



Australian Government
Refugee Review Tribunal

Country Advice

Philippines

Philippines – PHL39183 – Bayan Muna –
Communist Party of the Philippines (CPP)
– New People’s Army (NPA) – CAFGU –
Rebel returnees
29 September 2011

1. What is the CAFGU?

The Citizen Armed Force Geographical Units (CAFGU) are civilian paramilitary forces used by the Philippine government to supplement its regular armed forces.¹ In a 2011 report, Amnesty International commented that “[t]here are reportedly 50,000 members of these state-sponsored paramilitary groups augmenting the estimated 120,000 soldiers who are in active service”.²

CAFGUs – also referred to as CAFGU Active Auxiliary (CAA) companies – are “under the operational control of regular military and police forces”.³ According to the November 2007 *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, “[a] CAFGU is a paramilitary organization that works closely with the [Armed Forces of the Philippines] AFP and is subordinate to its command-and-control structure”.⁴ The report elaborates that “CAFGU members accompany AFP units on operations and also serve, in effect, as armed informants, permitting the military to pull-back and focus on other barangays [villages or districts]”.⁵ According to a 2009 International Crisis

¹ Government of the Philippines 1987, “Executive Order No. 264 Providing for the Citizen Armed Force”, promulgated 25 July 1987), http://www.lawphil.net/executive/execord/eo1987/eo_264_1987.html – Accessed 29 September 2011; Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006.; Commission on Human Rights 2000, “On the Revival of the Civilian Armed Forces Geographical Units (CAFGUs)”, 23 March http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/advisories/pdf_files/abthr009.pdf – Accessed 29 September 2011

² Amnesty International, *Progress, Stagnation, Regression? The State of Human Rights in the Philippines under Aquino*, 30 June 2011, ASA 35/002/2011, available at: <http://www.unhcr.org/refworld/docid/4e1716ac2.html> – 12 September 2011

³ United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

⁴ United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

⁵ United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

Group (ICG) report “CAFGUs are considered military reservists...[t]hey wear uniforms, receive government-issue weapons and are subject to military justice”.⁶

The CAFGUs were established by former President Corazon Aquino in 1987 through Executive Order 264, *Providing for the Citizens Armed Force*.⁷ Their creation followed the governments disbanding of the Integrated Civilian Home Defense Forces (ICHDF), which had been used by the preceding Marcos Government and became “notorious for poor discipline and human rights abuses”.⁸ Placing the CAFGUs within the official armed forces command and control structure was designed to avoid these problems.⁹ According to the Order, CAFGUs “consists of cadre [sic] of officers and men in the active force and qualified reservists”.¹⁰ They are to be mobilised with the approval of the President “[w]henever dictated by military necessity”.¹¹ A comprehensive April 2010 report by Small Arms Survey, *“Primed and Purposeful”: Armed Groups and Human Security Efforts in the Philippines*, notes:

Unlike the ICHDF of the Marcos era, the CAFGU is part of the regular reserve force and not a paramilitary unit convened only for counter-insurgency. It is integrated into the military chain of command and is subject to all applicable military laws, rules, and regulations. Like other members of the military reserve force, CAFGU members receive formal basic military training. They are put under the direct operational control and supervision of a commanding officer of the AFP, usually the commander of the manoeuvre battalion assigned to a particular geographic area. Each CAFGU member receives a reservist serial number which officially makes him or her part of the military. As such, each CAFGU member receives an allowance and other AFP benefits.¹²

Abuses by the CAFGUs

⁶ International Crisis Group 2009, The Philippines: After the Maguindanao Massacre, 21 December http://reliefweb.int/sites/reliefweb.int/files/resources/BF6E3086F41A918F852576930058CBB6-Full_Report.pdf – Accessed 29 September 2011 –

⁷ Government of the Philippines 1987, “Executive Order No. 264 Providing for the Citizen Armed Force”, promulgated 25 July 1987), http://www.lawphil.net/executive/execord/eo1987/eo_264_1987.html – Accessed 29 September 2011

⁸ Small Arms Survey 2010, *“Primed and Purposeful”: Armed Groups and Human Security Efforts in the Philippines*, 1 April http://www.humansecuritygateway.com/documents/SAS_ArmedGroups_HumanSecurityEfforts_Philippines.pdf – Accessed 29 September 2011 –

⁹ Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006.

¹⁰ Government of the Philippines 1987, “Executive Order No. 264 Providing for the Citizen Armed Force”, promulgated 25 July 1987), http://www.lawphil.net/executive/execord/eo1987/eo_264_1987.html – Accessed 29 September 2011

¹¹ Government of the Philippines 1987, “Executive Order No. 264 Providing for the Citizen Armed Force”, promulgated 25 July 1987), http://www.lawphil.net/executive/execord/eo1987/eo_264_1987.html – Accessed 29 September 2011

¹² Small Arms Survey 2010, *“Primed and Purposeful”: Armed Groups and Human Security Efforts in the Philippines*, 1 April http://www.humansecuritygateway.com/documents/SAS_ArmedGroups_HumanSecurityEfforts_Philippines.pdf – Accessed 29 September 2011 –

Although formally under the command structured of the Philippine military, sources indicate that the CAFGUs, like their predecessor, have discipline problems and carry out “large-scale” human rights abuses.¹³ A 2000 report by the Philippine Commission on Human Rights (CHR) expresses similar concern about poor levels of training, lack of discipline and human rights abuses of CAFGU members.¹⁴ According to the report, Commission records “show that about 853 cases consisting of murder, execution, torture, disappearance, illegal arrest, and detention were filed with the Commission against 1,070 CAFGU member[s]”.¹⁵

The April 2010 report by Small Arms Survey referred to above provides an expansive examination of human rights abuses by the CAFGUs.¹⁶ The report notes the failure of government safeguards and the interference of local politicians in the selection of recruits.¹⁷ A 2009 ICG report notes that the CAFGUs are “in fact simply a new name for an old institution”.¹⁸ The report, which looked at the November 2009 massacres of 57 people by a local warlord’s private army identified CAFGUs as among the perpetrators.¹⁹ The report notes that the CAFGU’s weapons were provided by the military but local commanders complained that their control of the group was bypassed by local warlords.²⁰ A 2006 Amnesty International report notes that “[a]lthough under AFP command, local CAFGUs were often badly trained and undisciplined and at times engaged in local feuds”.²¹

2. Do authorities have financial programs to assist the livelihood and reorientation of former rebels? Do they extend to former rebels who live overseas, such as Australia? How long is the program offered for?

¹³ Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006.

¹⁴ Commission on Human Rights 2000, “On the Revival of the Civilian Armed Forces Geographical Units (CAFGUs)”, 23 March http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/advisories/pdf_files/abthr009.pdf – Accessed 29 September 2011

¹⁵ Commission on Human Rights 2000, “On the Revival of the Civilian Armed Forces Geographical Units (CAFGUs)”, 23 March http://www.chr.gov.ph/MAIN%20PAGES/about%20hr/advisories/pdf_files/abthr009.pdf – Accessed 29 September 2011

¹⁶ Small Arms Survey 2010, “*Primed and Purposeful*”: *Armed Groups and Human Security Efforts in the Philippines*, 1 April http://www.humansecuritygateway.com/documents/SAS_ArmedGroups_HumanSecurityEfforts_Philippines.pdf – Accessed 29 September 2011

¹⁷ Small Arms Survey 2010, “*Primed and Purposeful*”: *Armed Groups and Human Security Efforts in the Philippines*, 1 April http://www.humansecuritygateway.com/documents/SAS_ArmedGroups_HumanSecurityEfforts_Philippines.pdf – Accessed 29 September 2011

¹⁸ International Crisis Group 2009, *The Philippines: After the Maguindanao Massacre*, 21 December http://reliefweb.int/sites/reliefweb.int/files/resources/BF6E3086F41A918F852576930058CBB6-Full_Report.pdf – Accessed 29 September 2011

¹⁹ International Crisis Group 2009, *The Philippines: After the Maguindanao Massacre*, 21 December http://reliefweb.int/sites/reliefweb.int/files/resources/BF6E3086F41A918F852576930058CBB6-Full_Report.pdf – Accessed 29 September 2011

²⁰ International Crisis Group 2009, *The Philippines: After the Maguindanao Massacre*, 21 December http://reliefweb.int/sites/reliefweb.int/files/resources/BF6E3086F41A918F852576930058CBB6-Full_Report.pdf – Accessed 29 September 2011

²¹ Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006.

Information, mainly provided by the Philippine Government, indicates that financial and reorientation assistance is offered to rebels that accept government amnesty. Information on how long the program provides assistance to individuals and whether it applies to rebels overseas was not located.²²

The current rebel reintegration program, the Social Integration Program (SIP), was introduced by former President Gloria Arroyo in 2007.²³ A 2009 AFP publication states that the SIP aims to facilitate the integration of “former rebels and their dependents” into “mainstream society”.²⁴ According to the article, the SIP has three components: community awareness and acceptance; force and arms management; and socio-economic intervention. It states, “former rebels shall be provided access to economic and social opportunities”.²⁵ This includes “capability building and skills training, livelihood and employment opportunities, and educational assistance”.²⁶

Generally, sources indicate that assistance is short-term in the form of financial assistance and training. Information on an AFP website provides the SIP’s Policy and Operational Framework, as of June 2008. This framework states the program has both short and long-term goals; the immediate term being improved security conditions and the long term “is the sustained social and economic re-integration of former rebels into a peaceful society”.²⁷ To this end the SIP provides “access to economic, social and political opportunities” and facilitates “their return to productive civilian life”.²⁸ It is noted that “SIPs are not comprehensive development projects [b]ut *temporary measures* to facilitate the transition from war to peace” [emphasis added].²⁹

Further information provided by the Government supports the characterisation that SIPs provide short term assistance. A May 2010 article on the Philippine Army, 73rd Infantry Battalion website reports that financial assistance is provided to rebels who seek amnesty and disarm. The reports says that under the SIP, former rebels receive an initial cash payment of

²² Sources consulted include government websites, local and international human right groups, and online news media.

²³ Philippine Army 2009, “Philippine Army Caravan ‘09”, *Army Troopers Newsmagazine*, Vol.2. No.9, March http://www.army.mil.ph/e_publications/Army_troopers/March/ATN_mar_%2009_1st_qtr.pdf – Accessed 29 September 2011

²⁴ Philippine Army 2009, “Philippine Army Caravan ‘09”, *Army Troopers Newsmagazine*, Vol.2. No.9, March http://www.army.mil.ph/e_publications/Army_troopers/March/ATN_mar_%2009_1st_qtr.pdf – Accessed 29 September 2011

²⁵ Philippine Army 2009, “Philippine Army Caravan ‘09”, *Army Troopers Newsmagazine*, Vol.2. No.9, March http://www.army.mil.ph/e_publications/Army_troopers/March/ATN_mar_%2009_1st_qtr.pdf – Accessed 29 September 2011

²⁶ Philippine Army 2009, “Philippine Army Caravan ‘09”, *Army Troopers Newsmagazine*, Vol.2. No.9, March http://www.army.mil.ph/e_publications/Army_troopers/March/ATN_mar_%2009_1st_qtr.pdf – Accessed 29 September 2011

²⁷ Philippine Army (undated), “Social Integration Program National Commission on Social Integration: Policy And Operational Framework (As Of 23 June 2008)” available at the website of the 10th Division of the Philippine Army website <http://www.agila10id.com/Social%20Integration%20Program/> – Accessed 29 September

²⁸ Philippine Army (undated), “Social Integration Program National Commission on Social Integration: Policy And Operational Framework (As Of 23 June 2008)” available at the website of the 10th Division of the Philippine Army website <http://www.agila10id.com/Social%20Integration%20Program/> – Accessed 29 September

²⁹ Philippine Army (undated), “Social Integration Program National Commission on Social Integration: Policy And Operational Framework (As Of 23 June 2008)” available at the website of the 10th Division of the Philippine Army website <http://www.agila10id.com/Social%20Integration%20Program/> – Accessed 29 September

P20,000 and additional funds for surrendered weapons.³⁰ According to a Government release from April 2010, in addition to the initial cash payment, the government's livelihood program provides career assistance; for example, "in kind such as a working animal, or a hand tractor, or a sari-sari, a tricycle to start his/her own small business".³¹

The policy framework states that the "SIP shall apply to *former rebels* covered by peace agreements, as well as others rebels with the expressed desire to re-enter society" [emphasis added].³² No further details were located to explain this. It is unclear whether support applies to former rebels that had long since ceased involvement with the CCP-NPA.

3. Does the government have special protection/security programs to ensure the safety and security of former rebels?

The SIP policy framework provided on the Philippine Army, 10th Infantry Division website states that the "safety and protection of the rights of the rebels and those who will participate in the SIP process shall be guaranteed".³³ However, details about the nature of the protection offered are not given here nor were they located elsewhere.³⁴

Sources were located that describe government security considerations in relation to rebel returnees. An October 2010 article in the *Manila Bulletin* reports that after voluntarily surrendering, five former rebels had their identities temporarily "withheld for security reasons".³⁵ No details about special protection were mentioned. The US Department of State's 2010 *Human Rights Report: Philippines* reported that in May 2010 five rebel returnees that were being used as state witnesses were put into witness protection. It is unclear from this whether they were put in protection solely because they were witnesses or if their status as a rebel returnee was a factor. It is noteworthy that the same report states that "government witness protection programs remained inadequate".³⁶ In a 2011 report, Human Rights Watch describes the witness protection program as inadequate and notes that witnesses have been subject to harassment and discrimination.³⁷

³⁰ Philippine Army 2010, "Former NPA Rebels Receive Initial Cash Assistance", 73rd Infantry Battalion website <http://73ib.blogspot.com/2010/03/former-rebels-recieve-initial-cash.html> – Accessed 29 September 2011

³¹ Government of Philippines 2010, "Philippines: 49 NPA rebel returnees get livelihood assistance", 4 April <http://www.reliefweb.int/rw/rwb.nsf/db900SID/KH-II-8484Q3?OpenDocument> – Accessed 16 February 2011

³² Philippine Army (undated), "Social Integration Program National Commission on Social Integration: Policy And Operational Framework (As Of 23 June 2008)" available at the website of the 10th Division of the Philippine Army website <http://www.agila10id.com/Social%20Integration%20Program/> – Accessed 29 September

³³ Philippine Army (undated), "Social Integration Program National Commission on Social Integration: Policy And Operational Framework (As Of 23 June 2008)" available at the website of the 10th Division of the Philippine Army website <http://www.agila10id.com/Social%20Integration%20Program/> – Accessed 29 September

³⁴ Sources consulted include government websites, local and international human right groups, and online news media.

³⁵ Crismundo, M. 2010, "NPAs abandon Communist leaders in Southern Philippines", *Manila Bulletin*, 12 October <http://www.mb.com.ph/articles/281769/npas-abandon-communist-leaders-southern-philippines> – Accessed 22 October 2010

³⁶ US Department of State 2011, *2010 Country Reports on Human Rights Practices*, 8 April www.state.gov/g/drl/rls/hrrpt/2010/eap/154399.htm – Accessed 12 September 2011.

³⁷ Human Rights Watch 2011, "No Justice Just Adds to the Pain": Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011.

For a broader discussion of state protection see *Country Advice PHL39188* dated 12 September 2011.³⁸ This reports notes that the government's capacity to offer protection is limited by endemic corruption within law enforcement agencies.³⁹

4. Is there reporting that the NPA or the Philippine security forces harass or attack “rebel returnees”? Particularly, are “rebel returnees” that have not been politically active for a decade targeted?

Reports were located of attacks on rebel returnees – including those who had long been inactive. Sources indicate that both security forces and the NPA carry out these attacks. The CPP-NPA has admitted killing numerous former members.⁴⁰

A case was located from 2009 of the murder of a long inactive rebel returnee. In July 2009, two gunmen shot dead a rebel returnee Levy Hurtada who had been granted full amnesty in 1992 and had reportedly remained inactive.⁴¹ According the report, he had received “financial assistance under the amnesty program of the national government”.⁴² The report explains that he “was finance officer of Communist Party of the Philippines/News People’s Army (CPP-NPA) Eastern Front Committee” but “came back to the folds of the law in 1992”.⁴³ The perpetrators were not known.

A separate case was located of the murder of a long inactive former rebel who accepted amnesty; however, in this case the person was still politically active, albeit with a legal political group. In 2007, a Bayan Muna leader and former NPA member who had accepted amnesty in the 1980s was murdered. Officials suspect active members of the NPA were the perpetrators; however, the article also suggests that the military could have been involved.⁴⁴

Other information more broadly points to “rebel returnees” being attacked. Most of this information focused on attacks by the NPA. The Philippine Government reported that over 2000–2007, the NPA murdered 66 rebel returnees and current rebels. The Government

³⁸ Reference RRT Country Advice Service 2011, *Country Advice PHL39188*, 12 September

³⁹ Amnesty International, *Progress, Stagnation, Regression? The State of Human Rights in the Philippines under Aquino*, 30 June 2011, ASA 35/002/2011, available at: <http://www.unhcr.org/refworld/docid/4e1716ac2.html> –12 September 2011

⁴⁰ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011.

⁴¹ “Rebel returnee killed” 2009, *Cebu Daily*, 30 July <http://globalnation.inquirer.net/cebudailynews/visayas/view/20090730-217919/Rebel-returnee-killed> – Accessed 29 September 2011;

Capundan, J. 2009, “Police faces blank wall on rebel returnee slay”, *News Today*, 29 July <http://www.thenewstoday.info/2009/07/29/police.faces.blank.wall.on.rebel.returnee.slay.html> – Accessed 29 September 2011

⁴² Capundan, J. 2009, “Police faces blank wall on rebel returnee slay”, *News Today*, 29 July <http://www.thenewstoday.info/2009/07/29/police.faces.blank.wall.on.rebel.returnee.slay.html> – Accessed 29 September 2011

⁴³ Capundan, J. 2009, “Police faces blank wall on rebel returnee slay”, *News Today*, 29 July <http://www.thenewstoday.info/2009/07/29/police.faces.blank.wall.on.rebel.returnee.slay.html> – Accessed 29 September 2011

⁴⁴ Cigaral, M. 2011, “Woman leader’s killing still unsolved”, *VERA Files*, 24 March <http://verafiles.org/2011/03/24/woman-leader%E2%80%99s-killing-still-unsolved/> – Accessed 29 September 2011

indicates that 55 of those killed were “returnee rebels adduced of being traitors”.⁴⁵ The 2009 US Department of State notes that “[o]n August 5 and 13 [2008], NPA rebels killed two rebel returnees”.⁴⁶ In October 2010, former rebel Jesus Jamen y Anciong was attacked and killed. Since leaving the NPA he had become a member of the Revolutionary Proletarian Army (RPA).⁴⁷ The *Negros Daily Bulletin*⁴⁸ attributed the attack to CPP/NPA members but notes that some residents claim it was carried out by the military. The report says “the victim was a former NPA rebel but decided to leave the group to live a normal life, and later joined the RPA”.⁴⁹ He was, according to the article “suspected by the NPA as an informer of the military, so he was finished”.⁵⁰

5. Is there reporting of NPA or security force attacks on former CPP-NPA members that were in non-combatant roles?

As mentioned in Question 4, a case was located of a deadly attack on a former CPP-NPA member who had been involved with the group in a non-combatant capacity.⁵¹ Levy Hurtada, was a “finance officer of Communist Party of the Philippines/News People’s Army (CPP-NPA) Eastern Front Committee” before accepting amnesty in 1992. Hurtada was murdered in 2009.⁵²

Sources point out that both the NPA and the Philippine security forces view non-combatants as legitimate targets. The NPA not only attacks government security forces but has also “summarily executed many prominent left leaders that it has deemed “counter

⁴⁵ The total number of rebel returnees who have accepted government offers of amnesty could not be located. A search was conducted on the Office of the Presidential Adviser on the Peace Process, the government body that manages the SIP.

United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

⁴⁶ US Department of State 2009, *2008 Human Rights Report: Philippines*, 25 February www.state.gov/g/drl/rls/hrrpt/2008/eap/119054.htm – Accessed 29 September 2011

⁴⁷ The RPA is described as an offshoot of the NPA.

⁴⁸ *Negros Daily Bulletin* is published Monday through Saturday and is a Member-Publication of the Philippine Press Institute

⁴⁹ Colmo, E. 2010, “Rebel Returnee Killed by Former Comrades; Militant Groups Blame the Military Anew”, *Negros Daily Bulletin*, 4 October <http://www.ndb-online.com/oct0410/negros-local-news/Rebel+Returnee+Killed+by+Former+Comrades-Militant+Groups+Blame+the+Military+Anew> – Accessed 29 September 2011

⁵⁰ Colmo, E. 2010, “Rebel Returnee Killed by Former Comrades; Militant Groups Blame the Military Anew”, *Negros Daily Bulletin*, 4 October <http://www.ndb-online.com/oct0410/negros-local-news/Rebel+Returnee+Killed+by+Former+Comrades-Militant+Groups+Blame+the+Military+Anew> – Accessed 29 September 2011

⁵¹ “Rebel returnee killed” 2009, *Cebu Daily*, 30 July <http://globalnation.inquirer.net/cebudailynews/visayas/view/20090730-217919/Rebel-returnee-killed> – Accessed 29 September 2011; Capundan, J. 2009, “Police faces blank wall on rebel returnee slay”, *News Today*, 29 July <http://www.thenewstoday.info/2009/07/29/police.faces.blank.wall.on.rebel.returnee.slay.html> – Accessed 29 September 2011

⁵² “Rebel returnee killed” 2009, *Cebu Daily*, 30 July <http://globalnation.inquirer.net/cebudailynews/visayas/view/20090730-217919/Rebel-returnee-killed> – Accessed 29 September 2011; Colmo, E. 2010, “Rebel Returnee Killed by Former Comrades; Militant Groups Blame the Military Anew”, *Negros Daily Bulletin*, 4 October <http://www.ndb-online.com/oct0410/negros-local-news/Rebel+Returnee+Killed+by+Former+Comrades-Militant+Groups+Blame+the+Military+Anew> – Accessed 29 September 2011

revolutionary”⁵³ Reports more broadly indicate that non-combatants affiliated with the CPP-NPA or perceived NPA “front groups” have been attacked by the Philippine security forces. In 2011, Human Rights Watch reported that military and police forces lump together members of leftist groups that “are not NPA fighters” with NPA rebels. By labelling these groups as NPA fronts, “members of such organizations may be the targets of government attack”.⁵⁴

The 2007 *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines* examines the “extrajudicial execution of leftist”.⁵⁵ According to the report, the government’s strategy against the NPA was at that time increasingly focused on attacks on non-combatants perceived to be NPA supporters. Referring to figures provided by local human rights group Karapatan,⁵⁶ the report notes that of the 390 extrajudicial killings of members of political organisations from 2001 to 2007, 94 per cent of the victims belonged to alleged NPA front groups.⁵⁷ According to the report:

Senior Government officials in and out of the military believe that many civil society organizations are fronts for the CPP...Newspapers routinely carry reports of senior military officials urging that alleged CPP front groups and parties be neutralized. Often, prominent political parties and established civil society groups are named specifically. The public is told that supporting their work or candidates is tantamount to supporting “the enemy”. This practice was openly and adamantly defended by nearly every member of the military with whom I spoke... I asked a senior civilian official whether the Government might issue a directive prohibiting such statements by military officers. He expressed vague sympathy for the idea, but his subordinate — a retired military commander — promptly interjected that such a directive would be “impossible” because “this is a political war”.⁵⁸

6. Is there any country information indicating that blacklists of NPA/former NPA members exist?

Reports were located that discuss the use of “order of battle” lists by both the armed forces and the CCP-NPA to catalogue people identified as threats. Some sources claim that these lists mark people out as legitimate targets. Sources indicate that current and former NPA members are included on these lists. One reference was located that mentioned a rebel returnee being placed on a government order of battle list. In an article on the 2007 murder of

⁵³ Quimpo, N. 2006, “The Use of Human Rights for the Protraction of War”, *Kasarinlan: Philippine Journal of Third World Studies*, 21 (1): 34-54 <http://www.researchsea.com/html/download.php/id/55/research/Quimpo-06.pdf?PHPSESSID=udjjheqmh2m9uud2pclgq1rb0> – Accessed 29 September 2011

⁵⁴ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: *Killings, Disappearances, and Impunity in the Philippines* <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011.

⁵⁵ Foster, T. et al. 2007, *Seeking Answers: Probing Political Persecution, Repression & Human Rights Violations in the Philippines*, 8 March http://www.iadllaw.org/files/NLG%20report_0.pdf – Accessed 29 September 2011

⁵⁶ Karapatan is “an alliance of individuals, groups and organizations working for the promotion and protection of human rights in the Philippines”.

⁵⁷ United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

⁵⁸ United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

Bayan Muna leader and former NPA member, it is noted that although “[w]itnesses had tagged two members of the New People’s Army as suspects” that the victim, “a rebel returnee, was also on the military’s order of battle cast doubt on the circumstances of her death”.⁵⁹

Military lists

In a 2011 report, Human Rights Watch stated that “[s]oldiers, paramilitary members, and “rebel returnees” working with the military have continued to refer to an “order of battle” and similar lists in threatening ways”.⁶⁰ The 2007 UN Special Rapporteur’s report indicates that the military use an “order of battle” list to identify enemies as part of its campaign against the NPA.⁶¹ The Special Rapporteur noted that he had been provided a copy of such a list, the authenticity of which he had “no reason to doubt”. According to his report:

Some 110 pages in length, the document lists hundreds of prominent civil society groups and individuals who have been classified, on the basis of intelligence, as members of organizations which the military deems “illegitimate”. While some officials formalistically deny that being on the order of battle constitutes being classified as an enemy of the state, the widespread understanding even among the political elite is that it constitutes precisely that.⁶²

NPA lists

In a 2006 article in the *Philippine Journal of Third World Studies*, Associate Professor Nathan Gilbert Quimpo of the University of Tsukuba in Japan, wrote that in December 2004, the CPP “published a list of rival leftist parties, groups, and their leaders, categorizing them as “counterrevolutionary”.⁶³ The article notes the CPP/NPA had in the past “summarily executed many prominent left leaders that it has deemed ‘counter revolutionary’” and in light of this many of the people listed “expressed alarm and denounced the CPP-NPA-NDF’s “hit list”.⁶⁴ A 2005 article by Fourth International, an international communist organisation, reports that although “CPP-NDF officials adamantly deny that there is an NPA “hit list”...[t]he overall picture shows that such a “list” actually does exist”.⁶⁵ According to the

⁵⁹ Cigaral, M. 2011, “Woman leader’s killing still unsolved”, *VERA Files*, 24 March <http://verafiles.org/2011/03/24/woman-leader%E2%80%99s-killing-still-unsolved/> – Accessed 29 September 2011

⁶⁰ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011.

⁶¹ United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

⁶² United Nations 2007, *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, on his mission to the Philippines*, November <http://www.ohchr.org/english/issues/executions/docs/AHRC8.doc> – Accessed 29 September 2011

⁶³ Quimpo, N. 2006, “The Use of Human Rights for the Protraction of War”, *Kasarinlan: Philippine Journal of Third World Studies*, 21 (1): 34-54 <http://www.researchsea.com/html/download.php/id/55/research/Quimpo-06.pdf?PHPSESSID=udijheqmh2m9uud2pclgq1rb0> – Accessed 29 September 2011

⁶⁴ Cigaral, M. 2011, “Woman leader’s killing still unsolved”, *VERA Files*, 24 March <http://verafiles.org/2011/03/24/woman-leader%E2%80%99s-killing-still-unsolved/> – Accessed 29 September 2011

⁶⁵ Rousset, Pierre 2005, ‘The CPP-NPA-NDF “Hit List” – a preliminary report’, *International Viewpoint* online magazine, IV365, March – http://www.internationalviewpoint.org/print_article.php3?id_article=616 – Accessed 16 November

article, “[i]ndividuals and leaders of organisations are listed in the Order of Battle of the NPA as “legitimate” targets”.⁶⁶ It is unclear whether rebel returnees are placed on this list.

7. Deleted.

8. Can you provide some background on Bayan Muna?

Bayan Muna (People First) is a far-left group, descendent from the Bagong Alyansang Makabayan (New Patriotic Alliance or BAYAN).⁶⁷ Human Rights Watch reports that it was formed in 1999 from several grassroots organisations.⁶⁸ The group played a prominent role in the popular uprising that “displaced President Estrada and launched Arroyo into power” in 2000.⁶⁹ In 2001, the group ran in the election as a party-list organisation and gained the maximum three seats. The group repeated this performance in the 2004 and 2007, although it only secured two seats in the 2010 election.⁷⁰

According to the Bayan Muna website, the party “stand[s] on a platform of change and social transformation that addresses the basic problems that have plagued our country – foreign domination, feudal bondage and a graft-ridden government”.⁷¹ The groups’ ideology is focused on the “oppression” of the “downtrodden” and empowerment of the “toiling majority”.⁷² According to its Program of Government, Bayan Muna aims to establish a “democratic, nationalist and popular government by empowering the people, ensuring their representation and participation in all levels of government decision-making”.⁷³ The group also seeks to “assert national sovereignty and independence and protect the national patrimony from foreign domination and control”.⁷⁴

Attacks on Bayan Muna members

Reports indicate that Bayan Muna members have been subject to high levels of violence. Bayan Muna is ideologically close to the CPP and is often accused by the military of being a

⁶⁶ Rousset, Pierre 2005, ‘The CPP-NPA-NDF “Hit List” – a preliminary report’, *International Viewpoint* online magazine, IV365, March – http://www.internationalviewpoint.org/print_article.php3?id_article=616 – Accessed 16 November

⁶⁷ Human Rights Watch 2007, *PHILIPPINES: Scared Silent: Impunity for Extrajudicial Killings in the Philippines*, June <http://hrw.org/reports/2007/philippines0607/philippines0607web.pdf> – Accessed 29 September 2011 –

⁶⁸ Human Rights Watch 2007, *PHILIPPINES: Scared Silent: Impunity for Extrajudicial Killings in the Philippines*, June <http://hrw.org/reports/2007/philippines0607/philippines0607web.pdf> – Accessed 29 September 2011 –

⁶⁹ Human Rights Watch 2007, *PHILIPPINES: Scared Silent: Impunity for Extrajudicial Killings in the Philippines*, June <http://hrw.org/reports/2007/philippines0607/philippines0607web.pdf> – Accessed 29 September 2011 –

⁷⁰ Human Rights Watch 2007, *PHILIPPINES: Scared Silent: Impunity for Extrajudicial Killings in the Philippines*, June <http://hrw.org/reports/2007/philippines0607/philippines0607web.pdf> – Accessed 29 September 2011 –

Political groups of the world

⁷¹ “About us” (undated), Bayan Muna website <http://www.bayanmuna.net/about.php> – Accessed 29 September 2011

⁷² “About us” (undated), Bayan Muna website <http://www.bayanmuna.net/about.php> – Accessed 29 September 2011

⁷³ “About us” (undated), Bayan Muna website <http://www.bayanmuna.net/about.php> – Accessed 29 September 2011

⁷⁴ Program of Government’ 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive http://web.archive.org/web/20070408213153/www.bayanmuna.net/?page_id=6 – Accessed 26 September 2007

CPP front.⁷⁵ A 2011 report by HRW notes that attacks on Bayan Muna members have continued since President Benigno Aquino III took power in May 2010. According to the report, in July 2010, a Bayan Muna member was murdered by a masked gunman.⁷⁶ Local human rights group Karapatan recorded that five members of Bayan Muna were killed between July 2010 and June 2011.⁷⁷ A 2010 Freedom House report notes that “Bayan Muna, has endured the murders of more than 130 members since Arroyo took office” in 2001.⁷⁸ In Karapatan’s 2010 Annual Report, the group reports that it had recorded that 143 killings of members of Bayan Muna between January 2001 and June 2010.⁷⁹ This is the highest number of members killed of any political group in the Philippines during the above mentioned period.

For details of earlier attacks on Bayan Muna members consult a 2007 research response.⁸⁰

⁷⁵ “About us” (undated), Bayan Muna website <http://www.bayanmuna.net/about.php> – Accessed 29 September 2011
International Federation for Human Rights 2007, ‘Briefing note: Philippines’, FIDH website, 7 February
<http://www.fidh.org/IMG/pdf/0702note-philippines.pdf> – Accessed 9 February 2007

⁷⁶ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011.

⁷⁷ Human Rights Watch 2011, “No Justice Just Adds to the Pain”: Killings, Disappearances, and Impunity in the Philippines <http://www.hrw.org/fr/reports/2011/07/18/no-justice-just-adds-pain> – Accessed 12 September 2011.

⁷⁸ Freedom House 2010, *Freedom in the World 2010 – Philippines*, 3 May
<http://www.unhcr.org/refworld/country....PHL..4c0ceadac.0.html> –Accessed 18 June 2010 –

⁷⁹ Karapatan 2011, “2010 Year-End Report on the Human Rights Situation in the Philippines”
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⁸⁰ Reference RRT Country Advice Service 2007, *Country Advice PHL32251*, 29 September

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