or its MC may also receive complaints or information regarding alleged violations of the NDFP for submission to the NDFP-JS or directly to its MC.



60. Does the JMC take over the work of other organizations in human rights and peace issues?

No. Human rights organizations are expected to continue with their independent work in advocating respect for human rights, documenting violations and providing services to victims and/or their relatives.

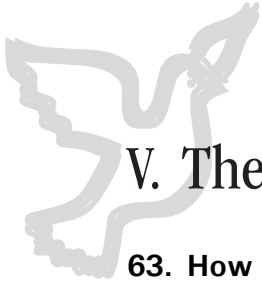
61. Can cases which have already been filed, still being processed or already dismissed by other agencies be submitted to the JMC?

Yes. Because the JMC is an additional arena or mechanism for receiving complaints of alleged violations of human rights and international humanitarian law, especially in the context of the peace negotiations and the ongoing armed conflict.

62. Can all complaints on violations of human rights and international humanitarian law and the CARHRIHL and relevant information be submitted to the JMC?

No. Only those incidents which have occurred from the effectivity of the CARHRIHL on August 7, 1998 onwards may be filed or submitted to the JMC.

(For additional information regarding forms, processing of complaints and other guidelines for submitting complaints, consult or call the office of the NDFP-JS.)



V. The Responsibilities of the People

63. How can the CARHRIHL be of service to the people?

Though the GRP is under moral obligation to implement the CARHRIHL, there is no guarantee that it would do so. In fact, there is no guarantee, as we have seen since August 7, 1998 and especially during the Macapagal-Arroyo regime, that the GRP will desist from systematically committing violations of human rights and international humanitarian law. Thus, the people can use the CARHRIHL to expose and oppose the continuing violations of their rights. To the consciously aware and militant sectors, the CARHRIHL can serve as an additional weapon in their struggle for their democratic rights and social welfare. The CARHRIHL can be used by the people to protect their rights against the oppression, abuse and fascist depredations of the state and to demand justice and due punishment of those responsible for such.

64. What can the people do to support the CARHRIHL?

The people can help propagate the CARHRIHL so that everyone can become conscious of the whole scope of their rights and use such knowledge for their militant struggle. The people should be armed with a firm and deep understanding of their rights so that they can fully appreciate the need to struggle resolutely for a free, democratic, just and prosperous society.

65. How can the people give substance to the work of the JMC?

The people can give substance to the work of the JMC by helping to bring cases and complaints of violations of human rights and international humanitarian law to the JMC and to demand for the immediate resolution of these cases and complaints. The participation of the people in the work of the JMC can help bring justice to the victims and put an end to the impunity in the violations of human rights and international humanitarian law.



66. How can the people participate in ensuring the success of the peace negotiations towards a just and lasting peace?

First, by calling for the continuation of the peace negotiations to address the roots of the armed conflict and lay the foundation for a just and lasting peace;

Second, by requiring the GRP and the NDFP to faithfully comply with and implement the CARHRIHL;

Third, by making sure that the victories and gains achieved through the peace negotiations are consolidated and expanded;

Fourth, by ensuring that their interests and welfare are properly and adequately addressed in the peace negotiations;

And, finally, by participating in the resolution of the basic problems of society and working for a free, democratic, just and prosperous Philippines. ✎

Apendiks

**Comprehensive Agreement on Respect
for Human Rights and International Humanitarian Law
Between the Government of the Republic of the Philippines
and the National Democratic Front of the Philippines**

March 16, 1998

THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES, including the executive department and its agencies, hereinafter referred to as the GRP

and

THE NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES, including the Communist Party of the Philippines (CPP) and the New People's Army (NPA), hereinafter referred to as the NDFP

Hereinafter referred to as "the Parties",

PREAMBLE

RECOGNIZING that respect for human rights and international humanitarian law is of crucial importance and urgent necessity in laying the ground for a just and lasting peace,

CONSIDERING that a comprehensive agreement on respect for human rights and international humanitarian law should take into account the current human rights situation in the Philippines and the historical experience of the Filipino people,

AFFIRMING that the principles of human rights and the principles of international humanitarian law are universally applicable,

ACKNOWLEDGING that the prolonged armed conflict in the Philippines necessitates the application of the principles of human rights and the principles of international humanitarian law,

REAFFIRMING their continuing commitment to the aforesaid principles and their application,

REALIZING the necessity and significance of assuming separate duties and responsibilities for upholding, protecting and promoting the principles of human rights and the principles of international humanitarian law,

UPHOLDING and complying with the mutually acceptable principles as well as the common goals and objectives in The Hague Joint Declaration of September 1, 1992, the Breukelen Joint Statement of June 14, 1994 and pertinent joint agreements hitherto signed, and



FULLY AWARE of the need for effective mechanisms and measures for upholding, protecting and promoting the principles of human rights and the principles of international humanitarian law in a comprehensive agreement,

SOLEMNLY ENTER without reservation into this Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law.

PART I

DECLARATION OF PRINCIPLES

Article 1. The Parties are governed by the framework of holding peace negotiations under mutually acceptable principles of national sovereignty, democracy and social justice and under no precondition that negates the character and purpose of peace negotiations, as stipulated in The Hague Joint Declaration (Paragraph 4) and reaffirmed in the Breukelen Joint Statement (No. 7 of II) and subsequent agreements.

Article 2. The Parties uphold the principles of mutuality and reciprocity in the conduct of the peace negotiations in accordance with The Hague Joint Declaration. The Parties likewise affirm the need to assume separate duties and responsibilities in accordance with the letter and intent of this Agreement.

Article 3. The Parties realize the need for a comprehensive accord on human rights and international humanitarian law based on realities involving violations of human rights and the principles of international humanitarian law.

Article 4. The Parties recognize that fundamental individual and collective freedoms and human rights in the political, social, economic and cultural spheres can only be realized and flourish under conditions of national and social freedoms of the people.

Article 5. The Parties affirm the need to promote, expand and guarantee the people's democratic rights and freedoms, especially of the toiling masses of workers and peasants.

Article 6. The Parties are aware that the prolonged armed conflict in the Philippines necessitates the application of the principles of human rights and the principles of international humanitarian law and the faithful compliance therewith by both Parties.

Article 7. The Parties hereby forge this Agreement in order to affirm their constant and continuing mutual commitment to respect human rights and the principles of international humanitarian law and hereby recognize either Party's acts of good intention to be bound by and to comply with the principles of international humanitarian law.



PART II BASES, SCOPE AND APPLICABILITY

Article 1. This Agreement is meant to meet the needs arising from the concrete conditions of the Filipino people concerning violations of human rights and the principles of international humanitarian law, and to find principled ways and means of rendering justice to all the victims of such violations.

Article 2. The objectives of this Agreement are: (a) to guarantee the protection of human rights to all Filipinos under all circumstances, especially the workers, peasants and other poor people; (b) to affirm and apply the principles of international humanitarian law in order to protect the civilian population and individual civilians, as well as persons who do not take direct part or who have ceased to take part in the armed hostilities, including persons deprived of their liberty for reasons related to the armed conflict; (c) to establish effective mechanisms and measures for realizing, monitoring, verifying and ensuring compliance with the provisions of this Agreement; and, (d) to pave the way for comprehensive agreements on economic, social and political reforms that will ensure the attainment of a just and lasting peace.

Article 3. The Parties shall uphold, protect and promote the full scope of human rights, including civil, political, economic, social and cultural rights. In complying with such obligation due consideration shall be accorded to the respective political principles and circumstances of the Parties.

Article 4. It is understood that the universally applicable principles and standards of human rights and of international humanitarian law contemplated in this Agreement include those embodied in the instruments signed by the Philippines and deemed to be mutually applicable to and acceptable by both Parties.

Article 5. This Agreement shall be applicable in all cases involving violations of human rights and the principles of international humanitarian law committed against persons, families and groups affiliated with either Party and all civilians and persons not directly taking part in the hostilities, including persons deprived of their liberty for reasons related to the armed conflict. It shall likewise be applicable to all persons affected by the armed conflict, without distinction of any kind based on sex, race, language, religion or conviction, political or other opinion, national, ethnic or social origin, age, economic position, property, marital status, birth or any other similar condition or status.

PART III RESPECT FOR HUMAN RIGHTS

Article 1. In the exercise of their inherent rights, the Parties shall adhere to and be bound by the principles and standards embodied in international instruments on human rights.



Article 2. This Agreement seeks to confront, remedy and prevent the most serious human rights violations in terms of civil and political rights, as well as to uphold, protect and promote the full scope of human rights and fundamental freedoms, including:

1. The right to self-determination of the Filipino nation by virtue of which the people should fully and freely determine their political status, pursue their economic, social and cultural development, and dispose of their natural wealth and resources for their own welfare and benefit towards genuine national independence, democracy, social justice and development.

2. The inherent and inalienable right of the people to establish a just, democratic and peaceful society, to adopt effective safeguards against, and to oppose oppression and tyranny similar to that of the past dictatorial regime.

3. The right of the victims and their families to seek justice for violations of human rights, including adequate compensation or indemnification, restitution and rehabilitation, and effective sanctions and guarantees against repetition and impunity.

4. The right to life, especially against summary executions (*salvagings*), involuntary disappearances, massacres and indiscriminate bombardments of communities, and the right not to be subjected to campaigns of incitement to violence against one's person.

5. The right to liberty, particularly against unwarranted and unjustified arrest and detention and to effectively avail of the privilege of the writ of *habeas corpus*.

6. The individual and collective right of the people and of communities to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and to effective safeguards of these rights against any illegal operations by GRP agencies.

7. The right not to be subjected to physical or mental torture, solitary confinement, rape and sexual abuse, and other inhuman, cruel or degrading treatment, detention and punishment.

8. The right not to be held in involuntary servitude or to perform forced or compulsory labor.

9. The right to substantive and procedural due process, to be presumed innocent until proven guilty, and against self-incrimination.

10. The right to equal protection of the law and against any form of discrimination on the basis of race, ethnicity, gender, belief, age, physical condition or civil status and against any incitement to such discrimination.

11. The right to freedom of thought and expression, freedom of conscience, political and religious beliefs and practices and the right not to be punished or held accountable in the exercise of these rights.

12. The right to free speech, press, association and assembly, and to seek redress of grievances.



13. The right to privacy of communication and correspondence, especially against intercepting, pilfering and opening of mail matters and conducting illegal surveillance and information gathering through electronic and other means.

14. The right to free choice of domicile, movement and travel within the country and abroad, to seek asylum, migration and exile, and against travel restrictions for political reasons or objectives.

15. The right not to be subjected to forced evacuations, food and other forms of economic blockades and indiscriminate bombings, shellings, strafing, gunfire and the use of landmines.

16. The right to information on matters of public concern and access to records, documents and papers pertaining to acts, transactions or decisions of persons in authority.

17. The right to universal suffrage irrespective of sex, race, occupation, social origin, property, status, education, ideological and political conviction, and religious belief.

18. The right to own property and the means of production and consumption that are obtained through land reform, honest labor and entrepreneurship, skill, inventiveness and intellectual merit and to use such means for the common good.

19. The right to gainful employment, humane working and living conditions, livelihood and job security, to work and equal pay, to form unions, to strike and participate in the policy and decision-making processes affecting their rights and interests, and the right not to be denied these rights due to nationality, creed, minority status, gender or sexual preference, or civil status.

20. The right to universal and free elementary and secondary education, and access to basic services and health care.

21. The right to freely engage in scientific research, technological invention, literary and artistic creations and other cultural pursuits.

22. The right to form a marital union and to found a family, and to ensure family communications and reunions.

23. The equal right of women in all fields of endeavor and in all spheres of political, economic, cultural, social and domestic life and to their emancipation.

24. The right of children and the disabled to protection, care, and a home, especially against physical and mental abuse, prostitution, drugs, forced labor, homelessness, and other similar forms of oppression and exploitation.

25. The existing rights of the minority communities in the Philippines to autonomy, to their ancestral lands and the natural resources in these lands, to engage in and benefit from affirmative action, to their participation and representation in the economic, political and social life and institutions, and to cultural and all round development.



Article 3. The Parties decry all violations and abuses of human rights. They commend the complainants or plaintiffs in all successful human rights proceedings. They encourage all victims of violations and abuses of human rights or their surviving families to come forward with their complaints and evidence.

Article 4. The persons liable for violations and abuses of human rights shall be subject to investigation and, if evidence warrants, to prosecution and trial. The victims or their survivors shall be indemnified. All necessary measures shall be undertaken to remove the conditions for violations and abuses of human rights and to render justice to and indemnify the victims.

Article 5. The Parties hereby respect and support the rights of the victims of human rights violations during the Marcos regime, taking into consideration the final judgment of the United States Federal Court System in the Human Rights Litigation Against Marcos; Senate Resolution 1640; Swiss Supreme Court Decision of 10 December 1997; and pertinent provisions of the U.N. Covenant on Civil and Political Rights and the 1984 U.N. Convention Against Torture.

Should there be any settlement, the GRP shall also execute with the duly authorized representatives of the victims a written instrument to implement this Article and guide the satisfaction of the claims of said victims, with regard to the amount and mode of compensation, which shall be the most direct and quickest possible to every victim or heir in accordance with the relevant Swiss Supreme Court decisions.

In case of any settlement outside of U.S. jurisdiction, all or the majority of said victims shall determine their representation by power of attorney.

Article 6. The GRP shall abide by its doctrine laid down in *People vs. Hernandez* (99 Phil. 515, July 18, 1956), as further elaborated in *People vs. Geronimo* (100 Phil. 90, October 13, 1956), and shall forthwith review the cases of all prisoners or detainees who have been charged, detained, or convicted contrary to this doctrine, and shall immediately release them.

Article 7. The GRP shall work for the immediate repeal of any subsisting repressive laws, decrees, or other executive issuances and for this purpose, shall forthwith review, among others, the following: General Orders 66 and 67 (authorizing checkpoints and warrantless searches); Presidential Decree 1866 as amended (allowing the filing of charges of illegal possession of firearms with respect to political offenses); Presidential Decree 169 as amended (requiring physicians to report cases of patients with gunshot wounds to the police/military); Batas Pambansa 880 (restricting and controlling the right to peaceful assembly); Executive Order 129 (authorizing the demolition of urban poor communities); Executive Order 264 (legalizing the Civilian Armed Forces Geographical Units); Executive Order 272 (lengthening the allowable periods of detention); Memorandum Circular 139



(allowing the imposition of food blockades); and Administrative Order No. 308 (establishing the national identification system).

Upon the effectivity of this Agreement, the GRP shall, as far as practicable, not invoke these repressive laws, decrees and orders to circumvent or contravene the provisions of this Agreement.

Article 8. The GRP shall review its jurisprudence on warrantless arrests (Umil vs. Ramos), checkpoints (Valmonte vs. De Villa), saturation drives (Guazon vs. De Villa), warrantless searches (Posadas vs. Court of Appeals), criminalization of political offenses (Baylosis vs. Chavez), rendering moot and academic the remedy of *habeas corpus* upon the subsequent filing of charges (Ilagan vs. Ponce-Enrile), and other similar cases, and shall immediately move for the adoption of appropriate remedies consistent with the objectives of this and the immediately preceding Article.

Upon the effectivity of this Agreement, the GRP shall, as far as practicable, not invoke these decisions to circumvent or contravene the provisions of this Agreement.

Article 9. The Parties shall take concrete steps to protect the lives, livelihood and properties of the people against incursions from mining, real estate, logging, tourism or other similar projects or programs.

Article 10. The Parties shall promote the basic collective and individual rights of workers, peasants, fisherfolk, urban poor, migrant workers, ethnic minorities, women, youth, children and the rest of the people and shall take concrete steps to stop and prevent the violations of human rights, ensure that those found guilty of such violations are punished, and provide for the indemnification, rehabilitation and restitution of the victims.

Article 11. The GRP shall respect the basic rights guaranteed by the International Labor Convention on Freedom of Association and Protection of the Right to Organize and the standards set by the International Labor Organization (ILO) pertaining to job tenure, wage and living conditions, trade union rights and medical and social insurance of all workers, right of women workers to maternity benefits and against discrimination vis-à-vis male workers, right against child labor, and the rights of migrant workers abroad in accordance with the International Covenant on the Rights of Migrant Workers and the Members of their Families.

Article 12. The GRP shall respect the rights of peasants to land tenure and to own through land reform the land that they till, the ancestral rights of the indigenous peoples in the areas classified as public domain and their rights against racial and ethnic discrimination, the right of the poor homesteaders or settlers and the indigenous people to the areas of public domain on which they live and work and the right of poor fisherfolk to fish in the waters of the Philippines.

The GRP shall forthwith review its laws or other issuances pertinent to the



rights mentioned in this and the immediately preceding Article and shall move for the immediate repeal of those found violative of such rights.

Article 13. The Parties shall promote and carry out campaigns of human rights education, land reform, higher production, health and sanitation, and others that are of social benefit to the people. They shall give the utmost attention to land reform as the principal measure for attaining democracy and social justice.

PART IV

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

Article 1. In the exercise of their inherent rights, the Parties to the armed conflict shall adhere to and be bound by the generally accepted principles and standards of international humanitarian law.

Article 2. These principles and standards apply to the following persons:

1. civilians or those taking no active part in the hostilities;
2. members of armed forces who have surrendered or laid down their arms;
3. those placed *hors de combat* by sickness, wounds or any other cause;
4. persons deprived of their liberty for reasons related to the armed conflict;

and,

5. relatives and duly authorized representatives of above-named persons.

Article 3. The following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the persons enumerated in the preceding Article 2:

1. violence to life and person, particularly killing or causing injury, being subjected to physical or mental torture, mutilation, corporal punishment, cruel or degrading treatment and all acts of violence and reprisals, including hostage-taking, and acts against the physical well-being, dignity, political convictions and other human rights;

2. holding anyone responsible for an act that she/he has not committed and punishing anyone without complying with all the requisites of due process;

3. requiring persons deprived of their liberty for reasons related to the armed conflict to disclose information other than their identity;

4. desecration of the remains of those who have died in the course of the armed conflict or while under detention, and breach of duty to tender immediately such remains to their families or to give them decent burial;

5. failure to report the identity, personal condition and circumstances of a person deprived of his/her liberty for reasons related to the armed conflict to the Parties to enable them to perform their duties and responsibilities under this Agreement and under international humanitarian law;

6. denial of the right of relatives and duly authorized representatives of a person deprived of liberty for reasons related to the armed conflict to inquire whether a



person is in custody or under detention, the reasons for the detention, under what circumstances the person in custody is being detained, and to request directly or through mutually acceptable intermediaries for his/her orderly and expeditious release;

7. practices that cause or allow the forcible evacuations or forcible reconcentration of civilians, unless the security of the civilians involved or imperative military reasons so demand; the emergence and increase of internally displaced families and communities, and the destruction of the lives and property of the civilian population;

8. maintaining, supporting and tolerating paramilitary groups such as armed religious fanatical groups, vigilante groups, private armed groups of businessmen, landlords and politicians, and private security agencies which are being used in land and labor disputes and the incursions in Article 9, Part III of this Agreement; and,

9. allowing the participation of civilian or civilian officials in military field operations and campaigns.

Article 4. The principles and standards of international humanitarian law shall likewise apply and protect the rights of persons, entities or objects involved or affected in any of the cases or situations cited hereunder.

1. Persons *hors de combat* and those who do not take a direct part in hostilities are entitled to respect for their lives, dignity, human rights, political convictions and their moral and physical integrity and shall be protected in all circumstances and treated humanely without any adverse distinction founded on race, color, faith, sex, birth, social standing or any other similar criteria.

2. The wounded and the sick shall be collected and cared for by the party to the armed conflict which has them in its custody or responsibility.

3. Neutral persons or entities and medical personnel, including persons of humanitarian and/or medical organizations like the International Committee of the Red Cross (ICRC), shall be protected and respected. The establishments, facilities, transport and equipments of these persons, entities and organizations; objects bearing the emblem of the red cross and the flag of peaceful intention; and historic monuments, cultural objects and places of worship shall likewise be protected.

4. Civilian population and civilians shall be treated as such and shall be distinguished from combatants and, together with their property, shall not be the object of attack. They shall likewise be protected against indiscriminate aerial bombardment, strafing, artillery fire, mortar fire, arson, bulldozing and other similar forms of destroying lives and property, from the use of explosives as well as the stockpiling near or in their midst, and the use of chemical and biological weapons.

5. Civilians shall have the right to demand appropriate disciplinary actions against abuses arising from the failure of the Parties to the armed conflict to observe the principles and standards of international humanitarian law.



6. All persons deprived of their liberty for reasons related to the armed conflict shall be treated humanely, provided with adequate food and drinking water, and be afforded safeguards as regards to health and hygiene, and be confined in a secure place. Sufficient information shall be made available concerning persons who have been deprived of their liberty. On humanitarian or other reasonable grounds, such persons deprived of liberty shall be considered for safe release.

7. The ICRC and other humanitarian and/or medical entities shall be granted facilitation and assistance to enable them to care for the sick and the wounded and to undertake their humanitarian missions and activities.

8. Personnel and facilities of schools, the medical profession, religious institutions and places of worship, voluntary evacuation centers, programs and projects of relief and development shall not be the target of any attack. The persons of said entities shall be guaranteed their safety.

9. Every possible measure shall be taken, without delay, to search for and collect the wounded, sick and missing persons and to protect them from any harm and ill treatment, to ensure their adequate care and to search for the dead, prevent despoliation and mutilation and to dispose of them with respect.

Article 5. The Parties decry all violations of the principles of international humanitarian law. They encourage all victims of such violations or their surviving families to come forward with their complaints and evidence.

Article 6. The persons liable for violations of the principles of international humanitarian law shall be subject to investigation and, if evidence warrants, to prosecution and trial. The victims or their survivors shall be indemnified. All necessary measures shall be undertaken to remove the conditions for such violations and to render justice to and indemnify the victims.

Article 7. The GRP shall review and undertake to change policies, laws, programs, projects, campaigns and practices that cause or allow the forcible evacuation and reconcentration of civilians, the emergence and increase of internally displaced families and communities and the destruction of the lives and property of the civilian population.

Article 8. The GRP shall continue to review its policy or practice of creating, maintaining, supporting, or allowing paramilitary forces like the Civilian Armed Forces Geographical Units (CAFGUs) and Civilian Volunteers' Organizations (CVOs) or any other similar groups.

Article 9. Internally displaced families and communities shall have the right to return to their places of abode and livelihood, to demand all possible assistance necessary to restore them to their normal lives and to be indemnified for damages suffered due to injuries and loss of lives.

Article 10. The Parties shall provide special attention to women and children to ensure their physical and moral integrity. Children shall not be allowed to take part in



hostilities.

Article 11. Medical, religious and other humanitarian organizations and their personnel shall not carry out other tasks inimical to any of the Parties. Neither shall they be compelled to carry out tasks which are not compatible with their humanitarian tasks. Under no circumstances shall any person be punished for having carried out medical activities compatible with the principles of medical ethics, regardless of whoever is benefiting from such medical activities.

Article 12. Civilian population shall have the right to be protected against the risks and dangers posed by the presence of military camps in urban centers and other populated areas.

Article 13. The Parties recognize the right of the people to demand the reduction of military expenditures and the rechanneling of savings from such reduction towards social, economic and cultural development which shall be given the highest priority.

Article 14. The Parties shall promote and carry out campaigns of education on international humanitarian law, especially among the people involved in the armed conflict and in areas affected by such conflict.

PART V JOINT MONITORING COMMITTEE

Article 1. The Parties shall form a Joint Monitoring Committee that shall monitor the implementation of this Agreement.

Article 2. The Committee shall be composed of three members to be chosen by the GRP Panel and three members to be chosen by the NDFP Panel. Each Party shall nominate two representatives of human rights organizations to sit in the committee as observers and to do so at the pleasure of the nominating Party. The Committee shall have co-chairpersons who shall serve as chief representatives of the Parties and shall act as moderators of meetings.

Article 3. The co-chairpersons shall receive complaints of violations of human rights and international humanitarian law and all pertinent information and shall initiate requests or recommendations for the implementation of this Agreement. Upon its approval by consensus, the Committee shall request the investigation of a complaint by the Party concerned and make recommendations. By consensus, it shall make reports and recommendations on its work to the Parties.

Meetings of the Committee shall be every three months and as often as deemed necessary by the co-chairpersons due to an urgent issue or complaint. The meetings shall be held in the Philippines or in any other venue agreed upon by the Parties.

Article 4. Members of the Committee and the observers shall be entitled to the safety and immunity guarantees stipulated by the Joint Agreement on Safety and Immunity Guarantees.

Article 5. The Committee shall create a joint secretariat that shall provide staff



support. Each Party shall nominate an equal number of members in the joint secretariat who shall serve at the pleasure of the nominating Party.

Article 6. The Committee shall be organized upon the effectivity of this Agreement and shall continue to exist until dissolved by either Party by sending to the other Party a written notice of dissolution which shall take effect thirty days after official receipt. Dissolution of the Committee shall not mean the abandonment of rights and duties by any Party under this Agreement and under the principles and standards of human rights and international humanitarian law.

PART VI FINAL PROVISIONS

Article 1. The Parties shall continue to assume separate duties and responsibilities for upholding, protecting and promoting human rights and the principles of international humanitarian law in accordance with their respective political principles, organizations and circumstances until they shall have reached final resolution of the armed conflict.

Article 2. The Parties recognize the applicability of the principles of human rights and principles of international humanitarian law and the continuing force of obligations arising from these principles.

Article 3. Nothing in the provisions of this Agreement nor in its application shall affect the political and legal status of the Parties in accordance with The Hague Joint Declaration. Subsequently, this Agreement shall be subject to the Comprehensive Agreements on Political and Constitutional Reforms and on End of Hostilities and Disposition of Forces. Any reference to the treaties signed by the GRP and to its laws and legal processes in this Agreement shall not in any manner prejudice the political and organizational integrity of the NDFP.

Article 4. The Parties may from time to time review the provisions of this Agreement to determine the need to adopt a supplemental agreement or to modify the provisions hereof as circumstances require.

Article 5. This Agreement shall be signed by the Negotiating Panels and shall take effect upon approval by their respective Principals.

IN WITNESS, we sign this Agreement this 16th day of March 1998 in The Hague, The Netherlands.

FOR THE
GOVERNMENT OF THE REPUBLIC
OF THE PHILIPPINES

FOR THE
NATIONAL DEMOCRATIC
FRONT OF THE PHILIPPINES



By:

(Sgd.) Amb. HOWARD Q. DEE
Chairperson,
GRP Negotiating Panel

(Sgd.) Rep. JOSE V. YAP
Member

(Sgd.) Sec. SILVESTRE H. BELLO III
Member

(Sgd.) Atty. RENE V. SARMIENTO
Member

(Sgd.) Ms. ZENAIDA H. PAWID
Member

By:

(Sgd.) LUIS G. JALANDONI
Chairperson,
NDFP Negotiating Panel

(Sgd.) FIDEL V. AGCAOILI
Member

(Sgd.) CONI K. LEDESMA
Member

(Sgd.) ASTERIO B. PALIMA
Member

(Sgd.) JOJO S. MAGDIWANG
Member

WITNESSES:

(Sgd.) Hon. JOSE C. DE VENECIA
Speaker,
House of Representatives
GRP

(Sgd.) USec. A. WILFREDO CLEMENTE
DECS, GRP

(Sgd.) Ms. MA. CARLA L. MUNSAYAC
Executive Director III
GRP Negotiating Panel Secretariat

(Sgd.) JOSE MA. SISON
Chief Political Consultant
NDFP Negotiating Panel

(Sgd.) ANTONIO L. ZUMEL
Senior Adviser
NDFP Negotiating Panel

(Sgd.) ROMEO T. CAPULONG
General Counsel
NDFP Negotiating Panel

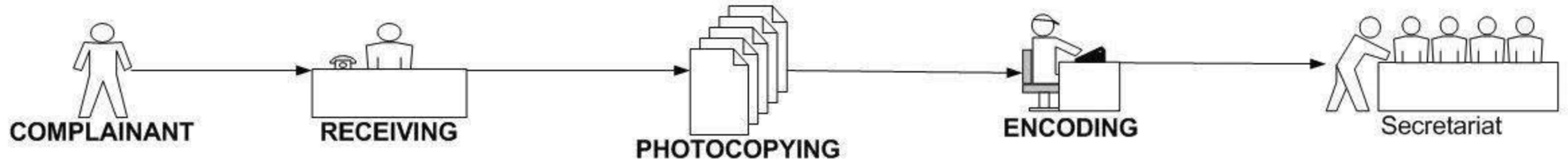
APPROVED BY:

(Sgd.) JOSEPH ESTRADA
President,
Government of the Republic
of the Philippines
August 7, 1998

(Sgd.) MARIANO OROSA
Chairperson,
National Council
National Democratic Front
of the Philippines
April 10, 1998

COMPLAINTS PROCESSING FLOW CHART
National Democratic Front of the Philippines-Monitoring Committee
Joint Monitoring Committee

National Democratic Front of the Philippines Section
Joint Secretariat



FILE EVIDENCES AND SUPPORTING DOCUMENTS THROUGH THE FOLLOWING METHODS:

1. PERSONAL
2. EMAIL / WEBSITE
3. FAX
4. POSTAL / COURIER

1. FILLING UP COMPLAINT FORM
2. RECEIPT / STAMPING / NUMBERING OF COMPLAINTS AND ALL DOCUMENTS AND EVIDENCE
3. REGISTER COMPLAINT IN LOGBOOK
4. INITIAL PRELIMINARY INTERVIEW
5. INITIAL SCREENING OF SUPPORTING DOCS AND SORTING OF COMPLAINTS (RECEIVED AS "VALID", RECEIVED AS "LACKING DOCS", RECEIVED AS "NOT VALID")

1. ONE COPY FOR NDFPMC THROUGH NDFPJS
2. ONE COPY FOR GRPMC THROUGH GRPJS

1. ENCODING TO DATABASE
2. FILING OF COMPLAINTS AND DOCS

1. FORWARDING TO NDFPMC
2. COPY FURNISHED GRPMC THROUGH GRPJS
3. RECEIVE DECISION FROM NDFPMC
4. NOTIFY COMPLAINANT



NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES – MONITORING COMMITTEE
Joint Monitoring Committee

NDFP NOMINATED SECTION
JOINT SECRETARIAT

6/F Immaculate Conception Multi Purpose Center, 41 Lantana St., Cubao, 1111 Quezon City, Philippines
 Tel: +632 7252072; Telefax: +632 7251457; Email: ndfp_jsection@yahoo.com

PORMA NG REKLAMO

I. INDIBIDWAL O ORGANISASYONG NAGSASAMPA

(Kung higit sa isang indibidwal o organisasyon ang nagsasampa ng reklamo, sagutin sa hiwalay na papel bawat indibidwal ang mga hinihinging impormasyon.)

1. Pangalan ng indibidwal o organisasyon: _____
2. Kung ang nagsasampa ay isang organisasyon, pangalan ng taong kokontakin: _____
3. Organisasyon at posisyon sa organisasyon ng indibidwal na nabanggit sa Bilang 1: _____

4. Tipo ng organisasyong nabanggit sa Bilang 1 o 3: *(tukuyin ang yunit)*

A. Sibilyang yunit ng GRP: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">_____ Pamahalaang pambansa</td> <td>_____ AFP</td> </tr> <tr> <td>_____ Pamahalaang lokal</td> <td>_____ PNP</td> </tr> <tr> <td>_____ Iba pa (<i>pakitukoy</i>)</td> <td>_____ CAFGU</td> </tr> </table>	_____ Pamahalaang pambansa	_____ AFP	_____ Pamahalaang lokal	_____ PNP	_____ Iba pa (<i>pakitukoy</i>)	_____ CAFGU	B. Armadong hukbo: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">_____ Pribadong ahensyang panseguridad</td> </tr> <tr> <td>_____ Iba pa (<i>pakitukoy</i>)</td> </tr> </table>	_____ Pribadong ahensyang panseguridad	_____ Iba pa (<i>pakitukoy</i>)
_____ Pamahalaang pambansa	_____ AFP								
_____ Pamahalaang lokal	_____ PNP								
_____ Iba pa (<i>pakitukoy</i>)	_____ CAFGU								
_____ Pribadong ahensyang panseguridad									
_____ Iba pa (<i>pakitukoy</i>)									
5. Kasarian: _____
6. Edad: _____
7. Trabaho at/o sektor: _____
8. Adres ng indibidwal o organisasyong nabanggit sa Bilang 1: _____

9. Personal o adres na maaaring sulatan kung iba sa Bilang 8: _____

10. Adres ng email: _____ 11. (Mga) numero ng telepono: _____

12. Numero ng fax: _____ 13. (Mga) numero ng cellphone: _____

14. Lagda: _____ 15. Marka ng kanang hinlalaki: 

II. SINASABING (MGA) BIKTIMA

Pangalan ng (mga) biktima:

(1) _____ (5) _____

(2) _____ (6) _____

(3) _____ (7) _____

(4) _____ (8) _____

(gumamit ng hiwalay na papel kung kinakailangan)

Kabuuang bilang ng mga biktima: _____

Impormasyon hinggil sa Biktima Bilang ____ (*pakisulat sa hiwalay na papel bawat biktima ang mga impormasyong hinihingi sa ibaba*):

1. (Mga) probisyon ng CARHRIHL na diumano'y nilabag:

a. _____

b. _____

c. _____

d. _____

e. _____

(gumamit ng hiwalay na papel kung kinakailangan)

2. Opisina o organisasyon: _____

3. Tipo ng organisasyong nabanggit sa Bilang 2: (*tukuyin ang yunit*)

A. Sibilyang yunit ng GRP:

_____ Pamahalaang pambansa

_____ Pamahalaang lokal

_____ Iba pa (*pakitukoy*)

C. Non-government organization

B. Armadong hukbo:

_____ AFP

_____ PNP

_____ CAFGU

_____ Pribadong ahensiyang panseguridad

_____ Iba pa (*pakitukoy*)

4. Posisyon o ranggo: _____

5. Kasarian: _____ 6. Edad: _____

7. Adres ng indibidwal o organisasyon: _____

8. Personal o adres na maaaring sulatan kung iba sa Bilang 7: _____

9. Adres ng email: _____ 10. (Mga) numero ng telepono: _____

11. Numero ng fax: _____ 12. (Mga) numero ng cellphone: _____

III. (MGA) PINAGHIHINALAANG MAY KAGAGAWAN NG PAGLABAG

Pangalan ng (mga) pinaghihinalaang may kagagawan ng paglabag:

- (1) _____ (5) _____
- (2) _____ (6) _____
- (3) _____ (7) _____
- (4) _____ (8) _____

(gumamit ng hiwalay na papel kung kinakailangan)

Kabuuang bilang ng (mga) pinaghihinalaang may kagagawan ng paglabag: _____

Impormasyon hinggil sa pinaghihinalaang may Kagagawan ng paglabag Bilang _____ *(pakisulat sa hiwalay na papel bawat pinaghihinalaang naglabag ang mga impormasyong hinihingi sa ibaba):*

1. Kasarian: _____ 2. Edad: _____

3. Kung hindi nakilala o hindi makilala, pakilahad ang sirkumstansya o anumang marka/anyo na makakatulong sa pagkilala o pagtukoy: _____

4. Posisyon/ranggo at yunit: _____

5. Komand: _____

6. Adres: _____

IV. (MGA) PARTIKULARIDAD NG SINASABING PAGLABAG

1. Pinangyarihan ng insidente *(maging ispesipiko hanggat maari hinggil sa rehiyon, probinsya, siyudad/munisipyo, barangay atbp.):* _____

_____ Luzon _____ Visayas _____ Mindanao Labas ng Pilipinas: _____

2. Petsa o panahon ng insidente: _____

3. Buod o maikling salaysay ng insidente:

(gumamit ng hiwalay na papel kung kinakailangan)

V. LISTAHAN NG (MGA) EBIDENSYA/KALAKIP NA DOKUMENTO

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(gumamit ng hiwalay na papel kung kinakailangan)

Kung ang reklamo ay nakasampa o nakabinbin sa anumang hukuman ng GRP at/o NDFP, pakisagot ang sumusunod:

1. (Mga) nagsampa: _____

2. Katangian ng reklamo/kaso: _____

3. Lugar kung saan ang reklamo/kaso ay naisampa: _____

4. Petsa kung kailan isinampa ang reklamo: _____

5. Kaso Bilang o Katumbas na File o Bilang Sanggunian: _____

6. Katayuan ng reklamo/kaso: _____

[Nota: Maaring amyendahan ang pormang ito batay sa kalagayan at pangangailangan.]



NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES – MONITORING COMMITTEE
Joint Monitoring Committee

NDFP NOMINATED SECTION
JOINT SECRETARIAT

6/F Immaculate Conception Multi Purpose Center, 41 Lantana St., Cubao, 1111 Quezon City, Philippines
 Tel: +632 7252072; Telefax: +632 7251457; Email: ndfp_jsection@yahoo.com

COMPLAINT FORM

I. PERSON(S) OR ORGANIZATION(S) FILING

(If more than one person or organization is filing a complaint, accomplish in a separate sheet per person or organization the information requested below.)

1. Name of person or organization: _____
2. If filer is an organization, name of contact person: _____
3. Organization and position in organization of person stated in No. 1: _____

4. Type of organization stated in No. 1 or 3: *(please specify unit)*

A. Civilian government unit: _____ National government _____ Local government unit _____ Others <i>(please specify)</i>	B. Armed forces: _____ AFP _____ PNP _____ CAFGU _____ Private security agency _____ Others <i>(please specify)</i>
--	--
5. Gender: _____
6. Age: _____
7. Occupation and/or Sector: _____
8. Address of person or organization stated in No. 1: _____

9. Personal or mailing address if different from that stated in No. 8: _____

10. Email address: _____

11. Telephone number/s: _____

12. Fax number: _____

13. Mobile phone/s: _____

14. Signature: _____

15. Right thumbmark: _____

II. ALLEGED VICTIM(S)

Name of victim(s):

(1) _____

(5) _____

(2) _____

(6) _____

(3) _____

(7) _____

(4) _____

(8) _____

(use additional sheets if needed)

Total number of victims: _____

Information about Victim No. _____ *(please accomplish in a separate sheet per victim the information requested below):*

1. Provision(s) of CARHRIHL allegedly violated:

a. _____

b. _____

c. _____

d. _____

e. _____

(use additional sheets if needed)

2. Office or organization: _____

3. Type of organization in No. 2: *(please specify unit)*

A. Civilian government unit:

_____ National government

_____ Local government unit

_____ Others *(please specify)*

C. Non-government organization

B. Armed forces:

_____ AFP

_____ PNP

_____ CAFGU

_____ Private security agency

_____ Others *(please specify)*

4. Position or rank: _____

5. Gender: _____

6. Age: _____

7. Address of office or organization: _____

8. Personal or mailing address if different from that stated in No. 7: _____

9. Email address: _____

10. Telephone number/s: _____

11. Fax number: _____

12. Mobile phone/s: _____

III. ALLEGED PERPETRATOR (S)

Name of alleged perpetrator(s):

- (1) _____ (5) _____
- (2) _____ (6) _____
- (3) _____ (7) _____
- (4) _____ (8) _____

(use additional sheets if needed)

Total number of alleged perpetrator(s): _____

Information about alleged Perpetrator No. _____ *(please accomplish in a separate sheet per perpetrator the information requested below):*

1. Gender: _____ 2. Age: _____

3. If unidentified or unidentifiable, please state any circumstance or identifying marks/features that can help in the eventual identification: _____

4. Position/Rank and Unit: _____

5. Command: _____

6. Address: _____

IV. PARTICULARS OF ALLEGED VIOLATION(S)

1. Place of incident *(please be as specific as possible regarding region, province, city/municipality, barangay etc.):*

_____ Luzon _____ Visayas _____ Mindanao Outside the Philippines: _____

2. Date or period of incident: _____

3. Summary or narration of incident *(please be brief):*

(use additional sheets if needed)

V. LIST OF EVIDENCE(S)/ATTACHMENT(S)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(use additional sheets if needed)

If the complaint has been filed, referred or is pending before any legal and judicial body of either the GRP and/or the NDFP, please state:

1. Complainant(s): _____

2. Nature of complaint/case: _____

3. Place where complaint/case was filed: _____

4. Date of complaint: _____

5. Case Number or Equivalent File or Reference Number: _____

6. Status of complaint/case: _____

[Note: This form may be amended or revised as may be warranted by circumstances or developments.]

MGA PAALALA PO LAMANG PARA SA MGA MAGSASAMPA NG REKLAMO:

1. Lahat po ng reklamo ay dapat nakabase sa paglabag ng CARHRIHL.
2. Paki-sagot po ang Complaint Form at siguraduhin na ang lahat ng tanong ay nasagutan.
3. Isama sa Complaint Form ang mga dokumentong magpapatunay ng inyong reklamo.
4. Ang isang insidenteng reklamo kung saan ay may dalawa o higit pang biktima ay ituturing na isang reklamo lamang.
5. Bago kayo umalis, ang GRP Receptionist ay magbibigay ng kopya ng inyong nasagutang Complaint Form.



GRP PORMA NG REKLAMO (PORMA NG REKLAMO)

Pangalan/ Organisasyon ng nagsasampa ng Reklamo::

Tirahan kung saan maaring sulatan:

Numero ng Telepono:

Nagsasampa ng Reklamo:

Para sa sarili

Para sa ibang Tao

Kung nagsasampa para sa ibang tao pakibigay ang sumusunod na impormasyon:

II. Impormasyon tungkol sa sinasabing Biktima (liban sa nagsasampa ng reklamo)

Pangalan: (paki-lagay sa ibang papel kung hindi kasya)

Kasalukuyang tirahan:

Petsa at lugar ng kapanganakan:

Trabaho:

Numero ng telepono:

Kung kayo ay nagsasampa ng may pahintulot mula sa biktima, maari nyo bang ibigay ang katunayan ng kanilang pahintulot:

O

Kung kayo ay walang pahintulot, maari bang ibaliwanag ang inyong kaugnayan at interes sa nasabing biktima o kaso:

Reklamo laban kay:

Petsa at Lugar ng Insidente:

Nilabag ng Karapatang Pangtao:

Tirahan at Numero ng Telepono (kung alam):

Mga hakbang na isinagawa ng sinasabing biktima para magamit ang mga nakalaang mekanismo ng Gobyerno (Halimbawa: Pagsampa ng blotter sa Pulis, Piskalya, o Korte at sa Commission on Human Rights (CHR))

III. Paglalahad ng Pangyayari

Detalyadong paglalahad kung paano naganap ang isinusumbong na paglabag ng CARHRIHL. Hanggat maaari, isama ang mahalagang petsa, oras at lugar ng pinangyarihan.

Mga Ebidensiya

Anu-ano ang mga ebidensiya maipapakita na magpapatunay na may paglabag ng CARHRIHL (halimbawa, court records, forensic reports, litrato, films, at iba pa). Kung dala ang mga nabanggit na dokumento isama po lamang sa porma ng reklamo (complaint form). HUWAG ISAMA ANG MGA ORIHINAL NA DOKUMENTO. (Isulat ang mga dokumentong ipinasa).

Pangalan ng mga nakasaksi sa paglabag. Kung ang mga taong ito ay nagbigay ng sinumpaang salaysay sa Korte at sa piskalya, kung maari ay magbigay ng kopya o kung hindi dala ay ipaalam kung kalian maipapadala. Ipaalam din kung ang katauhan ng nasabing saksi ay dapat ituring na sikreto o hindi.

Nais ninyo po bang itago ng Joint Monitoring Committee ang inyong pangalan habang ipinoproseso ang inyong reklamo?

Oo Hindi

Pirma ng nagrereklamo:

Marka ng Kanang Hinlalaki:

Salamat po!

REMINDERS WHEN FILING A COMPLAINT:

1. All complaints should be based on "alleged" violation of the CARHRIHL
2. Fill up the complaint form and ensure that all questions have been answered.
3. Attached all supporting documents (photocopy only)
4. Any single alleged violation involving two or more victims shall be filed as one complaint
5. Before leaving, the GRP Receptionist shall provide you with a photocopy of the accomplished complaint form.



GRP COMPLAINT FORM

Name/ Organization filing the Complaint:

Address for correspondence on this complaint:

Contact Number/s:

Submitting the complaint:

- On the author's own behalf on behalf of another person

If the complaint is being submitted on behalf of another person, please provide the following information:

II. Information concerning the alleged victim(s) (if other than author)

Name of the Victim:

Contact Number:

Present Address:

Date and Place of Birth:

Occupation:

If you are acting with the knowledge and consent of that person, please provide that person's authorization for you to bring this complaint

Or

If you are not authorized, please explain the nature of your relationship with that person:

This complaint is against:

Place and Date of Incident:

Human Rights Violated:

Address and Contact Number:

Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies – resource to the courts or other public authorities, when and with what results (if possible, enclose copies of all relevant judicial or administrative decisions):

III. Facts of the claim

Detailed description of the facts of the alleged violation or violations including relevant dates (continue on a separate piece of paper if necessary):

Available evidence

Indicate what documents can prove the violations being denounced (for example, court records, forensic reports, photographs, films, and so on). If you have the documents in your possession, please attach a copy. DO NOT ATTACH ORIGINALS.

Name the witnesses to the violations being denounced. If those persons have made sworn statements to the court authorities, if possible send a copy of that testimony or indicate whether it can be sent sometime in the future. Indicate whether the identity of the witnesses is to be kept confidential.

Do you want the Joint Monitoring Committee (JMC) to withhold the complainant's identity during processing?

Yes **No**

Signature of Complainant:

Thumb mark:

Thank you!