

Extrajudicial killings and human rights violations: Marcos regime's legacy persists

Contributed by Carlos H. Conde
Sunday, 09 December 2007

The extrajudicial killings of political activists, journalists, and the violation of the Filipinos' human rights that are commonplace today, are a grim residue of the Marcos dictatorship. It was during martial law under then President Ferdinand Marcos—from 1972 up to his ouster in 1986—that the political justification and practical methods for torture, murder and instigating mayhem which are employed today were first developed.

Human rights groups are agreed that then as now the Philippine military and police are the top perpetrators of these abuses. No other president in the country's history politicized the military and law enforcement agencies more than Marcos did. His closest cronies and aides were generals and men in uniform. He pampered and used them as his own private army. During martial law, the military and the police reigned supreme. Fear of the uniform was the norm. It was the heyday of the soldier and the cop.

The dictator used the state security forces to quash his political enemies, particularly the Left. Using the military and the police, he hauled members of the political opposition to jail, where they were tortured. Several of them disappeared without a trace. The women victims were raped and murdered.

Not just opposing politicians, but also journalists, writers, priests, nuns, and student activists became targets of repression. Made public, their stories of torture and abuse in the hands of soldiers and policemen helped galvanize the anti-Marcos struggle.

Human rights advocates and civil libertarians are convinced that these atrocities by the men and women of the armed forces and law enforcement happened with the blessing of Marcos, whose tight grip of the military prevented other sectors within the establishment to protest against the abuses, thereby allowing them to go on.

By the time the Marcos regime was ousted as a result of the first People Power uprising in 1986, more than 10,000 Filipinos claimed to have suffered from the state-sponsored brutality. There were, however, higher estimates of those abused, tortured, murdered and kidnapped.

The ouster of Marcos did not, however, de-politicize the military and the police. The 1986 People Power is seen by many to this day as a coup d'etat that only succeeded because the public, led by an indignant Catholic Church, literally rushed to the defense of the coup plotters. Indeed, it is now an accepted fact that People Power I would not have succeeded without either the public or the military.

But it was the military that gained more from that uprising. They were hailed as heroes and messiahs. Their participation in that coup attempt caused certain sectors within the armed forces to obsess with trying again—and again—to grab power by force. The most recent of these attempts is the Manila Peninsula caper led by former naval officer and now senator Antonio Trillanes IV, in which he and his group took over the hotel hoping to kick off another uprising.

As in the past, the generals remained where they often had been—right beside the occupants of Malacanang.

HR abuses under succeeding governments

During President Corazon Aquino's rule, not only did human rights abuses continue but that some of the most contemptible cases of such abuses took place. In 1987, police opened fire on farmers protesting near the presidential palace, killing 13 demonstrators and hurting scores of others. Aquino likewise openly supported the formation by the military of anti-communist vigilantes, such as the Alsa Masa in Davao, which were responsible for many of the most egregious acts of HR violations in that period.

Under the Aquino and even succeeding regimes, development aggression in Mindanao, which further marginalized the Moros, the mainly Muslim peoples in the island, and the Lumads or indigenous peoples, became another opportunity to use the military in state-instigated violence, specifically for clearing vast tracts of Moro and Lumad lands of their residents to pave the way for private and government projects, such as hydropower dams and plantations.

The Left's HR nightmare

When the Communists, convinced that they had to exploit the democratic space provided by the 1986 uprising, decided to field candidates in the 1988 elections, their leaders and members were systematically harassed, which in many cases led to outright murder.

But the Communists themselves were confronted by their own human rights nightmare. In the mid-'80s up to the early '90s, a period when the New People's Army's strength and public support for them grew, paranoia swept through the movement, brought mainly by allegations that military agents had penetrated their ranks. In the ensuing purge, hundreds, perhaps even thousands, of cadres were tortured and killed.

Everybody thought that the pogrom, the worst in the history of the Philippine Communist, would spell the end for the communist movement. It did weaken the NPA but did not destroy it. The Philippine government conceded that the Communists remain to this day the single biggest threat to the country's national security.

Philippine democracy interrupted

Apart from co-opting, exploiting and turning the state security forces into his own thugs, Marcos also systematically destroyed Philippine democracy.

After World War II, the US-styled system of democracy in the Philippines was unique in all of Asia. More than just mimicking the American system, democracy Philippine-style stood a good chance of turning the Philippines into an economic giant in this part of the world—no matter that in the eyes of nationalists, Filipino politicians were the puppets of Uncle Sam and their policies served more the interests of the U.S. than the country's. But even with the growing nationalism of the '50s and '60s, the Philippines's US-imposed democracy seemed to be working.

Marcos changed all that.

More than any other Philippine politician, it was Marcos who thoroughly understood and exploited patronage politics in Malacanang down to the barangay or village unit of government. In exchange for the loyalty of his political allies, Marcos paid back by supporting the perpetuation in power of local political dynasties. These families used the so-called "guns, goons and gold"; in Philippine politics, especially during election period, to stay in power. Patronage politics institutionalized human rights violation.

To this day, political dynasties remain well entrenched in Philippine politics.

Human rights abuses were not the monopoly of the Marcos dictatorship, during which countless Filipinos suffered, nor did they happen only until the Aquino government; depending on who's talking, between 200 and 900 activists, journalists, lawyers, priests, peasants and unionists were murdered since President Gloria Macapagal Arroyo came to power in 2001.

Comparing the similarities between the Marcos and Arroyo regimes will help one understand why more Filipinos fell victim to human rights abuses during Arroyo's reign compared to the administrations of other post-Marcos presidents, Corazon Aquino, Fidel Ramos and Joseph Estrada.

One similarity immediately stands out: the close, if not symbiotic, relationship with the military establishment of the two regimes.

Like Marcos, Arroyo thoroughly co-opted the state security forces, particularly the military. The current nature of Arroyo's relationship with the military can be traced to 2001 when she was installed in the presidency after the so-called second People Power uprising, which, like the first, is considered by many as a power grab because the military's role tipped the balance. Arroyo wasted no time, in fact, to show the military how grateful she was by appointing ex-generals to key positions inside her cabinet and in other government agencies.

This relationship was reinforced when the military quashed an attempt by Joseph Estrada's forces to lay siege on Malacanang in May 2001.

But what really made Arroyo totally indebted to the military is the armed forces' alleged role in ensuring her victory in the 2004 elections. The military played a central role in the "Hello Garci" scandal, in which Arroyo was taped talking to an election official discussing how to cheat in the elections. In this scandal, some officers and men in the military, led by the present chief of staff Hermogenes Esperon, allegedly helped in the cheating in Mindanao during the 2004 elections.

This election controversy stays at the heart of the persistent acts to challenge Arroyo's rule, beginning with an impeachment attempt in 2005 and again in 2006. In response, Arroyo made the military clique in her administration even more powerful, appointing the most number of generals to cabinet posts, chief of them Executive Secretary Eduardo Ermita, a Marcos-era military official widely credited for ensuring Arroyo's continuing hold on power.

To human rights groups, it is not therefore an accident that at the time when Arroyo's political survival depended almost entirely on her military cabal, the killings of activists increased. The killings went hand in hand with a relentless and systematic campaign to demonize as communist fronts the progressive organizations and members of the aboveground Left who were the administration's most vociferous critics.

Arroyo was explicit in her support for the general who was the public face of what has become a war of attrition against leftists and activists, Brig. Gen. Jovito Palparan. Wherever Palparan was assigned, the killings took place and almost always increased. He has denied this repeatedly, although in media interviews, he never denied his disdain for communists and activists, whom he regarded as one and the same.

The military even promoted Palparan, and in a gesture of support for what he was accused of doing, Arroyo also complimented him during her 2006 State of the Nation Address.

Coupled with the fact that not a single soldier has been convicted in any of the cases of murder of political activists, Arroyo's nod to Palparan gave credence to the view that in this country a culture of impunity has taken root.

Journalists as Targets

Unlike activists, who are killed almost exclusively because of political reasons, Filipino journalists are targeted for assassination for a variety of reasons. Although state security forces were involved in some of the cases, most of the killings were perpetrated by hired guns.

This is where a legacy from the Marcos era comes into play: political dynasties, with many in power since the time of Marcos, dominate not only local politics but ensure that semi-feudal social-economic relations prevail.

In these areas, practically all aspects of life are either controlled or influenced by the dominant political family. Transparency and accountability are not very popular concepts. Corruption is as rampant in the municipal government as it is in the halls of Congress.

Dominant political families use the media and journalists to their advantage. They either buy radio stations, which remain as the main medium of mass communications in the provinces, or buy off journalists. But there are journalists who remain true to their job, and make it their mission to expose corruption.

A recent study by the Center for Media Freedom and Responsibility showed that most of the journalists killed in the Philippines were murdered because they exposed or tried to expose official corruption and malfeasance. It has become an accepted fact in the provinces that families in power would not hesitate to kill a pesky journalist.

That provincial journalists are the lowest paid media professionals in the Philippines also make them prone to bribery and corruption, thereby exposing them to violence. There have been cases where a journalist who was on the payroll of a politician was killed by a rival politician.

The Committee to Protect Journalists determined in a 2005 study that the risk of being subjected to violence is affected by the level of professionalism of Filipino media practitioners, especially among local journalists. Their proclivity for haranguing people on the air on the flimsiest of issues exposes them to violent retaliation by those they criticize. The practice got so bad that a senator, Aquilino Pimentel Jr., introduced a bill in the Senate requiring media companies to print or air the reply of those they criticize.

Media experts, even media professionals themselves (for instance, the National Union of Journalists of the Philippines),

are convinced that the Filipino journalist's failure to do his job properly—because of threats to his life, corruption, or sheer professional incompetence—has a direct impact on how important issues (like human rights, the armed conflict, the dispossession of indigenous peoples, to name a few) are reported or presented in the mainstream press.

So much criticism has been heaped on the press for its poor reportage of the conflict in Mindanao and almost total reliance on military sources in reporting issues concerning the separatist struggle by the Moros. An issue that particularly rankles many Moros, for example, is how the mainstream Philippine press fails to tackle the impact of the "war on terror" being fought by Manila for Washington on human rights and civil liberties in Mindanao. According to human rights and Moro groups, the Philippine military and police, backed by US troops, have committed violations against Moro residents in the form of arbitrary and warrantless arrests, illegal detention, torture, even murder that went largely unreported in the Philippine press.

It would seem, therefore, that Filipino journalists, like most of the general public, have little appreciation of the human rights issues connected to many conflicts in the country and policies that are being implemented by government.

Nevertheless, there is no debate that the Filipino journalist—whether poor or underpaid, corrupt or upright—operates in a milieu that exposes him to all sorts of danger. Regardless of his many shortcomings, he has become, for better or worse, a player in the community, an authority to which ordinary people run to air their gripes on practically everything. This is particularly true in the provinces.

The Filipino journalist, in other words, lives in an environment that allows, even encourages, the violation of his most basic rights.

Good things from the bad

The attention that the Philippines has gotten of late, especially from the international community, because of the killings and disappearances has produced several good things.

First, it forced the government to recognize that there is a prevailing human rights catastrophe in the country. Doubt still exists over government response to the issue, such as over the sincerity of Arroyo when she says she respects human rights or when police insist that most of the killings are perpetrated by the Communists even in the face of overwhelming contrary evidence, but the fact remains that these abuses can no longer be denied and swept under the rug.

For the longest time, the de facto policy of the Arroyo administration is to deny the abuses, blame it on others, and discredit those who come forward with convincing and objective proof, as it did with UN special rapporteur Philip Alston, who had said that the military was the most likely culprits in these abuses and that it was in denial, after spending days here investigating some of the cases. In response, justice secretary Raul Gonzalez called Alston a "muchacho" (or errand boy) of the United Nations. (In November, Alston finally made public his complete report, which was even more unsparing in its criticism of the government's anemic action on the killings and the military's complicity in most of them).

At a time when the Philippine government is earnestly trying to promote the country as an investment haven and an important player in regional economic and political affairs, to deny these atrocities would probably be politically costly to Arroyo. Which was why in her recent visit to Europe, Arroyo took pains in explaining to the Europeans that she was doing something to address the abuses, never mind that she seemed unable to rise above the military propaganda that it was the communists doing all the killings—an assertion that Alston, in his report, thoroughly discredited.

Second, there is now greater concern for the promotion and protection of human rights, as evidenced by the attention being given to the Philippines by such institutions as Amnesty International, the European Union and the Human Rights Watch, among others.

Related to this, there is now a seeming emphasis within the military and the police on human rights education, something that the military establishment had neglected to do in the past. Whether these are real and long-term initiatives in the military to promote human rights is something that bears close watching.

Among human-rights advocates, there are now at the very least discussions on how they can do their job better and how they can do that without being drawn into the politics of, for instance, the Left.

It bears pointing out that the promotion of human rights in the Philippines has long been associated with the Left. Karapatan, the most vocal of the human rights organizations in the Philippines whose members and officers had been victims of atrocities, has a rich history of struggle to protect human rights. But it is too identified with the Left, and some

have wondered whether this contributed to the perceived lack of credibility by Karapatan and other human rights groups in spreading awareness about the killings and, subsequently, to the failure by the general public to show outrage, let alone some amount of concern, over the murders and disappearances.

This point is important in light of the military's relentless campaign to depict Karapatan as just another Communist front, that its data and the method it used in getting these are suspect, and that because it is perceived as critical of the government no matter what, it operates in bad faith.

Third, because the executive and law enforcement that are supposed to deal with human rights violations are not performing as expected, the atrocities have forced other institutions to step up to the plate. Most notable is the Supreme Court's recent show of determination and political will to understand the madness and actually do something about it.

In July 2007, the High Court held an unprecedented summit on the killings. It was designed mainly to get an objective assessment of the problem from as many sources of information as possible. By most accounts, the summit was a success and sent a strong message to the public—and to the Arroyo government—that somebody is watching and trying to stop the killings.

A result of the summit was the crafting of the Supreme Court's writ of amparo, which affords victims of human rights abuses sanctuary before the court or before a specifically appointed body or institution. More significant is that the writ demands that state security forces, who are the usual suspects in these abuses, account for the killings and disappearances.

These developments show that all is not lost. Regardless of the atrocities that Filipinos continue to witness on a daily basis, Philippine society is trying to find ways to correct its defects. The question that needs to be answered is: can this be sustained?

(The author is a freelance journalist based in Manila.)