



## THE REPRESSION OF DEFENDERS OF COMMONS AND ICCAs IN CARAGA REGION, MINDANAO – PHILIPPINES

*A compilation of critical cases and issues in support of the proposed establishment of a Solidarity Fund for Defenders of the Commons and ICCAs<sup>1</sup>*

*Compiled by the Coalition against Land Grabbing (CALG)  
a member of*

The ICCA  
Consortium



## INTRODUCTION

This document is a compendium of information from different sources and aims at providing a deeper understanding of the challenges faced by Defenders of the Commons and of Indigenous peoples' and community conserved territories and areas (ICCAs) in one of the most critical regions of Mindanao (Philippines) which ranks amongst the highest in terms of extra-judicial killing and escalating oppression perpetrated against indigenous communities. The latter are the inhabitants of ancestral territories which are increasingly contested by agribusiness enterprises and mining firms. This paper aims at framing the issue of extra-judicial killing of Defenders of the Commons and ICCA's within the wider Philippine political context so to facilitate a better understanding of the phenomenon and to identify some of the priority-needs and objectives on which the 'Solidarity Fund' - being proposed by the ICCAs Consortium ( <http://www.iccaconsortium.org/>) - should focus. The recent massacre that took place on September 1, 2015 in Lianga, Andap Valley, Caraga Region has been of further encouragement and inspiration to the preparation of this report.

## A. BACKGROUND INFORMATION

### a.1 Country Profile



The Philippines, with a population of 101,024,100 is an archipelago of over 7,000 islands lying about 500 mi (805 km) off the southeast coast of Asia. Only about 7% of the islands are larger than one square mile, and only one-third have names. The largest are Luzon in the north (40,420 sq mi; 104,687 sq km), Mindanao in the south (36,537 sq mi; 94,631 sq km), and Visayas (23,582 sq mi; 61,077 sq km). The islands are of volcanic origin, with the larger ones crossed by mountain ranges.

The Philippines is both a hotspot and a mega-diversity area, making it a priority for conservation. The country's forests are habitat for more than 6,000 plant species and numerous bird and animal species. Of the 1,196 known species of amphibians, birds, mammals and reptiles in the country, nearly 46 per cent are endemic. Among plants, the number is around 40 per cent. Only about 5 per cent of the Philippines land area is under some form of

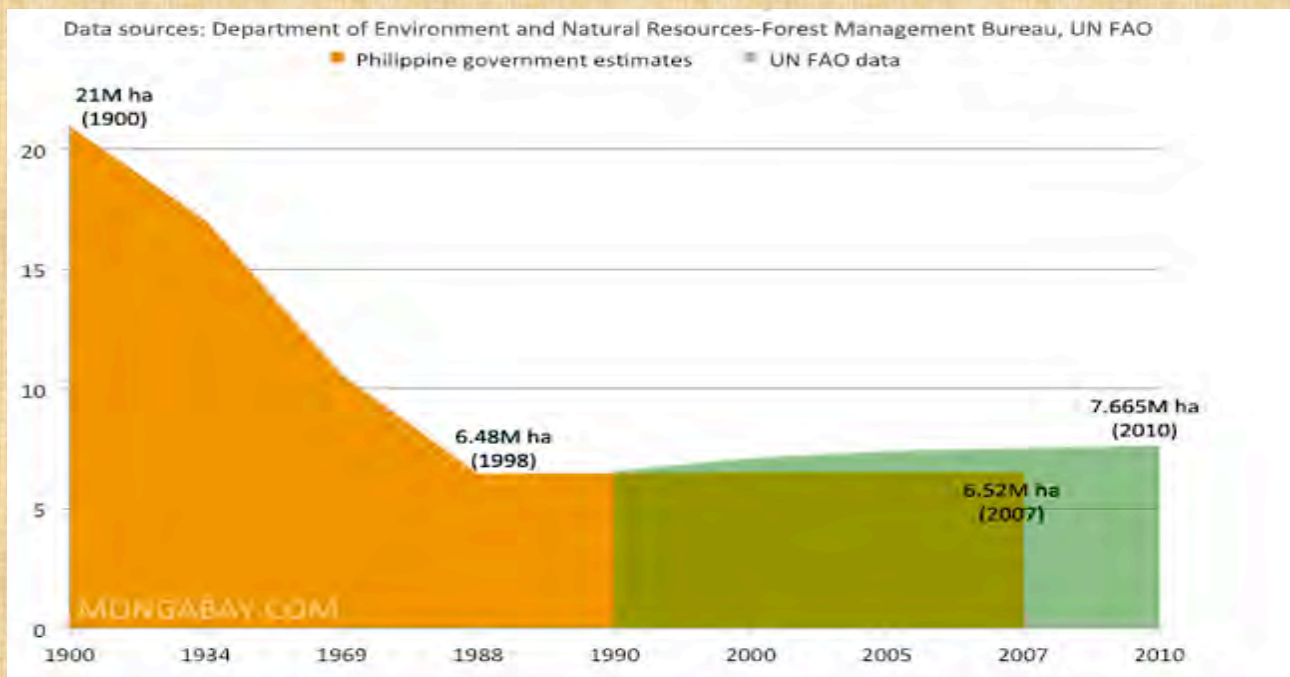
protection. In the Philippines, two particular species of animals, the Tamaraw (the wild buffalo), and the Philippine eagle are almost extinct due to massive deforestation

<sup>1</sup> CALG, the organization in charge of compiling this report claims no rights or authorship to any portion and image of this document (except for the section: 'recommendations and conclusions' and photos found on pages 31-34-35). By and large, this report is a summarized compendium of information extracted from other sources such as organizations' reports and newspapers articles, all duly quoted in the references. CALG apologizes for not mentioning all copyrights holders in relation to the various images, which were captured on the Web. This document has been prepared exclusively for advocacy purposes and in support of the Defenders of Commons and ICCAs in the Philippines.

## a.2 Forest destruction

The plundering of forest resources in the country by local and foreign firms has had disastrous consequences on the nation's economy in general, and specifically on the life of thousands of people who have been either displaced or killed by floods. Properties and infrastructures worth of millions have been washed away by flash floods, often being defined by government authorities as 'natural disasters' although these events must be largely attributed to decades of rapacious exploitation of the natural environment.

Former President Arroyo called for total log ban while declaring the remaining forests of the Davao Provinces, Zamboanga and the Caraga regions – the only remaining 'loggable' forests in the country.



Forests also serve as home to some 12 million indigenous peoples. Many of them inhabit areas that are now highly sought by large corporations engaged in extractive industries and industrial agribusiness. Philippines is amongst the countries that are losing their forest cover fast, ranking 4th in the world's top 10 most threatened forest hotspots. If the deforestation rate of 157,400 hectares per year continues, the country's remaining forest cover will be wiped out in less than 40 years. The area lost to deforestation every year is twice the land area of Metro Manila.

According to the Food and Agriculture Organization (FAO) of the United Nations, 25.7% or about 7,665,000 ha of Philippines is forested. Of this 11.2% (about 861,000) is classified as primary forest, the most biodiverse and carbon-dense form of forest. Philippines had 352,000 ha of planted forest. According to estimates of the same organization, between 1990 and 2005 the Philippines lost a third of its forest cover.

The fast destruction of forest cover has been the cause of disasters such as floods and landslides that result in loss of life and livelihood and represent the most tangible examples of the consequences of forest destruction nation-wide. The most unforgettable of these events is perhaps the Ormoc flood on Nov. 5, 1991, which killed almost 8,000 people.

Human rights violations related to deforestation include land grabbing, militarization, abuse of the free and prior informed consent requirements and escalating killing of defenders of commons and ICCAs. The ‘holders of traditional rights’ (the indigenous people) are the most common victims, because their ancestral domains are generally found on forestland.

### a.3 A Democracy in trouble

The Republic of the Philippines achieved its independence from Spain on June 12, 1898 and on July 4, 1946 from the US. The constitution was effective as of February 11, 1987. President and vice president are elected on a six-years term. Therefore the next election will be held in May 2016.

Nowadays, the country could be defined as a vibrant democracy led by an elected president, Benigno S. Aquino III, but – in reality – the Philippines has been unable to overcome a long history of patronage politics, poor governance and corruption. In spite of recent economic gains, poverty remains widespread, fostering the long-running Communist and Islamic insurgencies as well as terrorism (Human Rights Watch Report 2014/2015).

In spite of the succession of five ‘democratic’ presidents since the fall of Marcos dictatorship, the country as a whole, is still entrenched in a well-established pattern of patronage at all levels of the society, which finds its most vivid expression in the electoral cycle. With reference to this, Walden Bello (2004: 2) has argued: “the beauty of the system is that by periodically engaging the people in an exercise to choose among different members of the elite, elections make voters active participants in legitimizing the social and economic status quo. Thus has emerged the great Philippine paradox: an extremely lively play of electoral politics unfolding above an immobile class structure that is one of the worst in Asia”. In the Philippine cycle of elections, powerful families, powerful political oligarchies, powerful companies succeed in paralysing the legal procedures that could guarantee the protection of the weakest in society. Thus private interests persist to the detriment of millions of Filipinos (Bernas 1992: 4).

### a.4 Human Rights Violations and Extra-Judicial Killings

Hundreds of [activists](#) and [journalists](#) have been killed in the last decade. Government security forces are primary suspects in many killings. Numerous killings also took place during the previous administration of Gloria Arroyo, from 2001-2010. It prompted the United Nations special expert on extrajudicial killings to step in and investigate, and he criticized the government for the failure to take measures to stop these abuses. Carlos Conde of Human Rights Watch documented several of these cases in the 2007 report named “[No Justice Just Adds to the Pain.](#)”

As of now, the administration of President Benigno Aquino III has done little to improve the human rights situation in the country in spite of the fact that human rights was at the top of his agenda when he took office in 2010. National Union of Journalists of the Philippines statistics indicate that by the end of 2014, a total of [30 Philippine journalists](#) had been killed since President Benigno Aquino III came to office in 2010. There have been arrests in only [six of the journalist murder cases](#) during Aquino’s time in office. In only two of those cases have the gunmen been convicted – but not the masterminds who ordered and paid for the murders (Phelim Kine , Human Rights Watch).

Although the number of cases of extrajudicial killings, torture, and enforced disappearances by state security forces has declined in the last four years, such abuses continue to take place. They are fostered by the government's lack of political will to end the longstanding impunity enjoyed by the police and armed forces, a dysfunctional criminal justice system, and military resistance to accountability (Human Rights Watch 2014/2015). According to a Philippine Human Rights Commission Report insufficient personnel, inefficient processes and long procedural delays continued to hinder the judicial system in the country, contributing to widespread scepticism that the criminal justice system could deliver due process and equal justice.



Manilakbayan 2014's gruesome depiction of cases of extrajudicial killings (Photo by D. Ayroso / Bulatlat.com)

Human Rights Watch reports that the killings of journalists continued in late 2013 and early 2014. The trial of the Maguindanao Massacre case, in which 58 people—mostly journalists and media workers—were killed in 2009 allegedly by the militia of the powerful Ampatuan clan in the southern Philippines, was set back by the murder on November 18 of Dennis Sakal, a potential witness for the prosecution. Although Mindanao has the highest rate of extra-judicial killings, the same phenomenon occurs in other regions as well. Human rights group [Karapatan claims that](#) 136 killings in Southern Tagalog region have been recorded from 2001 to May 19, 2006. In 2006, the [Asian Human Rights Commission](#) stated that there had been 26 priests, [pastors](#), and churchmen who were liquidated or were victims of violence under the [Gloria Macapagal-Arroyo](#) administration since 2001. [Task Force Usig](#), a unit of the Philippine National Police charged with investigating extrajudicial killings, has recorded 130 “activist killings” since 2001, but only one case has resulted in a conviction.

The Committee to Protect Journalists' [2014 impunity index](#), which 'spotlights countries where journalists are slain and the killers go free,' ranks the Philippines as the world's third most dangerous country after Iraq and Somalia and Asia's most dangerous place for environmentalists.

In 2014, the Commission on Human Rights of the Philippines (CHR) reported that it recorded 75 cases of torture in 2013, and 28 cases from January to July 2014. The majority of reports of torture cited police officers as the alleged perpetrators. Despite its criminalization under the 2009 Anti-Torture Act, not one perpetrator has been convicted under the Act (Amnesty International 2014/2015).

The Commission on Human Rights (CHR), as of September 2015 has investigated 44 cases of alleged torture involving 49 victims, with police suspected in 35 cases, the Armed Forces of the Philippines (AFP) in two, jail guards in three, the Philippine Drug Enforcement Agency in two, other government officials in four and unidentified individuals in two of the cases. The CHR, an independent government agency, also investigated 45 new complaints of politically motivated killings involving 61 alleged victims as of September 2014.



Thursday, October 30th, 2014

### 'Bakwet' | Militarization triggers evacuation of 2,000 Lumads in Surigao del Sur

Armed men have killed two Lumads, ransacked a store, started fires, and knocked on houses, in the middle of military operations.

If the mandates of extra-judicial killings are not brought to justice and if current impunity will prevail, more Filipinos will likely pay a very heavy tribute for defending the country's environment and the rights of their fellow citizens.

## a.5 Militarization

During her administration Gloria Macapagal-Arroyo has deployed the Armed Forces of the Philippines in areas where there is most potential for mining investments and where opposition against such encroachment by local communities as well as by communist guerrilla is strong. She facilitated the creation of the National Internal Security Plan (NISP), a counter-insurgency program, with the implementation of the Oplan Bantay Laya 1 and 2 in hinterland communities supposedly to “cleanse the area of insurgents.” In reality however, OBL has often been used for removing resistance to resource extraction, especially in mining areas and thus to bend civil society and communities responses against corporate interests. Particularly, to suppress the opposition of Lumad indigenous communities in Mindanao, the so-called NISP-Indigenous was further implemented (Caraga Watch 2009).

## a.6 A selection of relevant laws

**The Philippine Mining Act of 1995** was passed during the presidency of Fidel Ramos in line with his Medium Term Philippine Development Plan (MTPDP), which opened the Philippines to multinational and transnational companies. It was declared unconstitutional by the Supreme Court in February of 2004 because of the 100% foreign ownership and control over large scale mining which negates the claim of indigenous Filipinos over ancestral lands and removes the ceiling on foreign investments in extractive and resource businesses. However, on December of that same year the Supreme Court reversed its own decision and declared the 1995 Mining Act constitutional. (Caraga Watch 2009) There is a continuing call by Allyancia tigil Mina (ATM) and other civil society groups to scrape the Mining Act of 1995 and replace it with an alternative bill that pushes for the responsible utilization of mineral resources and prioritize the interests of the majority of the Filipino especially the lumad people, peasants and workers. Through the Mining Act of 1995, mining companies are given timber rights, which allow them to cut trees inside their concessions. As of March 2011, more than 1 million ha had been covered by mining permits and applications.

President Aquino issued **Executive Order No. 23** (Declaring a Moratorium on the Cutting and Harvesting of Timber in the National and Residual Forests and Creating the Anti-Illegal Logging Task Force) to impose a total log ban throughout the country. No new logging permits will be issued and cutting of trees will no longer be allowed in natural and residual forests. EO 23 also mandates the creation of a national task force against illegal logging that will have regional counterparts. Though EO 23 bans logging in natural and residual forests, and prevents the DENR from issuing more logging permits, cutting of trees to make way for plantations is not prohibited under Section 2.2. This is ironic and at the same time alarming because, under this provision, the Philippines could lose real forests in exchange for monoculture plantations.

The **Indigenous People's Rights Act of 1997 (IPRA) (RA 8371)** is a legislation that recognize and promote all the rights of Indigenous Cultural Communities/[Indigenous Peoples](#) of the [Philippines](#). IPRA, formerly known as Ancestral Domain Bill, was first filed in the Congress sometime in 1987 under the Senate Bill No. 909 authored by Senator [Santanina Rasul](#), Senator Joseph Estrada and Senator [Alberto Romulo](#), during the [8th Congress](#), but was never enacted in to law. In the 9th Congress, Senator Rasul introduced Senate Bill No. 1029 and Senator Macapagal-Arroyo introduced Senate Bill No. 1849. However, the bill was never sponsored and deliberated upon in the floor. Despite these failed efforts, the IPOs decided to give it another try. Decisions have been made during social negotiations among NGOs and POs to rename the bill from Ancestral Domain Bill to Indigenous Peoples Rights Act to emphasize the holistic approach and character of the bill. A consensus was made on December 1995 between IP representatives and [NGO](#) representatives.

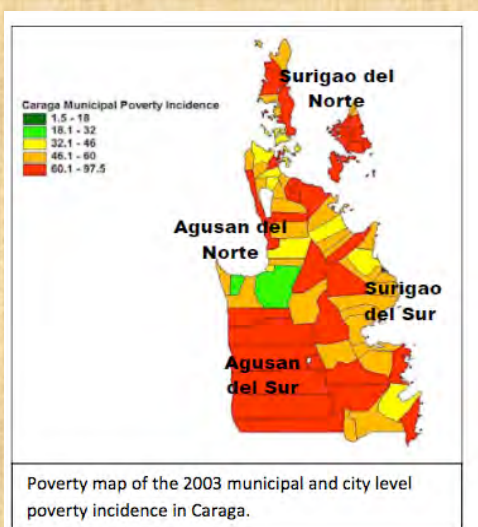
Seven non-negotiable points of the bill that were promoted are the following: a) recognition of native title and rights of IPs to ancestral domains, b) respect for the right to cultural integrity, c) recognition of indigenous peoples' political structures and governance, d) delivery of basic services to the indigenous peoples, e) respect for human rights, f) elimination of discrimination, g) and creation of an office that would cater to the IPs needs. Year 1996, during the 10th Congress, Senator [Juan Flavio](#) sponsored the Bill no. 1728 which meant that he has to defend the bill in all the Senate deliberations and discussions. In his sponsorship speech, he discussed the legal bases for the bill which can be found in the 1987 Constitution. He also discussed the basic rights of the ICCs, the contents of the bill itself, and the immediate need of protection of the Filipino Indigenous People. Despite difficult hurdles and amendments enacted in the Congress, which nearly brought the movement to its death, the House of Representatives finally approved the bill late in September 1997. President Fidel V. Ramos signed it on 22 October 1997 officially making it Republic Act No. 8371 Indigenous People's Rights Act of 1997 which aims to "Recognize, Protect and Promote the Rights of Indigenous cultural Communities/Indigenous Peoples (ICCs/IPs) and for other Purposes."

**Philippine Republic Act No. 7438** provides for the rights of persons arrested, detained, it does not punish acts of enforced disappearances. Thus, on August 27, [Bayan Muna](#) (People First), [Gabriela Women's Party](#) (GWP), and [Anakpawis](#) (Toiling Masses) filed **House Bill 2263** - "An act defining and penalizing the crime of enforced or involuntary disappearance." Sen. [Jinggoy Estrada](#) also filed last June 30, 2007, **Senate Bill No. 7** - "An Act Penalizing the Commission of Acts of Torture and Involuntary Disappearance of Persons Arrested, Detained or Under Custodial Investigation, and Granting Jurisdiction to the Commission on Human Rights to Conduct Preliminary Investigation for Violation of the Custodial Rights of the Accused, Amending for this Purpose Sections 2, 3 and 4 of RA 7438, and for Other Purposes."

On March 1, 2007, the [Supreme Court of the Philippines](#) issued **Administrative Order No. 25-2007**, which created by designation 99 regional trial courts to try cases of killings and desaparecidos

The Philippines acknowledged state accountability for human rights violations during the Martial Law under the Marcos regime and, thus, established a Human Rights Victims' Claims Board to determine the eligibility of claims for human rights violations and award reparations (Amnesty International 2014/2016).

## B. KILLING AND OPPRESSION OF DEFENDERS OF COMMONS AND ICCAs IN CARAGA REGION



### b.1 The Caraga Region

Mindanao has long been a [hotbed](#) of the Communist insurgency, fuelled mainly by widespread poverty, military [abuses](#), and the [displacement](#) of tribal communities by [mining companies](#), plantations and other large business operations. Many of these businesses use the [military](#) and authorized [paramilitaries](#) to encroach upon the Lumads' [ancestral domains](#). The recent Lianga Massacre of 1 September, is the latest tragic event in decades of conflict in the southern tribal areas (Carlos Conde, Human Rights Watch)

Caraga is located in the northeast section of Mindanao. It has four (4) provinces, three (3) cities, seventy-one (71) municipalities and 1,306 barangays with a



land area of 1,884,697 hectares, representing 6.3% of the country's total land area and 18.5% of Mindanao's. It is made up mostly of mountainous areas, flat and rolling lands. The Diwata Mountain Ranges divide the Agusan and Surigao provinces and sub-ranges separate most of the lowlands along the Pacific Coast. Most productive agriculture area lies along the Agusan River Basin. The famous Agusan Marsh sits in the middle of Agusan del Sur. According to the Caraga Millennium Development Goals-2007, about 1.2 million hectares or 62% of the region's land area is within watersheds (Caraga Watch 2009).

The regional economy is basically agriculture-based with 452,600 hectares cultivated with rice, corn, coconut, bananas, mango and root crops for local consumption. Crops for export include palm oil with more than 100 square kilometres planted in Agusan del Sur; rubber, abaca, coffee and pineapple. Filipinas Palm Plantation Incorporated (FPPI) in Agusan del Sur is one of the biggest plantations in the country (Caraga Watch 2009).

71.2% or 1,339,800 hectares of its total land area is forested, its Dipterocarp coverage the third most extensive in the country. Caraga provides 70% of the country's wood needs with 236,288 hectares of its forests covered by 105 Integrated Forest Management Agreements (IFMA). Until 2009, it hosted the five largest logging companies in the country (Caraga Watch 2009).

According to the DENR's Mines and Geosciences Bureau (MGB), Caraga has the biggest iron ore deposit in the world, largest nickel and gold deposits in the country and large reserves of copper, chromite and coal. As of 2009, more than 186,031.6998 hectares (or 13.88%) of mountain land were being mined causing environmental damage to various degrees. (Caraga Watch 2009).

Surigao Sur, Surigao Norte and Agusan del Norte are the principal gold-producing provinces in what is called the Barobo Gold Corridor and the Surigao Gold District. Deposits of metallurgical grade chromite are found in the islands of Dinagat. Vast nickel laterites are found in Surigao Norte and Sur. Extensive deposits of aluminum bauxite are in Bucas Grande Island (Caraga Watch 2009).



Coal, the country's major lignite reserve, can be found in three of its provinces: Agusan del Sur, Surigao del Norte and Surigao del Sur. The biggest bulk of coal reserve is said to be found in Bislig and the Andap Valley Complex which covers the municipalities of Tandag, Tago, San Miguel, Cagwait, Marihatag, San Agustin and **Lianga** in Surigao del Sur. (Caraga Watch 2009)

### **b.2 Repression of anti-mining advocates and indigenous peoples' activists**

Former President Gloria Macapagal Arroyo declared Caraga region as one of the priority targets for her anti-insurgency campaign Oplan Bantay Laya 1 and 2, and declared war to the New People's Army (NPA), the communist insurgency. At the same time the so named Caraga Conference for Peace and Development (CCPD), an anti-communist group, was fully mobilized not only to suppress NPA but also to attacks legitimate people's organizations and human rights advocates. In Surigao, Macapagal Arroyo declared the building of the Investment Defence Force (IDF) in February 2008 to 'protect mining investments' in the country (Caraga Watch 2009).

Over the years there has been an escalation of paramilitary forces like the CAFGU, CVO, BIN,



Bantay Bayan, Bantay Purok in every barangay in the attempt of forming an efficient Barangay Defence System (BDS). In areas where indigenous resistance to mining is strong, the military has encouraged the recruitment of paramilitary armed indigenous lumad groups like the Lumadnong Pakigbisog sa Karaga (LUPAKA), Bungkatol Liberation Front (BULIF) and Wild Dogs. These groups have worked as mercenaries for the

Army Forces of the Philippines (AFP). Attempts have been made to recruit Lumad IPs for the so called Task Force Gantangan-Bagani Force (TFG-BF), another para-military group suppressing all forms of opposition. Community members who refuse to join the TFG-BF are branded as NPA supporters. TFG-BF appears to facilitate the opening of ancestral lands to mining interests playing the role of a private security group for the mining companies (Caraga Watch 3009)

### **b.3 The Impacted areas and communities of Andap Valley**

The Andap Valley complex spans the municipalities of Tandag, Tago, Cagwait, Marihatag, San Agustin and **Lianga** in Surigao. It is inhabited by almost 30 indigenous Manobo communities. These communities are located sporadically near each other at the heart of Andap Valley Complex, which is known for being rich in natural resources. And for many years, they have endured terrible situations brought by threats of development aggressions followed by massive evacuation. Their resistance to such conditions led them to strengthen their unity.

#### **b.3.a Pressure on Natural Resources, Corporate Interests and Counter-responses**

Andap Valley, the site of the recent military operations in Surigao Sur has always been a target of mining companies. In 1980 Benguet Corporation acquired exploration and mining rights to 6 coal

blocks (6,000 has.), which encompass the towns of **Lianga**, San Agustin, Marihatag and San Miguel.

During the late 80's the Andap Valley has been subject of interests for gold, chromite, copper and coal mining. Among the many companies operating and about to operate in the mountain areas of the 7 municipalities are Benguet Corporation, SEMIRARA Coal Corp, Atlas Mining Corporation, Montenegro Mining Corporation, PNOC-EC and Sabina Mining Corporation (Caraga Watch 2009).

The property of Dubbed Surigao Coal Project lies within the concession area of the Lianga Bay Logging Company. In 1984, Benguet Corp. suspended its operations allegedly due to the unstable peace and order situation in the area. In 2004 it renewed its efforts to operate the coal mine which has reached 12 coal blocks or 12,000 hectares in 2007. The PNOC-EC also has exploration and development activities in the coal rich Andap Valley.

In 2005 the Department of Energy (DOE) launched its Philippine Energy Contracting Round (PECR) in 2005, 2006 and 2009. Coal Operating Contracts (COC) were signed the year after each PECR. Coal blocks in the Andap Valley Complex in Surigao del Sur has been included on offer since 2005. The Complex covers the municipalities of Tandag, Tago, Cagwait, San Agustin, Marihatag and **Lianga** in Surigao del Sur. Offered in its PECR 2006 and 2009 are coal blocks in Bislig, Surigao del Sur; Gigaguit and Kitcharao in Surigao del Norte and Bunawan, Trento, Sibagat in Agusan del Sur. Around 70,000 hectares of land has been contracted for coal mining as of September 2009.

As of now, mining has not brought to people the prosperity that both government and corporations had promised. In reality, the local residents remain amongst the poorest in the country. Majority of mining operations use the open pit method that does not require a large labour force, as a result benefits from employment of local residents is minimum. In turn, the destruction brought by mining, especially siltation and pollution has played a heavy toll on the livelihood of farmers, fisher folks and indigenous peoples.

There have been reports of fish kills in rivers and lakes in Barobo and **Lianga**. Birth defects have been reported in Barobo communities where cyanide and mercury are used in gold mining and processing has contaminated bodies of water and soil (Caraga Watch 2009).

In June of 2005, the Department of Energy (DOE) offered 7,000 hectares of land within the Andap Valley Complex for coal mining. Five months later, in May 2005, 204 families with 1,234 individuals from 14 communities were forced to evacuate because of the massive human rights violations committed by the composite teams of the 58<sup>th</sup> IB PA, 36<sup>th</sup>, SRPA and DRC. A community member, Jessie Bacasmas was shot by the military in evacuation while there were 6 victims of enforced disappearances. Four remain missing to date.

Among the documented cases were indiscriminate firing that victimized 95 individuals in 5 communities; aerial bombardment, physical assault, illegal arrests and the use of civilians as guides and shields in operations. The lumad community schools were not spared as military men used the schools as camps.

In February 17, 2006 Melanio Evangelista of the *Kapunungan sa mga Mag-uuma sa Surigao Sur* (KAMASS) was summary executed in his home in Unidad, Cagwait, Surigao del Sur.

Again in November 2007, 391 families or 2,175 individuals from 14 lumad communities within and surrounding the Andap Valley Complex evacuated when 2 armoured personnel carriers (APC) and 2 6x6 trucks full of military men arrived and encamped in the communities. They also positioned a cannon right in the middle of the school grounds, prompting the evacuation. Some of the cases of human rights violations documented were unjustified arrest, illegal search and seizure, use of civilians as guides and/or shield in military operations and food blockades. Military men entered and surrounded lumad community schools and a lumad high schools, making the students too afraid and disturbed to attend classes. After 14 days of languishing in temporary shelters and abandoned huts in Brgy. Caras-an, Tago, about 20 lumad families from Sitio Lagangan decided to return to their communities on December 8, only to flee their homes again, after six days of repeated interrogation and intimidation from elements of the AFP's 58<sup>th</sup> IB PA.

The military was brokering the signing of a Memorandum of Agreement between local leaders and the Philippine National Oil Company (PNOC) for the latter to resume their mining operations in the area. The project was initiated in coordination with the National Commission of Indigenous Peoples (NCIP) - Caraga. Recently more than 1,700 individuals from 15 communities in Lianga and San Agustin, Surigao del Sur evacuated to the Diocesan Pastoral Center in Tandag on July 18 because of military encampment in their communities and forced recruitment to the Task Force Gantangan - Bagani Force (TFG-BF). They returned last August 30 after the military pull-out from their communities. At present, residents from Lagdik, **Lianga** have again evacuated because of the return of the military and continued recruitment to the TFG-BF (Caraga Watch 2009).

***San Miguel; Tandag, Surigao del Sur: Benguet and Atlas Mining***

The mountain areas of Tandag connects to San Miguel and Tago, Surigao del Sur. These areas are part of the Andap Valley Complex on one side while the other side connects to the concession area of the SUDECOR, a logging company owned by the Puyat family.

The hinterland farming and lumad communities in Tandag has been subjected to massive military operations and vilification campaigns against its organization KAMASS. In June 28, 2005, Jerry Barrios, a CAFGU for 13 years, was accused of being an NPA supporter and was illegally detained by the 58<sup>th</sup> IB PA in their headquarters.

On the same day, a 15 year old resident of San Isidro, Tandag was sexually abused and harassed by two elements of the 58<sup>th</sup> IB PA who were on RSOT operations. Cases of illegal search and seizure, torture and harassment were documented in 2005.

In August 20, 2005, Hermelino Marqueza was summarily executed in Maitum, Tandag, Surigao del Sur. He was an active member of the *Kahugpong sa mga Mag-uuma sa Surigao del Sur – Kilusang Magbubukid ng Pilipinas* (KAMASS – KMP).

In April 2, 2007, Dandan Quillano, 12 years old, and his mother were killed after members of the 58<sup>th</sup> IB PA strafed at them along with 9 others in Carromata, San Miguel, Surigao del Sur. Col. Jose Vizcarra, Commanding Officer of the 401st IB said that the victims were members of the NPA (Caraga Watch 2009).

### b.3.b Indigenous Peoples Organizations and other GO and Civil Society Actors

#### *Mapasu and Kasalo Caraga*

Strongest opposition to mining operations in this area is posed by the lumad organization MAPASU (*Malahutayong Pakigbisog Alang sa Sumunod* or the Persevering Struggle in the Next Generation) with its 22 member communities. MAPASU is an organization composed of Manobo indigenous communities in the municipalities of **Lianga**, San Agustin, Marihatag and Tago in Surigao del Sur. This organization is well-known in the province for its strong stance against the intrusion of mining companies in their communities within the coal, copper and gold-rich Andap Valley Complex. For Mapasu, the struggle for the defence of their ancestral domain is a struggle for environment, self-determination, and defence of cultural/ancestral rights.



In 2002, massive military operations were launched in communities in and around the Andap Valley Complex. In October 3, 2002 five defenders of commons and members of the MAPASU were harassed, threatened to be killed, physically assaulted and subjected to interrogation and



maltreatment by the 62<sup>nd</sup> IB PA then led by Col. Alexander Yano, who was then launching a military operation (Caraga Watch 2009).

In almost a decade, MAPASU's has invested much effort in building stable communities and schools. In 2005, 19 communities under

MAPASU evacuated after intensified combat operations resulted in grave human rights violations such as the killing of Jessie Bacasmas and the enforced disappearance of the four Lumad farmers that were last seen in the hands of soldiers from the 58th Infantry Battalion, Philippine Army (IBPA).

This was followed by more massive incidents of forced evacuation in 2007, 2009 and 2011. In November 2011, MAPASU members protested the Community Organizing for Peace and Development (COPD) operations conducted by the 29th IBPA under the command of Col. Henry Robinson that resulted to another wave of evacuation. As a condition to their return to the communities, Col. Robinson signed an agreement with MAPASU that the military would desist from implementing its COPD and leave the implementation of socio-economic projects to the local civilian authority and agencies.

37 indigenous members and leaders of MAPASU are currently facing injustice charges of rebellion, frustrated murder, arson, illegal possession of firearms and explosives and malicious mischief in two criminal cases based on complaints filed by elements of the Philippine National Police in connection with the NPA attack on the Lianga Police Station on April 29, 2011.

Jalandoni Campos, chairman of MAPASU in **Lianga**, San Agustin and Marihatag, Surigao del Sur and council member of the Mindanao Lumad alliance, Kalumaran, was arrested at 8 p.m., March 23 by policemen in civilian clothes. He was charged with rebellion in connection with the April 28, 2011 raid of the New People's Army (NPA) on the Philippine National Police (PNP) Lianga station. Thirty-six other civilians and members of Mapasu are also named respondents in the case. For two days, more than 200 members of the Manobo tribe under the leadership of Mapasu, along with their supporters from other sectors, trooped to the Tandag City Jail to demand the release of Campos. The tribe leader was finally released to the custody of Surigao del Sur Governor Johnny Pimentel, in the presence of Provincial Prosecutor Florito Cuartero and Tandag City Police Supt. Jeffrey Lawrence D. Mauricio.



*“We were denied due process of law when this case was filed against us. I personally did not receive any notice of this case from the local prosecutor's office. I was surprised when I found out that there was already a warrant of arrest issued against me and the military was threatening to serve the warrant unless I surrender to them.”* Campos said.

The filing of trumped up criminal charges to leaders of defenders of commons organizations is an increasing trend within the Caraga region. Genasque Enriquez, Secretary General of the *Kahugpungan sa mga Lumadnong Organisasyon sa Caraga* (KASALO Caraga) (Organization of Indigenous Peoples Organizations in Caraga) is also facing charges of murder and multiple frustrated murder filed by elements of the 11th Special Action Company and 75th IBPA. This was in connection with an NPA ambush against these operating elements of the military in Bunawan, Agusan del Sur on July 21, 2012. Incidentally, Genasque was a guest in a local radio show in Butuan City, Agusan del Norte on the same date.

Genasque Enriquez, in his capacity as KASALO Caraga leader and the second nominee of the IP party list, KATRIBU, is well-known for his stand opposing heightened militarization, corporate mining and commercial plantations that affect Lumad communities in Caraga and the whole of the Philippines. The forced evacuations due to militarization in Mamanwa lumad communities in Surigao del Norte and Agusan del Norte in February to March, 2012 put him in frequent confrontations with elements of the 30th IBPA and Civil Military Operations (CMO) officials of the 4th Infantry Division. In a statement of the KATRIBU National Office, they see this as an old tactic of military to discredit Genasque Enriquez in his participation in the 2013 elections.



Enriquez said that the malicious filing of criminal charges against lumad leaders and members in Caraga and directly associating them with the New Peoples Army is a planned military strategy to silence the people. This is part of Operational Plan Bayanihan (Cooperation), the Internal Peace and Security Plan (IPSP) of the Philippine Government based on the United States Counter Insurgency (COIN) Guide.

*“Extrajudicial killings, enforced disappearances, massive forced evacuations and other grave human rights violations have resulted the implementation of Oplan Bayanihan, to the detriment of the Lumad in Caraga. The September 13, 2012 shooting of Genesis Ambason, Secretary General of the Banwaon indigenous peoples organization Tagdumahan in Brgy. Binicalan, San Luis, Agusan del Sur is another repressive blow to the Lumad in Caraga.” Enriquez said. “However, instead of weakening us, Genesis' death has made us more determined to continue the fight against political and economic repression of the Lumad,” he added.*

Amidst this situation, KASALO Caraga, with all the Lumad organizations under it, is asking for the support of the local and international community in calling on the Philippine government to withdraw these trumped up cases against Lumad community leaders and investigate the increased incidence of filing false charges and violation of the right to due process in such cases.

*“These false accusations and criminal cases that we face are meant to silence our protest, to demoralize us in our efforts,” Enriquez said. “But we want to continue fighting for the respect of our rights as persons and to continue our work for the realization of our genuine development as a people,” he concluded.*

#### **Local Government Units (LGUs)**

In addition to the resistance posed by indigenous people’s organization and defenders of commons, mining operations have also been opposed – in several occasions – by the local government units



**Mining in Brgy. Cabangahan, Cantilan, Surigao del Sur**

(LGU) themselves. LGUs in Surigao del Sur like in the municipalities of Cantilan, Lanuza and Marihatag have resolutions banning the operation of mining companies within their municipal proper, in spite of the former having been issued permits for exploration and production. Mercury and cyanide contamination of drinking and irrigation water, landslides and flooding of agricultural



lands were amongst the reasons encouraging local government units to ban mining. Mining areas in Marihatag and Lanuza are within watersheds (Caraga Watch 2009).

### ***Other Civil Society Actors***

#### **Alcadel**

It is an institution specialized in alternative education for indigenous Lumad people. It has a holistic educational approach that responds to local needs. Specifically, ALCADDEV's goal is to equip indigenous youth with relevant knowledge, skills and values to be able to improve the quality of life in their communities. It works closely with local indigenous organizations such as MAPASU, TIPJONGAN and KAYAPAN-AMIHAN

Overall, ALCADDEV is specialized in designing a specialized curriculum that is culturally appropriate and focused on different agricultural and livelihood skills. Basic health, teaching literacy and numeracy and community development work skills are also incorporated in the eight subjects while the learners' intellectual capacities are also enhanced during the four years in school.

It is funded by DGD, through New World Belgium. Learners are facilitated into the yearly Accreditation and Equivalency (A and E) under the Bureau of Alternative Learning System-Department of Education (BALS- Dep. Ed). For three consecutive years, ALCADDEV has maintained good standing in the national Accreditation and Equivalency (A and E) test under the Bureau of Alternative Learning System (BALS).

Each learner has his own garden plot to cultivate. The rest of the hours are spent on academic enhancements. Farm produce is used for the learner's food consumption in school. Each year level will focus on a core skill in agriculture. A course on Scientific and Sustainable Agriculture Farming Management is taught to first year learners. Knowledge and skills in animal husbandry are enhanced in the students' second year. They get to know more about processes of organic fertilizers, feeds -making and pesticide-making in the third year. Intensification of health and other appropriate community development skills are also given emphasis in this stage of learning.

#### **b.3.c Escalating violence**

##### ***'That Bloody October of 2014'***

Karapatan-Caraga said that since Oct. 22 2014, soldiers intensified their presence in the communities.

On Oct. 24 2014, [Henry Alameda](#), an active defender of commons and leader of the Manobo group *Malahutayong Pakigbisog Alang sa Sumusunod* (Mapasu) was dragged out and shot outside his home in San Isidro village, **Lianga**. Soldiers were seen operating in the area before the killing. At around 7 a.m., Henry Alameda, 44, resident of sitio Cabalawan and council member of Mapasu, had just finished breakfast when three men armed with M14 and M16 rifles forced their way in and dragged Henry out toward the forest. As they passed by a waiting shed, Henry tried to hold on to a post and refused to go with the men. One of the men then shot him in the chest, while another shot him in the head.

Almost concurrently, another indigenous defender of commons, Aldren Dumaguit, was also killed in nearby Proseridad, Agusan del Sur. The men ordered Dumaguit to come out of the house, then

after a moment, opened fire. Dumaguit's 13-year-old daughter Elejen was hit on the stomach. Her brother Aldren, 21, tried to cover her, and he, too, was hit and instantly killed. Dumaguit identified one of the shooters as Waway Belandres, a member of the paramilitary group of Calpit Egua.

Meanwhile, seven of the armed men went to the adjacent houses of Alfredo and Victor Undayon and opened fire. Alfredo's son Enggoy, 16, opened the window upon hearing gunshots and one of the men fired at him but missed. He then dragged his sister Lynlyn, age eight, to safety. Alfredo, who was outside with his neighbour Arsenio, tried to run to safety but he was hit on the elbow. After five minutes of indiscriminate shooting, the men left the village.

Soldiers are also suspected in the disappearance of abaca farmers Elde Martinez, resident of sitio Sangay, Libas Sud village, San Miguel town, and Jojo Tejero on October 23. They were resident of sitio Logdeck, San Isidro village. Both towns are in Surigao del Sur.

Karapatan said that at 6 p.m. later that day, soldiers and paramilitary members went around the house of Genasque Enriquez in Simowao, Diatagon. Enriquez is the general secretary of Kasalo-Caraga who was recently arbitrarily arrested and detained.

On Oct. 26, soldiers went inside houses, and intimidated residents in Pamuknoan and Maluy-a in Diatagon village.

On the same day, at around 1 p.m., residents overheard soldiers of the 36th IB passing by Hayon, Libas Sud, San Miguel saying: "We chanced upon two men in the mountains and thought they were members of the NPA." Karapatan-Caraga insisted that the military is using the paramilitary group of Calpit Eguat to target the the Mapasu leaders who have been consistent and firm in their refusal to allow coal mining within the Andap Valley Complex. The 401st Brigade had reportedly denied links with the said paramilitary.

Karapatan also named Marcos Bocales, a 'trusted member and follower of Calpit Egua, former leader of Task Force Gantangan-Bagani Force' as among those conducting the operations. Bocales reportedly has links with the Army's 29th Infantry Battalion, said Karapatan.

On Oct. 27, six armed men in plainclothes ransacked the cooperative store in Kabulohan, Buhisan village, San Agustin, emptying the store of its contents including rice and a container of kerosene. The men threatened the store caretaker Richard Tejero who was forced to open the door.

From the store, the men set fire to the community corn sheller, which was given by the International Committee of the Red Cross (ICRC). Then they proceeded to the community school, where the men poured kerosene and lit the tarpaulin of the UNICEF which declared that "All schools are peace zones. Don't use it as command post, detachment and supply depots. RA 7610 Protection of the Rights of Children."

"They then poured kerosene on the walls of the school and set it on fire. The community members upon seeing their school burning shouted and ran towards the school to put out the fire" Karapatan-Caraga said. At that point, the men opened fire, which sent the residents, including pregnant teacher Josephine Trimidal and children, running for safety.

According to Karapatan-Caraga more than 1,783 residents from 16 hinterland communities have forcibly evacuated for fear of on-going military operations in Surigao del Sur.

### *The Dynamics and Chronology of the 'Liangga Massacre'*

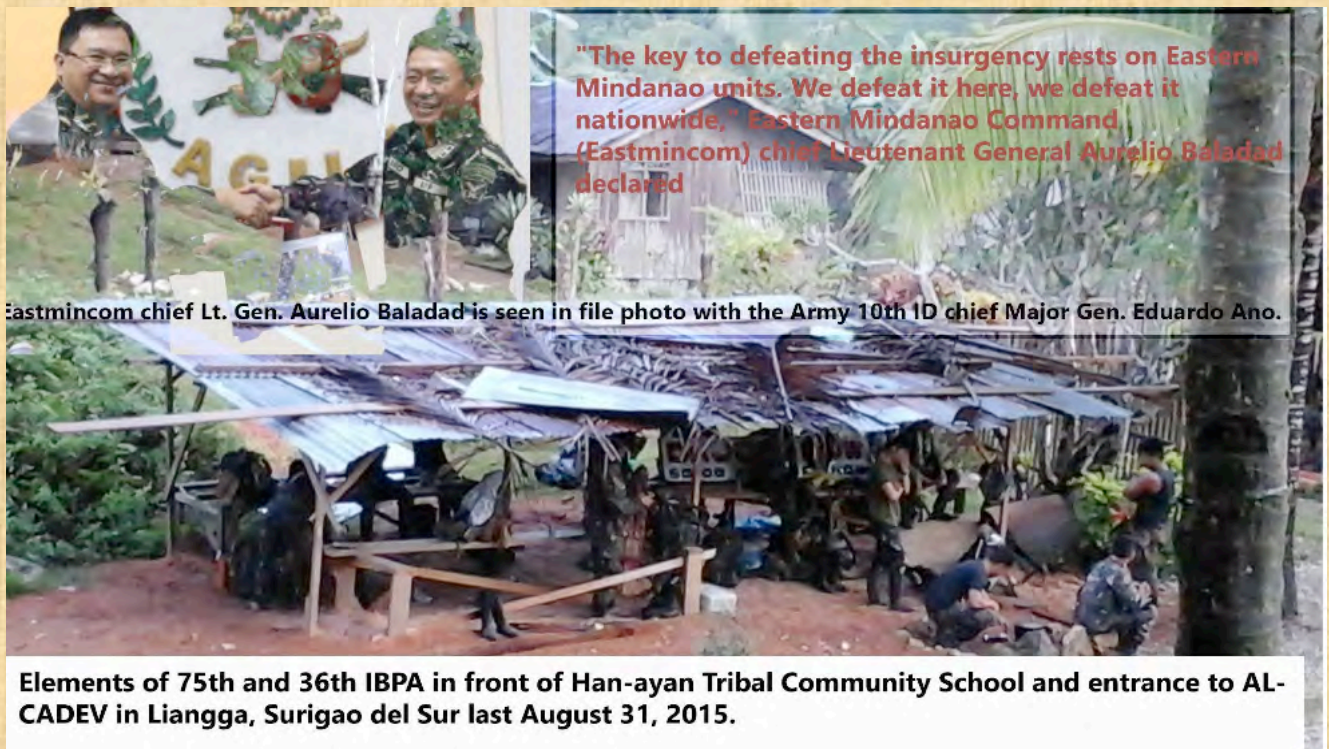
Facing a small group of journalists on Sept. 7, the victims of the Sept. 1, 2015 deadly rampage of paramilitary men recalled the horrors brought upon them by the intruders who came to Han-ayan village (Liangga) before the crack of dawn –forced them out of their beds, routed them like cattle, then killed their kin and respected leaders before their very eyes.

Their horrific experience was reminiscent of scenes from Martial law, and under Arroyo's Oplan Bantay Laya, when the State tried to “take the water out of the fish,” i.e. to flush out New People's Army (NPA) guerrillas.

Some 3,000 Lumads have fled from the communities from Sept. 1, after the gruesome killing of Alcadev executive director Emerito “Sir Emok” Samarca, 54, and Manobo leader Dionel “Onel” Campos, 41, chairperson of the *Malahutayong Pakigbisog Alang sa Sumusunod* (Mapasu), and his uncle Datu Juvello “Bello” Sinzo, 69.

“We are here to destroy your community because of its strong support for the NPA. And your school, we will really destroy it to weaken the support for the NPA,” Eufemia Cullamat recalled the words of one of the intruders.

She and the villagers knew them as members of the paramilitary group, Magahat-Bagani, of the Manobo tribe, just like them. But they did not act alone. Soldiers from the 36th and 75th infantry battalions and the Special Forces were the first to arrive on Aug. 29 at 7 p.m. and had lingered up to the time when the paramilitary men attacked.



Eastmincom chief Lt. Gen. Aurelio Baladad is seen in file photo with the Army 10th ID chief Major Gen. Eduardo Ano.

Elements of 75th and 36th IBPA in front of Han-ayan Tribal Community School and entrance to AL-CADEV in Liangga, Surigao del Sur last August 31, 2015.

In the past decade, Lianga had been subjected to intense military operations and attacks, and had triggered massive evacuation, almost every two years. But it was the worst attack yet, with the killing of the leader of a district-wide group, a tribal chieftain, and the head of the alternative school put up by the communities.

### From August 29 to September 1 - 2015

On Aug. 29, the Han-ayan community had just finished its celebration of Alcadev's 11th founding year. Cullamat, 55, a resident of Diatagon and MAPASU council member, said the community turned to mourning, as they held a wake for her father Pablito Campos, 89, who died on Aug. 26, and was to be buried on Sept. 1 at the Han-ayan community cemetery.

That night, some 40 soldiers arrived and requested to talk to the tribal chieftain and to her cousin, Dionel Campos, popularly known as "Onel," the MAPASU chairperson. It was supposedly about the "concreting project" from Diatagon to Andap, Cullamat said. The family said they are still in mourning, and asked the soldiers to postpone their meeting until after their dead is buried.

The soldiers agreed, but did not leave. Instead, they stayed at the waiting shed in front of Alcadev, and in front of the Campos home where the wake was being held.

Cullamat cited a 2011 agreement MAPASU and the datus signed with Col. Henry Robinson of the Philippine Army's 29th IB, which provides that soldiers will withdraw its "community organizing for peace and development" (COPD) and will not put up a detachment in the area. COPD projects will be implemented by the local government, which will put up a billboard that says such is a project of the Armed Forces of the Philippines (AFP).

"Onel was confident that the AFP will respect that agreement because it was signed by Col. Robinson, who is with the AFP. But we were wrong," Cullamat said.



COMMUNITY LEADER. Dionel Campos, the chairperson of Malahutayong Pakigbisog alang sa Sumusunod (MAPASU) is among those killed by armed men who are allegedly members of the Magahat Bagani Force in Lianga, Surigao del Sur early morning Tuesday. (Photo contributed by Karapatan Caraga)

Gary Payac, an Alcadev volunteer teacher, recalled that in the late evening of Aug. 31, some female students complained about being harassed by soldiers that they passed by from the wake on their way to the school dormitory.

“Wow, the residents here are so pretty. Can I have one?” the soldiers catcalled the young girls. “Brace yourselves later tonight because an *aswang* is coming,” the soldiers said. *Aswang* is a blood-sucking monster in Philippine folklore.

“The students got scared...I told them, ‘Okay, just keep calm,’” Payac said.

The *aswang* did really come

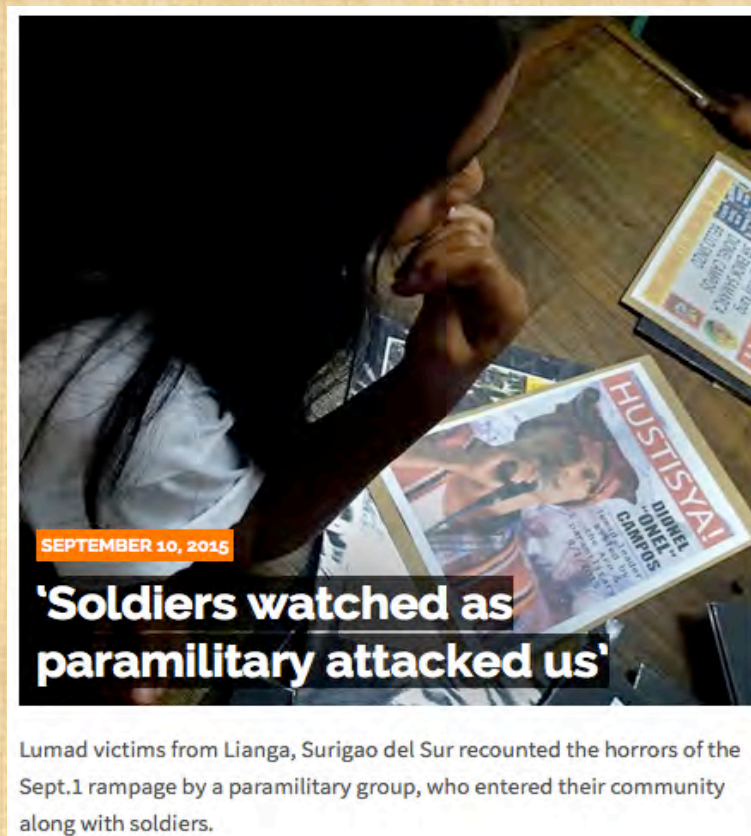
At around 4 a.m., on Sept. 1, Cullamat recalled a resident came rushing to the wake: “Manang, the military are entering the houses.”

Cullamat then heard loud banging on nearby houses, as the armed men went from house to house forcing people out. Frightened, the people gathered at the wake, at the Campos home.

Cullamat described the armed men as wearing complete military uniforms, some wore masks, but others were bare-faced, whom they identified as members of the Magahat-Bagani paramilitary group.

Two of them came to the wake and told Cullamat and her family to get out. “We couldn’t do anything, because they were armed,” she said.

Inside the Alcadev campus, Payac, his co-teacher Guideon Galicia and three other students were also awakened and forced out of the male dormitory by the armed men wearing battle fatigues and searched through their belongings.



“They took all our bags, even the shoes,” Payac said. “They also took cell phones, cameras of the guests, and the laptop of one of the teachers.” He said the armed men did the same thing at the female dormitory.

Payac said the armed men even took the money paid by students for ID and for the foundation day t-shirts, and the budget for an income-generating project.

“They cleaned out all the cash, and took the students’ cell phones and money,” he said.

Galicia went to the Alcadev guest house to fetch Samarca, fondly called “Sir Emok.” An armed man tried to

Lumad victims from Lianga, Surigao del Sur recounted the horrors of the Sept.1 rampage by a paramilitary group, who entered their community along with soldiers.

stop him, and hit Galicia with a rifle butt.

“Please don’t hurt my staff,” Sir Emok intervened, speaking calmly. The armed man asked who he was, and Sir Emok identified himself as the executive director of the school. As Galicia was allowed to leave, the armed men detained Sir Emok at the second floor of the guesthouse.

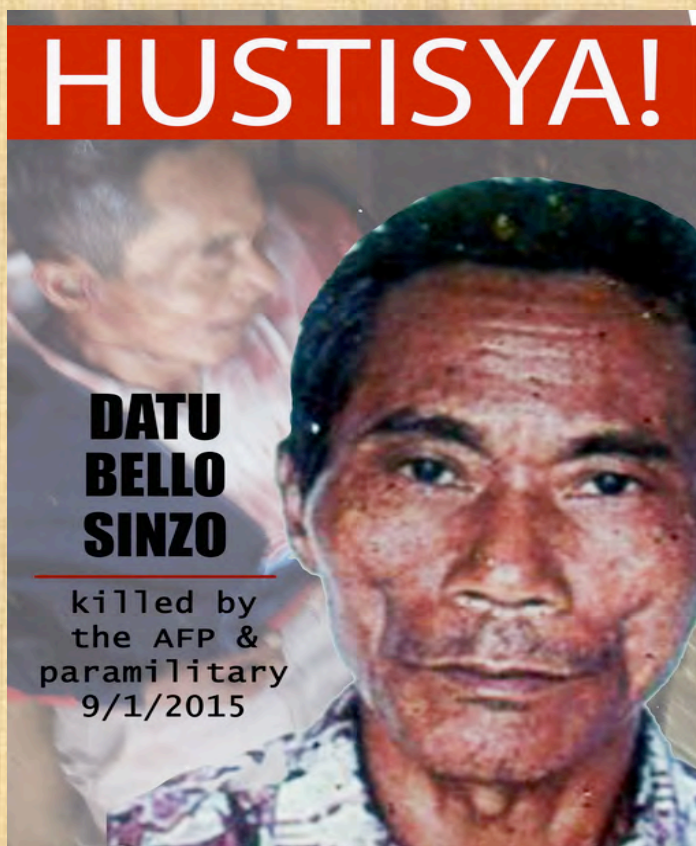
“We were all outside, and we did not know what to expect,” Payac said. “When the paramilitary went out of the Alcadev compound, one of them had a bloody bayonet, and we thought, ‘Sir Emok is gone.’”

Before 6 a.m., the paramilitary led by brothers Bobby and Loloy Tejero had gathered all the people at the basketball court on Kilometre 16, a five-minute walk from Han-ayan. The residents were then divided into groups: men, women and children, and the teachers.

‘We will destroy your community because of its strong support for the NPA’

“I saw Onel was made to sit on a bench in front of the people,” Cullamat said. “One of the armed men said, ‘this is a dialogue, we’re going to talk.’”

The armed men then pointed out to Alcadev staff Belen Itallo, who came out with Onel from the house of Josephine Pagalan, the spokesperson of the *Kahugpungan sa mga Lumadnong Organisasyon sa Caraga* (Kasalo Caraga).



The men claimed Itallo was seen with NPAs in the mountains, which Itallo denied. She showed her feet, crippled by polio, which made walking difficult. She was made to sit on the bench beside Onel.

One of the paramilitary men spoke in a very low voice, but used strong words, Cullamat said. “Stop supporting the NPA. We are here to destroy your community and your school, we will really destroy it to weaken the support for the NPA,” she recalled the man say.

It was the usual line spoken by soldiers who had long branded the Lumad communities as “NPA areas,” and Alcadev and the primary schools of the Tribal Filipino Program for Surigao del Sur (Trifps) as “NPA schools.”

The paramilitary also warned the residents that if they don’t leave within three days, they “would be massacred.”

Another paramilitary singled out Datu Juvello “Bello” Sinzo, a resident of Kiwagan community, in San Isidro village, who was attending the wake of his brother-in-law. “Aren’t you from Kiwagan? Why are you here?”. “Datu, how much revolutionary tax have you pocketed?” another asked. “Datu, can you swear that these people will not turn to the NPA?” To this, Datu Bello answered: “I do not control their hearts’ desires.” This angered the paramilitary men who grabbed him from the crowd and took him a few meters away, where they beat him up with a piece of wood. The people



**‘Onel’ dead on the ground**

were alarmed when the Tejero brothers pointed a gun at Onel’s side and hit him hard in the neck that he fell down. The people began to shout, “Don’t kill him!”

“Drop to the ground!” the armed men shouted, and fired at Onel and around the crowd. Seeing Onel dead, the Magahat and other armed men hurriedly left. The back of Onel’s head was blown off. The people found Datu Bello was still breathing, but he was also shot and his arms were broken.



**Slain Alcadev executive director Emerito Samarca (Photo courtesy of Karapatan-Caraga/Bulatlat.com)**



SAMARCA FAMILY. The family of Emerito Samarca take their last glimpse of their father at the Butuan Garden Memorial

Cullamat said they wanted to get Bello to the hospital, but all the motorcycles would not work, because the spark plugs were stolen. Datu Bello died in the village.

The teachers rushed to the Alcadev guest house, but Sir Emok too, was already lifeless. Karapatan said the post-mortem report showed the cause of death was a gunshot wound in the left chest. He also had stab wounds and his throat was slit from ear to ear.

No one else was injured, aside from Itallo, who had temporary hearing loss because of the close range firing. When they got back to Han-ayan, Cullamat saw her neighbours already putting out the fire in the new building of the Trifpss Han-ayan Tribal School. The Mapasu cooperative store, however, was already reduced to ashes.

“Not even a flint was left, everything burned,” Cullamat said. She said the paramilitary men set fire to the cooperative while they were being gathered at the basketball court.

All this time, Cullamat said, the people had seen the soldiers who were not very far. “They climbed to higher ground, overlooking the community,” she said. The soldiers in Han-ayan and in Kilometre 16 positioned themselves at vantage points, and in the early morning light, they can clearly see what was happening” she said.

“In our view, the soldiers even watched what the paramilitary did to the community. If we look at the relationship of the AFP and the Magahat, there really is collusion,” Cullamat said.

‘It was like a scene from the movies’

After the Magahat men left, the people got up with only one thought: to leave the community.



Jose Campos, also a Mapasu leader and Cullamat's brother, said they feared for their lives because the Magahat threatened to return to massacre the community. "We left with only the clothes on our backs, we didn't even bring our pots," he said.

Cullamat said her village mates helped to bury her father in the Han-ayan cemetery.

"When they got back, we were ready. People were all lined up on the road, ready to walk," she said.

The evacuation might have seemed like a funeral march, with the bodies of Sir Emok, Onel and Datu Bello on a multicab, followed by hundreds of villagers.

"I never thought things like this happen, likes scenes you only watch in movies," Payac said.

"We began our trek, without breakfast or lunch, the whole 16-kilometer stretch to Diatagon," he said.

They walked, all of them scared, shocked, sad, hungry, tired – a myriad of emotions, Payac said. "Then, the communities we passed by, they all joined us, scared like us, because three people were killed."

They left Han-ayan at 9 a.m., and arrived at Diatagon village proper at 3 p.m. By then, the evacuees numbered almost 2,000. The Diatagon gym, which served as their sanctuary several times, was, however, occupied by soldiers who were playing basketball, indifferent to the people's tragedy. "Some of them even blocked us," Payac said.

The Lumad decided to head to Tandag City, where they evacuated for two months in 2009. Travelling by jeepneys, they arrived at the Provincial sports centre in Tandag City at 12 midnight. They were welcomed by the local government's disaster management council. "They had bread prepared for us, and it was only then that the people got to eat, breakfast up to supper," Cullamat said.



Karlgen Samarca, eldest son of Emirito Samarca, joins the funeral march of his father.

#### **b.1.3.d Opinions on the Lianga Massacre and on the Violence against Lumads' Defenders of Commons and ICCAs**

“We take notice that these killings were not isolated cases; these are part of the serial killings happening now in Mindanao, and in some parts of the country, whose perpetrators are military elements and their own-created militia. The targets of the killings are persons and communities earlier targeted by the military as government critics, left-leaning and rebel supporters. Oplan Bayanihan makes anybody who legally works for the well-being and development of people and communities and advocates for their rights and empowerment as qualified target for military liquidation. We task President Aquino to stop Oplan Bayanihan, disband paramilitary groups and bring impunity to a halt, that in so doing he not only dignifies the life and memory of his own father, former Senator Benigno Aquino Sr. who was a victim of extra-judicial killing.”

**Rhee Timbang** bishop of the Iglesia Filipina Independiente and chairperson of Surigao Norte Human Rights Advocate (Sunhra) affiliated with human rights alliance Karapatan.

"Whether they are pro or against mining, it does not justify killing them. And even assuming, even, that they are NPA sympathizers, assuming that their ideology is akin to those of the New People's Army, such violence is still not warranted. It does not matter. Even NPAs are not deserving of such brutality. This incident is not isolated. This incident should not be tolerated. This incident, indeed, must be wholly condemned by the institution. I agree that a Senate investigation should be conducted right away and justice must be served not only to the three deceased persons and their families, but all the previous Lumad killings in different parts of the country."

#### **Senator Loren Legarda**

“The military cannot deny their involvement in the atrocities”

**Josephine Pagalan**, spokesperson of Kahugpungan sa mga Lumadnong Organisasyon (Unity of Lumad Organizations)

“The government needs to make clear that the military, paramilitaries, and the companies that underwrite the projects linked to these human rights violations will no longer enjoy impunity.”

**Carlos Conde**, Asia Division, Human Rights Watch.

“The climate of impunity pervading the country’s justice system fosters human rights violations on a daily basis, and it is thus very urgent for the government to decisively address these cases and implement human rights standards that the Philippines acceded to. Government troops and ‘authorized paramilitaries’ were used by business to encroach upon the indigenous peoples’ ancestral domains”.

**Chairpersons of the Hong Kong Campaign for the Advancement of Human Rights** in the Philippines (HKCAHRP)

“Aquino’s response was simply empty. Our Lumad brothers and sisters are mercilessly killed yet the president didn’t speak about condemnation. The Lumads who desire to uplift themselves, to build their own schools because the government is denying their right to free education – these are the people the government has been killing. We challenge President Aquino to hold accountable those in the AFP who are guilty of the crimes against the Lumads”

**Charisse Bañez**, spokesperson of LFS. League of Filipino Students



OFWs in Hong Kong & Macau held a picket at the Philippine Consulate General to denounce the Lumad killings and the continuous militarization of their ancestral communities. A petition by HKCAHRP and Bayan-HK/Macau is received by Consul Charles Andrei Macaspac. (in suit) (Photo courtesy of HKCAHRP/Bulatlat.com)

“We are deeply saddened and at the same time enraged by the recent atrocities that our lumad brothers and sisters experienced, forcing them to flee their communities; leaving their homes, farms and livelihood behind. It is heart wrenching every time we receive reports of lumad schools besieged by this kind of military ruthlessness. These Lumad schools built out of the collective aspiration of the Manobos to educate themselves and through the support of cause-oriented groups is now being attacked by state forces in the form of military encampment, harassment, threat and intimidation of students and teachers and destruction of facilities and structures.”

**Madella Santiago**, spokesperson of SOS Network.

“Those dedicated to serving the people in our land and improving their lot are denounced as supporters of the New People’s Army. And once this accusation is made, their chances of survival diminish so much, and eradication will surely be their fate.”

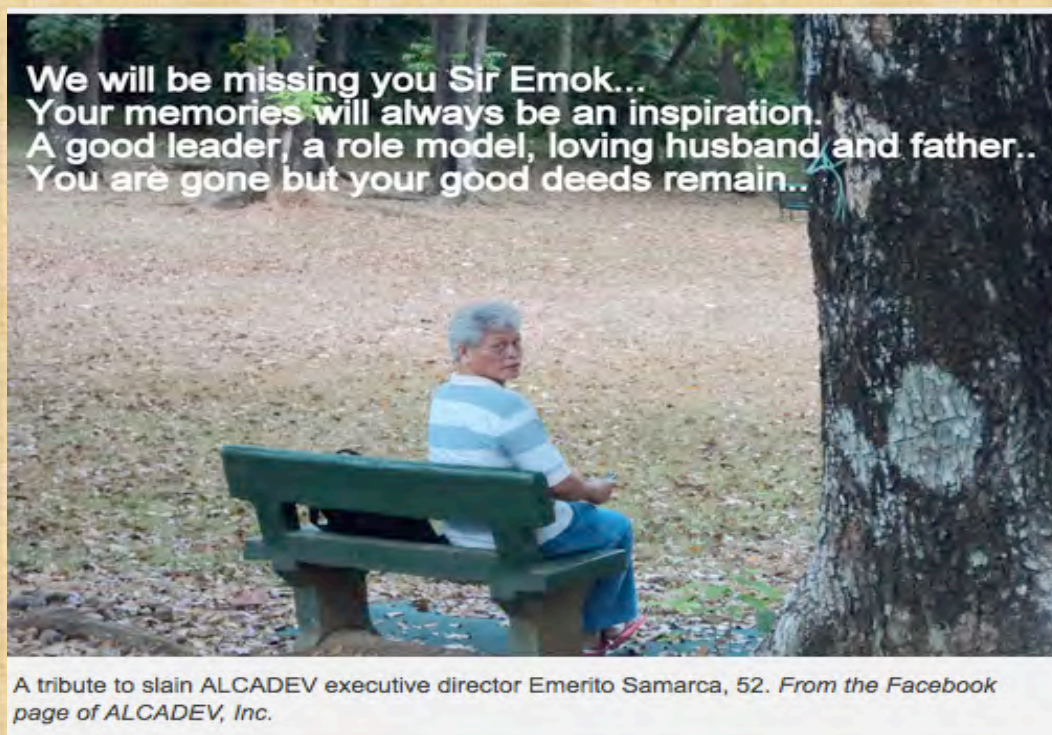
**Jong Monson**, Secretary General of the Pasaka Lumad Confederation of Southern Mindanao

“Sadly, the emancipation of indigenous youth, resulting, amongst others, in their critical stand against destructive mining activities, is tackled with militarization, violence and repression,”

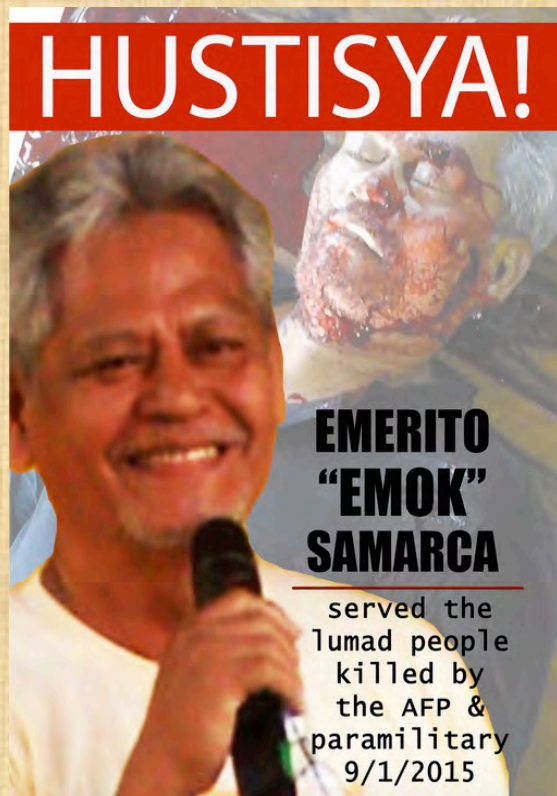
**Jan Vanhuyse**, General coordinator, The Belgian group, Solidagro.

“As schools are an integral part of communities, these attacks are an open declaration of the Philippine state’s war of annihilation against people’s organizations, and communities, specially those devoted to resisting large-scale foreign plunder of their ancestral domains.”

**Canon Barry Naylor**, chairperson of The International Coalition for Human Rights in the Philippines (ICHRP) -



### b.1.3.e A Profile of Two of the Murdered Defenders killed in the ‘Liangsa Massacre’



**EMERITO “Emok” SAMARCA** was an indigenous man from the Manobo group and a staunch defender of the rights of his people, and advocate of the “Save our School” campaign. He was the Executive Director of Alternative Learning Center for Agriculture and Livelihood Development (ALCADEV), and served his position with much vigour and sincerity to reach the goals and mission of his institution. He has amply contributed to ALCADEV’s topping the regional (CARAGA) level of the National Literacy Award in the outstanding literacy program category and subsequently placed fifth in the national level last year.

### Dionel “Onel” Campos

**Dionel Campos** was the Chairperson of MAPASU (Malahutayong Pakigbisog alang sa Sumusunod or Persevering Struggle for the Next Generation). He was instrumental in the building of the school in Lianga, in 2004. His key goal in life was to defend the Manobo ancestral domain and preserving the customs and tradition of his people while improving their lives with secondary education provided by ALCADEV.



Imelda Belandres, 47, a Mapasu council member and Onel’s cousin, said their worst fears had come true with Onel’s death. Belandres herself, and other Mapasu leaders were continuously threatened by the paramilitary, relayed through texts or through village mates. She said Onel stayed strong and did not give in to fear amid the threats. “He was an excellent leader, who could unite the people, even the distant communities,” she said.

## CONCLUSIONS AND RECCOMENDATIONS

The raise of extra-judicial killings of indigenous leaders and activists in Mindanao, and elsewhere in the Philippines, the increasing intra/inter communities conflicts between pro-mining and anti-mining groups, the simple fact that corporations through the compliance of NCIP are still able to get (allegedly) Free Prior Informed Consent (FPIC) from local communities, the facts that many IPs are entering into unfair agreements with oil palm corporations thus leasing or selling their land



Youth protesters stage a 'die-in' in front of the DOJ in Manila (Photo by C.Cabanatan/Bulatlat.com)

for a negligible amount, etc. etc. all of this is, at the end of the day, stands as an evidence that much still needs to be done in order to empower the masses and building community consensus around crucial issues. Undoubtedly, the State bureaucratic apparatus, through its own pervasive dynamics, has contributed to fragment social cohesion amongst indigenous communities. As the Caraga case indicates, paramilitary groups harassing and killing dedicated Defenders of Commons and ICCAs also see within them the participation of members of indigenous communities. On the other hand, the latter are often forced to join the para-military militia not to face the risk of being themselves identified as members of the communist guerrilla (NPA) and become, therefore, victims of oppression.

Massive conversion of thousands of hectares of land into oil palm plantations and other monocrops, and ‘mining estates’, is taking place in Mindanao as well as in other Philippine provinces (e.g. Palawan) with very adverse consequences on the livelihood of indigenous communities and on their environment. Today, the magnitude of the problem is such, and the forces behind it so powerful, that local communities are encountering serious difficulties in contrasting corporations without the support and mobilization of NGOs and Civil Society at the national and International levels.



Often a simple event, occurring in a specific time can dictate the future of a community and sometimes even its physical and cultural annihilation. When corporations enter indigenous territories, in most cases, communities have no capacities to dealing and countering forces that are extremely powerful and invasive. Often, some indigenous communities, due to their inability of dealing with such corporations, end up believing in the corporations’ promises of a prosperous future (free medical assistance, livelihood project, free housing, etc.) and they sign what they should have never signed and that will led, ultimately, to their social collapse and loss of livelihood. If these communities, in these crucial moments, had people from NGOs and human rights/organizations assisting them to make an informed and wise decision, perhaps so many thousands hectares of indigenous land would have not been lost.

The fact is that very few NGOs, at the national level, can afford appointing community organizers (COs) in each impacted area. In addition to this, it is increasingly difficult to find COs who are strongly and ethically motivated to the extent of carrying out their tasks in conflict areas. A common concern shared by national Philippine NGOs is that there is a lack of qualified human resources, and this – in turn – is a hindrance to effective ground-based advocacy. The lack of competent human resources is, indeed, chronic to most Filipinos POs and NGOs. Sometimes it takes years to train a CO and make him familiar with a specific issue (e.g. mining and monocultures) and acquainted as well with indigenous cultures. Then after so much investment, that CO may quit his job with the NGO he/she has been working with to get a better paid job with a Filipino branch of an international organization such as Oxfam, WWF, etc. So the need of having qualified personnel and expert paralegals assigned to critical and a conflict area does represent a priority, especially in the context of escalating assault to ICCAs and their inhabitants.

To achieve massive empowerment at the local level, more financial resources should be made available for the training of paralegals and qualified COs to be dislocated to impacted/sensitive areas, so that they could re-orient and assist communities, at the time when important decisions need to be made, (e.g. whether to accept or reject a given corporation). The presence of well trained COs appointed to specific areas, would also entail that unscrupulous NCIP officials would have little chances to extort fake FPIC through illicit practices.

It would be desirable if all NGOs and POs engaged in advocacy and lobbying for environmental protection, indigenous people's right and at large for safeguarding the right of weakest in society would start exchanging their individual strategies and campaign advocacy plans to come up with a sort of agreed annual general advocacy 'master plan' that should set the key targets and strategies on how to pressure the national government, specific corporations, etc. to recognizing ICCAs. As a result, this agenda should influence the agenda of donors rather than the other way around.



(Photo by Kilab Multimedia)

It must be recognized that the Philippines has still some of the best laws in Asia dealing with environmental protection and indigenous peoples rights. The establishment of procedures for ICCAs recognition by the Department of Environment and Natural Resources (DENR) is a remarkable achievement in this respect. In addition to this, a vibrant civil society and the tremendous efforts of indigenous communities to empower themselves through the establishment of local organizations, are all positive signs indicating that a facilitating environment does exist to support the establishment of a solidarity fund for defenders of commons and ICCAs. The good news is that ICCAs still exist in many forms in Mindanao as well as in other parts of the Philippines, but are now under the serious threats of being washed away in lapses of time that are measurable in terms of weeks/months. Given the cumbersome and long procedures leading to the recognition of ancestral land domains through the procedures of IPRA (Indigenous Peoples Right Act), perhaps the only legal alternative at hand is the implementation of ICCAs so to achieve the twin objectives of biodiversity conservation, upholding IP rights and add another important level of security to the work of the defenders of commons and ICCAs.

Official procedures for the legal establishment of ICCAs are being piloted through the assistance of



the Department of Environment and Natural Resources (DENR) and BUKLURAN (Philippine ICCA Consortium). However, given the level of emergency, there is a urgent need of identifying sufficient financial resources to push the process of ICCAs recognition nationwide and, thus, to carry out – ASAP - a comprehensive assessment of existing ICCAs in order to understand their exact location, present state and degrees of threats faced. The case of Caraga region suggests that several ICCAs might be plundered and annihilated even before such as comprehensive study is put in place. This, unfortunately, is a sad reality that we need (or are forced) to accept. Helping the defenders of commons and ICCAs through the proposed solidarity fund, is perhaps the best and only option we have to delay the processes undermining the integrity of ICCAs while creating the premises for strengthening, empowering and supporting ‘defenders’ to continue their struggles.

With this objective in mind, it is therefore essential to create convergence over ICCAs issues amongst the largest number of NGOs dispersed through the country, by increasing coordination and transparent collaboration on these issues. Similarly, opportunities should be created for Defenders of Commons and ICCAs from different Philippine regions to share important lessons-learned and work together on key advocacy issues. The precondition for achieving this objective is that NGOs supporting indigenous peoples’, farmers and ‘defenders of commons’ in general, begin to communicate more frequently with each other so to agree on potential solutions and on concerted advocacy actions. In fact, unless such collaboration/communication is established and transformed into a shared long-term campaign/advocacy agenda, it is unlikely that indigenous peoples from different provinces (that NGOs directly or indirectly claim to support) will be able to establish a meaningful partnership amongst themselves. If the network of NGOs and local institution on which the solidarity fund will have to rely is strong, well connected and efficient also the solidarity fund will be effective in the fulfilment of its objectives. If, instead, the network on which the fund would have to rely, will be scattered, un-cohesive and not unified in terms of coordinated action, also the effectiveness of the fund would be reduced and its impact would be constrained.

It must be stressed, very loudly, that defenders of commons and ICCAs which are risking their life in conflict areas are often completely unaware of what goes on at the national/international level with reference to ICCAs-related discussions, and do not always have direct knowledge of those people representing them in the global/national arena. So, one question comes to mind: is there anything which can be done to facilitate a debate on equal grounds, not only between well-recognized IPs community representatives/NGOs and different agencies, but also horizontally between various defenders of commons and ICCAs, so to build stronger connection between locally grounded struggles and national/international advocacy?

This would also entail that NGOs and national indigenous federations should find a better platform for exchanging and sharing their respective advocacy strategies in order to come up with a better coordinated and more effective campaign plan to hit and pressure the power of the state. Indigenous organizations, farmer organizations, fisher folks organizations, urban poor, etc. should all come together to confront each other on their respective advocacy agenda and agree on points of convergence. ICCAs cannot, and will not be protected in isolation; these can only be safeguarded if also the people and communities living outside such ICCAs understand their importance and values, as well as the roles that ICCAs play in safeguarding the biological and cultural patrimony/treasure of the Philippines. Legally recognizing ICCAs nation-wide is an ambitious plan and, surely, a valid strategy to counter some of the justices and inequalities engraved into the state system, and finally shifting towards development and conservation policies geared towards the interests of the most marginalized sectors.

In the absence of a credible and committed political class, even innovative legislation that should have secured the country natural resources, as well as the rights of farmers and indigenous peoples

remain poorly implemented. This is an obstacle from which the recent procedures for the recognition of ICCAs will not be spared. In turn, the nation - as a whole - is facing an enduring socio-political stagnation which also finds its causes in the ever-growing imbalances between societal influence and state power (Bernas 1992), and thus in the failure of the state to control elite factions and to harness them and their resources for development (Bello 2004: 286). This elite continues to play an important role in determining the future of ICCAs and their possible conversion into something else through government sponsored development plans and corporations' schemes.

Only a capillary and massive empowerment at the grassroots and community level (and here specifically amongst the defenders of commons and ICCAs) might be able to downturn (or at least challenge) the narrow economic interests of this political elite, the doctrine of technocrats while countering trade liberalisation, and the massive conversion of 'commons' land into large scale plantations and mining extractive sites.



All these reflections, in a nutshell, provide indications on possible targets and objectives that the proposed solidarity fund may wish to consider, for instance more financial support: 1) to carry out effective and impartial investigation into the assassination of defenders of commons and ICCAs, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply the penal sanctions provided by the law; 2) facilitate the voluntary relocation of 'Defenders of the Commons' and their families to safe locations, 3) pay legal fees to enable 'defenders' to avail the service of a professional lawyer; 4) cover medical expenses and surgeries of injured defenders until their full recovery; 5) provide basic technological tools to strengthen on-

going defenders' advocacy strategies; 6) support meetings and cross-visits between 'defenders' from different communities, municipalities, provinces, districts within the same region for the purpose of facilitating reciprocal learning and building strategic alliances; 7) pay school fees and tuitions for the children of murdered 'defenders'; 8) support fund-generating activities for the families of 'defenders'.

Surely the struggle to save the last ICCAs in the Philippines has to do not only with saving precious ecological systems and rare species. More importantly, it is about nourishing the Filipino cultural heritage, so powerfully represented by those indigenous communities that, after resisting Spanish and American colonization (while resisting the new mining and agribusiness 'imperialism' now) continue to represent the 'cultural heritage' from which all Filipinos originate. Civil society as a whole should come to the realization that the last remaining and best conserved ICCAs in the country are, in fact, those managed by indigenous peoples. This implies that if these ICCAs are still bountiful, beautiful and 'green' (as they are), this is exactly because the indigenous people have maintained them in such a sustainable state, over thousand of years. Hence, the most active and progressive advocacy institutions in the country should enlighten and inspire all civil society members to understand that ICCAs are not only places inhabited by rare species, but they are actually the 'cradle' of indigenous culture.



Until this simple concept is understood, forest will continue to be regarded by the majority of mainstream Filipinos, as the 'place of nature' separated from 'culture'. Understanding this concept automatically entails an appreciation of the fact that environmental plundering of ICCAs by mining and agribusiness enterprises is not only a crime against nature but also a crime against culture, a sort of genocide that annihilates the most profound roots of the Filipino's history and ultimately plunders the

cultural heritage of the whole nation. The beauty of Filipino people (its cultural diversity expressed through the distinct cultures of hundreds of indigenous culture) and the magnificence of the Philippine environment are two sides of the same coin, and are inextricably linked to one another, they are indivisible.

At this moment in time, as this report suggests, the immediate and non-deferrable priority is to ensure a higher degree of protection/security to the life of the defenders of commons and ICCAs, with a strong emphasis on 'prevention' (e.g. minimize the killings of 'defenders'). Unfortunately, the names of defenders of commons and ICCAs to whom we could comfortably refer as 'dakila' or 'bayani' (heroes), often became public only after their death.

Not only the indigenous peoples of Caraga on which this report has focussed, but also the Bla'an people of Cotabato who have declared a "tribal war" against mining corporations, the Manobo and Higaonon leaders of Bukidnon and from other provinces who are losing their life's to save their land and the last forest of the Philippines, are the very people representing a concrete hope for social change, and yet they receive little or minimal support for their actions and minimal



attention by local media and, often, no attention at all by concerned government bodies such as the National Commission on Indigenous Peoples (NCIP). They are invisible martyrs whose names and actions are forgotten by many, but not by the members of their own communities. At the same time, local province-based groups, such as the Rural Missionaries of the Philippines and the myriad of indigenous associations (Mapasu, Kasalo, Kamass, Namasur, Uman, Pangalasag, etc.) are going beyond their capacities and limits, to sustain the rights of their own communities. However, because of limited financial resources and technical competence – they cannot achieve as much as they would like to achieve and, instead, are being labelled by state forces as

sympathizers and supporters of the communists guerrilla. In this context, it is essential that the largest and most active Manila-based NGOs began a process whereby funding from abroad is increasingly invested to support these communities and their brave indigenous representatives. Under these circumstances, the creation of a dedicated 'Solidarity Fund' is not only fully justifiable but it is a MUST. Such fund would represent an essential reservoir from which defenders of commons and ICCAs could draw part of the support they need, through the collaboration of a supportive and well-established network of NGOs and indigenous people's federations.

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**ACRONYMS**

ALCADEV - Alternative Learning Center for Agriculture and Livelihood Development

ATM – Allyancia tigit Mina (Alliance against Mining)

ALS- D.E. - Alternative Learning System-Department of Education

APC - Armoured Personnel Carriers

AFP - Armed Forces of the Philippines

BALS - Bureau of Alternative Learning System

BDS - Barangay Defence System

BULIF - Bungkatol Liberation Front

CAFGU – Citizen Armed Forces Geographical Unit

CALG - Coalition against Land Grabbing

CCPD - Caraga Conference for Peace and Development

CHR - Commission on Human Rights of the Philippines

COC - Coal Operating Contracts

COPD - Community Organizing for Peace and Development

DOE - Department of Energy

DENR – Department of Environment and Natural Resources

FAWBC - Farmer’s Association of Western Butuan City

HKCAHRP - Hong Kong Campaign for the Advancement of Human Rights in the Philippines

IBPA - Infantry Battalion, Philippine Army

ICCAs - Indigenous peoples’ and community conserved territories and areas

ICHRP - International Coalition for Human Rights in the Philippines

ICRC - International Committee of the Red Cross

IDF - Investment Defence Force

IPRA - Indigenous Peoples Rights Act

IPSB - Internal Peace and Security Plan



KARAPATAN – Alliance for the Advancement of Peoples’ Rights

KASALO - Kahugpungan sa mga Lumadnong Organisasyon (Unity of Lumad Organizations)

KASALO Caraga - Kahugpungan sa mga Lumadnong Organisasyon sa Caraga (KASALO Caraga)

KAMASS - Kapunungan sa mga Mag-uuma sa Surigao Sur

LUPAKA - Lumadnong Pakigbisog sa Karaga

MAPASU - *Malahutayong Pakigbisog Alang sa Sumunod*

MTPDP - Medium Term Philippine Development Plan

NAMASUR - Nagkahiusang Mag-uuma sa Agusan del Sur

NCIP – National Commission on Indigenous Peoples

NISP - National Internal Security Plan

NPA - New People’s Army

PNB- Philippine National Police

PNOC - Philippine National Oil Company

UMAN - Unyon sa mga MaG-uuma sa Agusan del Norte

RSOT - Reengineered Special Operations Team

TFG-BF - Task Force Gantangan-Bagani Force

## APPENDIX 1. DOCUMENTED CASES OF HUMAN RIGHTS VIOLATIONS AND EXTRA-JUDICIAL KILLINGS IN CARAGA REGION BY LOCALITIES UP TO 2009

\* Source Caraga Watch 2009



The three men brutally slain in the rampage by a paramilitary group in Surigao del Sur were laid to rest, amid calls for justice and the prosecution of their killers, suspected of following military orders.

### *Anticala and Pianing, Butuan City: Alto-Sierra-Climax Mining Company*

On August 25, 2006, Lynde Racho and Jelmar Concon were bitten allegedly by militaries. Lynde was then a regular fourth year high school student of the Anticala National High School. Jelmar was a resident of lower Anticala who was visiting his grandmother; he later died due to complications from his injuries. They were accused of being NPA members.

### *Butuan City*

On November 3, 2008, Antonio Udarbe of Lekda, Buenavista, Agusan del Sur was summarily executed by members of the Bungkatol Liberation Front (BULIF) led by Datu Ronald Manhumosay. Sitio Lekda is one of the targeted sites for the expansion of the Oil Palm Plantation in Agusan del Norte.

On April 6, 2009, Francisco “Francis” H. Emnace, former council member of Unyon sa mga MaG-uuma sa Agusan del Norte (UMAN)—KMP and member of the council of Farmer’s Association of Western Butuan City (FAWBC) was summarily executed by members of the BULIF and 30<sup>th</sup> IB PA. The killing was meant to oppose expansion of oil palm and other plantations.

### *Cabadbaran, Agusan del Norte: SEMCO Exploration and Mining Company*

On December 2003, military men believed to be from the 20<sup>th</sup> IB PA massacred 6 individuals in Barangay Calamba, Cabadbaran, and San Antonio, RTR in Agusan del Norte. Another 13 individuals were threatened and harassed, their properties destroyed or seized. This occurred amidst the community’s active protest against the establishment of a CAFGU detachment in their area.

In February 27, 2004 residents of Purok 4, Palidan, Barangay Mahaba, Cabadbaran, Agusan del Norte were harassed by military men during military operations.

### *Las Nieves, Agusan del Norte*

In **October 18, 2006**, 59 families with 327 individuals of Sitio Bukbukon, Sitio Carbon, Sitio Anas and Sitio Ohot, Brgy. LawaN-Lawan, Las Nieves, Agusan del Norte were forced to evacuate because of military operations of the 23<sup>rd</sup> IBPA upon the command of Datu Ronald Manhumosay.

KNM is a lumad organization which led the mass “surrender” of its members from the Higaonon tribe after successive anti-insurgency campaigns and military operations in 1986 – 1994. The surrender was brokered by Datu Ronald Manhumosay and other lumad aristocrats.

In **January 21, 2007**, Somo Singga, a Higaonon leader, was summarily executed in Lawan- lawan, Las Nieves, Agusan del Norte. Perpetrators were members of the Bungkatol Liberation Front (BULIF) a paramilitary group formed by the Kahugpungan sa Nagkahiusang Minorya (KNM), recognized by the NCIP and TRICOM, as a tribal organization. Datu Ronald Manhumosay is the president of the (KNM). This group had been operating from CADC 18 to Km.30 onwards.

***Esperanza; Bayugan and Prosperidad, Agusan del Sur: Oceanagold Phils., Shannalyne, Teclan and Goldenbell Hills Mining Companies***

The mountain areas of Esperanza, Bayugan and Prosperidad have always been militarized because of its rich forest resources. One of the big foreign logging company was the Shannalyne Inc. whose takeover of the PICOP logging concession in 2001 was backed by then DENR Sec. Heherson Alvarez. The discovery of gold within the mountains of Esperanza, Bayugan and Prosperidad makes it more of a target for “clearing operations” of the military.

In 2003, about 70 families from 4 Higaonon communities in Sinakungan, Esperanza, Agusan del Sur were victims of re-concentration. Community members were forced to evacuate when elements of the 36<sup>th</sup> IB PA and the Scout Rangers of the 402<sup>nd</sup> IBPA summarily executed a community member, harassed, assaulted and injured 6 more and used them as guides during the military operation.

On **June 24, 2004** the residents of Hugmakan and Laboo communities in San Juan, Bayugan, Agusan del Sur were harassed by elements of the 29<sup>th</sup> IB PA. Community members were used as guides during the military operations, forced to build a military detachment and made to surrender as NPAs while some civilians were recruited into becoming CAFGUs and LUPACA members.

On **March 15, 2006**, Felix L. Barinque, an active member of the Nagkahiusang Mag-uuma sa Agusan del Sur (NAMASUR) – KMP, was summarily executed in Barangay Berseba, Bayugan, Agusan del Sur by men believed to be from the 29<sup>th</sup> IB PA.

On **March 23, 2007** five teenagers were illegally arrested and detained by the 29<sup>th</sup> IB PA during their hot pursuit operations in Canhumay, Brgy Laperian, Prosperidad, Agusan del Sur. Two of the detained were minors.

**April 30, 2009**, in Manuampong, Brgy. Balobo, Esperanza, five minors were victims of strafing, indiscriminate firing and bombings during the military operations of the composite 26<sup>th</sup>, 30<sup>th</sup> IB PA, the 23rd Cadre Battalion, SCAA/CAA, MIB and BULIF. On that same day about 1,971 people evacuated from their communities because of food blockade, divestment and destruction of properties, coercion, threat and harassments. Perpetrators were the 26<sup>th</sup>, 30<sup>th</sup> IBPA, 23rd Cadre Battalion, SCAA/CAA, MIB, 402<sup>nd</sup> Infantry Brigade and the paramilitary BULIF and Wild Dogs.

On **May 3, 2009**, Orong Namasulay, a Higaonon, became a victim of frustrated extra-judicial killing by elements of the 26<sup>th</sup> IB PA in Agsabo, Esperanza. He was accused of being an NPA member.

On **September 2, 2009** Datu Mampaagi Belayong became a victim of extra-judicial killing. He was a highly respected leader of the Higaonon community in Brgy. Kinamaybay,

Esperanza and the founding chairperson of Linundigan, a progressive and militant organization of Higaonons in Esperanza, Agusan del Sur and Las Nieves, Agusan del Norte. He was killed by Datu Manlapangan Bato and his companion who were members of the Task Force Gantangan-Bagani Force led by Vic Makaundag, Mama Magulang Bot-anon, and Commander Bawang of the Bungkatol Liberation Front (BULIF).

***La Paz; San Luis, Agusan del Sur: Agusan Marsh***

Mountain areas in San Luis are logging areas. The Casilayan Softwood Development Corporation and Provident Tree Farms Inc. (PTFI) owned large logging concessions within its forestland. Tambuli Mining Company Inc. and Malampay Mining Inc. are known to have secured the rights to 15,000 hectares each for mineral exploration and production in these municipalities. Operating in La Paz are RMI and Agusan Palm Oil Inc. The Pacific Maunlad Mining Corporation also has mining rights for more than 8,000 hectares of land.

The first spate of extrajudicial killings documented in the Caraga region under OBL 1 was in the Banwaon communities of San Luis, Agusan del Sur in November 2005. The cases were against the local Banwaon organization Tagdumahan, the Religious of the Good Shepherd – Tribal Filipino Mission (RGS–TFM) Program, their staff and supporters. There were 11 cases of killings and frustrated killings documented along with several dislocations because of military operations and abuse by the CAFGU, which has become the private army of Mario Napongahan, CADC claimant in San Luis.

***Rosario and Bunawan, Agusan del Sur: Philsaga, Philex Mining***

In **April 5, 2006** Florencio Cervantes was summarily executed by men believed to be from the 36<sup>th</sup> IB PA in Sta. Cruz, Rosario, Agusan del Sur. Florencio was a barangay councillor, an active Bayan Muna supporter in the 2004 election and active supporter of NAMASUR. He was also a lay minister of the Our Lady of the Holy Rosary Parish.

In **March 2007** Cepriano Ligaspo, was summarily executed in the course of the RSOT operations of the 36<sup>th</sup> IBPA. In Rock Island, Bunawan, Agusan del Sur, where he resided, residents were hamletted and forcibly recruited to the paramilitary group Alsa Masa.

In Rosario, Agusan Del Sur, during the same RSOT operations, Alejandro Gabica, a member of NAMASUR, was illegally arrested and detained with his two daughters, one of whom was his 12 year old child.

On **May 6, 2007**, Jorge Dinolan, an active member of NAMASUR – KMP was summarily executed in Loreto, Agusan del Sur.

***Tagbina; Hinatuan; Bislig; Lingig, Surigao del Sur: PICOP, Bislig Ventures Construction and Development, Inc. (BVCDI)/ M.G. Mining and Energy Corporation, ASK Mining and Exploration Corp.***

Located in the forested areas of Tagbina, Hinatuan and Bislig in Surigao del Sur was the concession area of PICOP Resources Inc. covering 35,545 hectares of forestland.

In **January 2007**, massive military operations were launched by the military from different units/commands. There was heavy shelling, bombardment and hamletting of more than a hundred households in Sitio Anislagan and Greenfield, Brgy. Sta. Juana, Tagbina. 14 residents of Hinagdanan, Tagbina were forced to surrender as NPA members and 7 residents from Bislig, Tagbina, Hinatuan in Surigao del Sur and Bunawan in Agusan del Sur were illegally arrested and detained at the 36<sup>th</sup> IB headquarters in Scaling, San Roque, Bislig City.

***Claver; Placer; Gigaquit in Surigao del Norte: Nickel Asia Corp., Manila Mining Corp.***

Gigaquit is the forested area next to Claver and Placer in Surigao del Norte, which has several operating nickel and gold mines, the biggest are the five mining operations of Nickel Asia Corporation and Manila Mining. Indigenous Mamanwa leaders and residents of the hinterland communities are subjected to threats, harassments, forced recruitment for paramilitary forces and dislocations.

In **July 15, 2004** Felesiano Febrero was tortured in Daywan, Gigaquit, Surigao del Norte for his alleged support of the NPA.

***Surigao City***

On *November 20, 2006*, Rudyrick Aspili, a student leader of the SCMP became a victim of extrajudicial killing. His wife worked as the secretary of a human rights lawyer in Surigao City. His father-in-law was an active labor leader of the Kilusang Mayo Uno (KMU; May 1 Movement) in the same city.

On **July 5, 2007** two urban poor organizers were snatched by unidentified men believed to be from the 30<sup>th</sup> IBPA in Lower Sangay, Brgy. Anomar, Surigao City.

2008 saw the continuation of Special Operations of the AFP throughout the Caraga region. Troop deployment remained beefed up, it is base to two brigades (401<sup>st</sup> and 402<sup>nd</sup> Infantry Brigade) and six batallions (23<sup>rd</sup>, 29<sup>th</sup>, 30<sup>th</sup>, 36<sup>th</sup>, 58<sup>th</sup> and the Military Intelligence Batallion). Concentration of RSOT (Reengineered Special Operations Team) operations are in communities believed to be strongholds of the communist movement allegedly because of the presence of people's organizations and a strong and organized protest against the incursions of big mining companies. In the course of these RSOT, crimes are committed by the military men; such was the case of rape on three occasions of a 14 year old girl by an element of the 30<sup>th</sup> IBPA who was part of the RSOT in Brgy. Mabini, Surigao City on January 2008.

In **April 8, 2008** Jerson Picato, a 38 year old farmer and motorcycle driver from Brgy. Bagacay, Claver, Surigao del Norte was killed by unknown assailants.



## **APPENDIX 2. A SELECTION OF EXTRA-JUDICIAL KILLINGS FROM OTHER REGIONS AND PROVINCES OF THE PHILIPPINES**

### ***Defenders of Commons and ICCAs<sup>2</sup>***

On **July 18, 2015**, Joel Gulmatico, chairman of the Arakan Progressive Peasant Organization in North Cotabato province was killed in an ambush by an unidentified gunman while he was driving a motorcycle on his way home to his village at Naje, Arakan. When victim Gulmatico was still alive, he was actively participating on issues faced by farmers and lumads in their area.

On **September 13, 2014**, Fausto Orasan, a 64-year-old tribal group leader in the southern Philippines was shot by unidentified gunmen, while riding his motorcycle in a village in Cagayan de Oro City. Authorities said Orasan had been a leader of anti-mining efforts in the area.

On **October 3, 2012**, **Gilbert Paborada**, an indigenous leader, in the province of Misamis Oriental, Mindanao, Southern Philippines was murdered. Mr. Paborada was shot by two unknown assailants on a motorcycle when he was about to alight from a tricycle in front of his house in Cagayan de Oro city. According to witnesses, one gunman shot Mr. Paborada in the head while he was already on the ground. Mr. Paborada sustained five gunshot wounds and died on the spot. Mr. Paborada, a member of the Higaonon tribe (one of the 17 Lumad ethnolinguistic groups) and a resident of Bagooboc village in Opol municipality, was the chair of Pangalasag (literally meaning “indigenous shield”), a community-based Lumad organization that is resisting the expansion of a palm oil plantation owned by the A. Brown Company.

On **September 13, 2012** Genesis Ambason, the 23 year old secretary-general of grassroots indigenous organization Tagdumahan, was tortured and killed at Km. 39, Brgy. Binikalan, San Luis, Agusan del Sur allegedly by CAFGUs (Civilian Armed Forces Geographical Unit) of the 26th Infantry Battalion headed by Artemio Sublidan. Tagdumahan has been campaigning against the

<sup>2</sup> According to the Rural Missionaries of the Philippines, twenty-three indigenous leaders in Northern Mindanao alone were killed from October 2014 to June 2015. <http://www.ucanews.com/news/filipino-tribals-find-hope-in-pope-francis-apology-to-indigenous/73920>

entry of various large-scale mining ventures into their their ancestral domain. Ambason, as Tagdumahan’s Secretary General, reported to the regional indigenous peoples’ alliance, Kalumbay Regional Lumad Organization, on its 4th General Assembly on December 2011 that their community organization has been resisting the Malampay Mining, Tambuli Mining and the Makilala Mining.

**On October 20, 2011**, a peasant farmer was killed by soldiers from the 57th Infantry Battalion (IB) in Sitio Upper Lumbo, barangay Kabalantian, Arakan Valley, North Cotabato last Oct. 20. Ramon Batoy, 35, was killed a mere three days after Italian priest Fr. Fausto Tentorio was killed also in Arakan Valley. The soldiers also fired at Batoy’s house, his wife Gina, who is six months old pregnant, and their two children were able to escape. According to the initial report, before his killing, Ramon Batoy was being accused by soldiers of being a member of the New People’s Army. Batoy was an active supporter of Bantay Katubigan and Bantay Kalikasan of Mt. Sinaka facilitated by the Municipal Agriculture Office of Arakan. He was also a tenant-farmer of the Mayor of Antipas.

**On December 24, 2009**, early morning of December 24, Alberto "Berting" Pinagawa, a Higaonon anti-logging leader, hiked from his house in Sitio Muyo, Barangay Minalwang, Claveria, Misamis Oriental to Barangay Eureka, Gingoog City to catch a habal-habal (motorcycle for hire) ride in time for the family Christmas get-together in Barangay Kalipayan, Gingoog City.

While in Sitio Papataon, Barangay Eureka, assailants blocked Berting's way and fired at him at least 20 shots from high-powered guns. Prior to his death, Berting organized his community to cancel the Industrial Forest Management Agreement (IFMA) awarded in May 2008 to Southwood Timber Corporation (STC). The IFMA awarded to STC covers 11,476 hectares. The logging area awarded to STC is part of the crucial watershed area of Gingoog City.

**On 3 March 2006**, Joey Estriber, was abducted by four men in front of a cybercafé in Baler, Aurora province. As staff member of the Catholic Church-backed Bataris, Estriber cohosted the radio show, “Pag-usapan Natin,” on dzJO-FM, focusing on logging and mining by corporations and military harassment in communities where farmers, Dumagat, Agta and Cordillerans defend their lands and fishing grounds. His family confirmed that he had been regularly threatened. As of now, he has never been found.

### *Missionaries and Priests*

**On October 17, 2011** an Italian Catholic priest, Fr. Fausto Tentorio was gunned down in North Cotabato. According to the PIME Philippines blog, two other Italian members of their congregation were murdered before Tentorio in Mindanao — Father Tullio Favali and Father Salvatore Carzedda. The 59-year-old Tentorio was a staunch anti-mining advocate and supporters of indigenous peoples rights.

### *Journalists and lawyers*

**On January 8, 2015**, Nerlita “Nerlie” Ledesma became the first journalist murdered in the Philippines in 2015. Unidentified gunmen on a motorcycle shot and killed Ledesma, a 48-year-old reporter for the *Abante* tabloid newspaper in the city of Balanga in central Luzon’s Bataan province, while she was on the way to work.

**On August 18, 2015**, Gregorio Ybañez, in Tagum City was shot in the southern province of Davao Del Norte in the Philippines and died in hospital the following day. He was the publisher of the

*Kabuhayan News Services* weekly newspaper and president of a provincial media association, the Davao Del Norte Press and Radio-TV Club.

On **August 24, 2014**, unidentified gunmen shot dead human rights lawyer Rodolfo Felicio in Taytay, a city in Rizal province, east of Manila. Felicio was the fifth member of the activist group National Union of People's Lawyers to have been killed in the past 10 years.

On **April 7 2014**, unidentified gunmen shot dead tabloid reporter [Rubylita Garcia](#) in Bacoor, a town south of Manila. Police have not made any arrests. Cavite media practitioners said the attack could be work-related since Garcia was known as a hard-hitting journalist who exposed wrongdoing in the Cavite police force. Garcia was killed a week after the Inter-Agency Committee on Extra-Legal Killings and the PNP's Task Force Usig began looking into the attempt on the life of Mindoro broadcaster Radamalyn Cardoza, a block timer of radio station Bambi-FM.

On **January 24, 2011**, Gerardo Valeriano Ortega DVM (August 28, 1963 – January 24, 2011), better known simply as "Doc Gerry" was murdered in Puerto Princesa, Palawan. He was a [Filipino](#) journalist, [veterinarian](#), politician, [environmental activist](#), and [community organizer](#) best known for his work to promote [crocodile farming](#) in the Philippines, and for his advocacy against mining on the island of [Palawan](#). He had been vocal about the Malampaya gas funds and other environmental issues in Palawan at the time of his death.

On **November 23, 2009**, in the country's [single worst killing of journalists](#), a local ruling family's "private army" on the southern island of Mindanao massacred 30 media workers and 28 supporters and family members of an opposition politician with whom they were traveling.

On **May 22, 2006** Fernando "Dong" Batul, a radio journalist working in Palawan-based radio station dyPR, was killed early morning by two unidentified gunmen, who shot him repeatedly, just 200 meters away from the station. Batul was known to be a severe critic of incumbent Puerto Princesa mayor Edward Hagedorn. His adamant criticisms of the local government, as well as interviews with members of the New People's Army, a local leftist group, has also earned him the ire of both government and military officials. Prior to that attack, Batul had been commentating on the plight of several overseas Filipino workers allegedly being maltreated in Taiwan, as well as illegal recruitment in Puerto Princesa, which involved a police officer.

### ***Rangers and Researchers***

On **May 9, 2011** Elpidio Malinao was shot and killed in Bay, Laguna, three years after forest guard Anselmo Bulanlagui of DENR-Calabarzon was shot dead while manning a checkpoint in Sta. Maria town, also in Laguna. Since June 2010, the Department of Environment and Natural Resources (DENR) recorded six of their employees killed in the line of duty: a forest guard from Cordillera, four from Caraga region, and an environment officer in Samar. Malinao had been a forest guard for the last 25 years of the Makiling Center for Mountain Ecosystems (MCME), a unit of CFNR, and part of his job was to "manage and prevent" the construction of more illegal structures in the forest reserve.

On **November 15, 2010** one of the nation's foremost botanists, Leonardo Co, died ironically where he was most comfortable, inside a forest teeming with indigenous trees. He was shot to death with two others while collecting and studying indigenous trees in the forests of Kananga, Leyte. The fatal bullets came from an infantry battalion of the Philippine Army who had thought Co and his companions were members of the New People's Army (NPA).



