TANOD

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STATE DEPT. CRITICIZES REGIME

The U.S. State Department issued early this month, a highly critical report on the Marcos dictatorship. But unlike previous reports which indicted the routine practices of torture, indefinite detention, censorship, and military abuse — this year's assesment criticized as well the land reform program and rampant corruption of the regime. The report particularly hit the fraudulent April elections, the outcome of which, [the **Interim Batasang Pambansa**] "has little substantive authority" and is "government dominated" in the eyes of the State Department.

Despite government declarations that it is "unconditionally against the maltreatment of detainees" credible reports of torture and "involvement of military units in the abduction and murder of dissidents as an alternative to arrest" were noted by the State Department.

The report also criticized the exemption of huge landholdings for plantation crops owned by multi-national corporations from the much-touted land reform program.

Despite the wide-ranging criticism of this year's report, observers believe it would have little effect on the regime's performance or the Carter administration's policy towards the Marcos government.

Previously, the Human Rights Amendment to foreign aid appropriations was invoked to cut aid to repressive regimes. The State Department reports were the administrations index of the human rights record of U.S. aid recipients. But with the recent finalization of the U.S.-R.P. Bases Agreement and the concomittant $1.5-B aid package to the Marcos dictatorship, U.S. government criticism of the human rights situation in the Philippines is futile. Some observers even conjecture, that it is precisely because long-term U.S. backing for the regime has been secured that the U.S. government can now be more critical of Marcos.

Pacis, Ordona and Laurico (left to right) during the military trial which found them guilty of torture.

Just as futile as this year's State Department report was the Marcos regime's attempts to improve its record prior to the reports release. Last January 11, three notorious torturers were convicted for the arrest and manhandling of Melvin and Mario Cayabyab and four others in May 1978. This case was only seriously investigated upon the prompting of Rep. Tom Harkin during a meeting with Mrs. Imelda Marcos last June. An observer at the court martial said that no less than the trial judge alluded to the fact that the trial was being rushed on "orders from above."

Commenting on the conviction of her torturers, Mrs. Cayabyab said, "I am happy and sad. I am happy because they were convicted but sad because there are many more out there who are being tortured."

Human Rights Day Anniversary Celebrated

Different sectors of the Philippines banded together to celebrate the 30th Anniversary of the United Nations Universal Declaration of Human Rights during the first half of December.

As early as Nov. 30, a drama-liturgy was presented at the University of the Philippines in honor of all Christians killed in the struggle for human rights. A talk on the violation of human rights by military personnel was given. This was centered on illegal detention, raids, harassment, torture, and murder perpetrated by the military on innocent civilians in many parts of the country.

The Ecumenical Conference on Human Rights held at St. Theresa's College in Quezon City further demonstrated the mutual concern of religious groups regarding the human rights issue in the country.

In Cotabato City, a celebration of Human Rights week was sanctioned by Bishop Gerard Mongeau. This week of solidarity culminated in a procession through the city streets and a prayer rally at the Notre Dame University Compound. In attendance were Muslims, Catholics and Protestants.

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MINDANAO CIVILIANS HARASSED

Documented reports of Military abuse continue to trickle in from various parts of Mindanao. Such accounts reveal the methodical harassment, torture and massacre inflicted on civilians as the military persists in its "legalized" terrorism of the countryside.

CHILD ESCAPES DEATH

In Patikul, Sulu, Jurrama Hayudini Pon barely escaped the bullets that killed her mother, Rayyam. The pair had obtained a "safe conduct pass" to visit their family plantation two kilometers away. The 18th PC Detachment at upper Tubig, Patikul, instructed mother and child that if an Army Patrol approached, they were not to run, but to show their passes. That same day, a half kilometer away from their destination, they saw an Army Patrol approaching. Jurrama's mother was sitting in prayer when the Patrol opened fire. As the child took flight, she heard a soldier shout, "Kill her for if she escapes, she will tell what happened."

VICTIM TORTURED TO DEATH

A gambling disagreement turned into brutal slaying in Zamboanga City late last October. Estelito Miano, a resident of Olutanga, won a game of fortune against Teodulo Catalan, a Philippine Army soldier. When Catalan refused to pay his debt, a fight ensued in which Miano killed the serviceman.

Miano was en route to the police station at Sub-Nipa when soldiers from the 9th Infantry Batallion's (IB) Bravo Company accosted the police unit and took Miano from them. The next day, residents of the area observed Miano being tied to a flagpole by the same group of soldiers, headed by their commanding officer, Lt. Ricardo Acian. Civilians also saw Cpl. Robustiano Mag-aso pour kerosene over the prisoner. By the afternoon, Miano was untied and ordered to run.

The prisoner was beaten so severely that he could no longer walk. Orders were given to send the prisoner to Zamboanga City, but before he could be dragged to the waiting boat, Estelito Miano died. Soldiers left his body in a local hospital when a doctor refused to issue a death certificate. Miano's wife was coerced into signing an affidavit stating that her family was not blaming anyone for her husband's death.

STUDENT KILLED IN CAMPUS

Roman, from Pagadian City, was scheduled to graduate this school year at the Mindanao State University (MSU). On Dec. 10 at 6:30 p.m. he was riddled with bullets inside the university campus. Witnesses claim that two military men were at the scene of the crime but disappeared immediately after the shooting.

The incident sparked off campus-wide boycott at MSU. Students demanded the withdrawal of all military personnel from the campus premises.•

The Military Commission in session at the Officers' Club, Fort Bonifacio.

MC President Retires, Hearings Reset

As Army Colonel Romeo Soliman Jr., out-going president of the Military Commission (MC), delivered his prepared valedictory address, people in the audience stared in disbelief and members of the military commission became fidgety. To everyone's surprise, Soliman, in relinquishing his presidency of the MC said: "I am a good soldier. I owe my allegiance to my country and to my God. I do not owe my loyalty to one man because loyalty to one man breeds tyrants and dictatorship." In his validictory address, Soliman admonished the remaining commission members to relieve themselves of responsibility over the trial.

This unexpected and ironic declaration took place during the January 11 hearing of the seven-year-old subversion case against Luzvimindo David and 63 other student activists. David was jailed in 1971 as a result of the suspension of the writ of habeas corpus. His case was tried at the Court of First Instance in Quezon City. When martial law was declared, the trial was suspended and resumed only last year.

The main argument of the defense counsel for the accused is that the case was transferred from a civilian court to a military court and was a case of double jeopardy. The MC denied that the case was a continuation of the old one even though the respondents of the case, the witnesses, and the charges were the same as the one tried in 1971.

Of the original list of 63, 38 remain on trial. The rest have been given amnesty by Marcos, others have died or were "salvaged" (secretly killed by military intelligence). Of the 38, seven remain in prison. They are: Luzvimindo David, Peter Mutuc, Julius Fortuna, Jose Luneta, Fernando Tayag, Herminigildo Garcia IV, Eufemio Villanueva, Juliet DeLima-Sison, Victor Corpus, and Monico Atienza. Another respondent whose name was dropped from the list is Lualhati Abreau who escaped from prison in December of last year.

Despite the many irregularities of this particular case, hearings are set for the 14th of February. The martial law government has put its claims of legitimacy at stake in this trial. The defendants have been accused of partaking in a "conspiracy to capture the government" that has compelled Marcos to resort to what he calls "martial necessity." The difficulties of the defense is arguing its case before the military commission is that it asks of MC members to sit in judgment of their Commander-in-Chief and to justify the validity of the declaration of martial law.•

POLITICAL PRISONERS ESCAPE

Lualhati Abreau, the lone female political prisoner at Camp Bagong Diwa (formerly Bicutan), escaped while out on medical pass. Ms. Abreau was facing charges of subversion at the time of her escape.

Abreau was a former student at the University of the Philippines and a member of the National Council of the **Kabataang Makabayan** (Nationalist Youth). She was forced into hiding in 1971 as a result of the suspension of the writ of Habeas Corpus, when she, together with 62 student activists were charged with subversion in the case known as "People of the Philippines vs. Luzvimindo David, et. al." In July of last year, the thin and ailing Abreau was arrested in Mindanao. While in prison she had to undergo medication for tuberculosis and peptic ulcers. It was on one of these trips to the hospital from the prison camp that Abreau managed to escape from heavily armed guards.

The significance of Abreau's escape is the fact that the judicial process under martial law holds no credibility to those who have become victims of repression. The charges filed against Abreau and 62 other students in 1971 have been revived only this year. Those who were apprehended in 1971 had been languishing in jail for the past seven years, denied of the right to a speedy trial. At present, the defense council for these political prisoners have filed an appeal to the Supreme Court. In their appeal, they questioned the right of the Military Commission to try civilians.

Another detainee, Julius Giron, escaped from the same camp January 10. Soon after, the Philippine newspaper, **Times Journal**, reported that a massive manhunt to find Giron had been ordered by Enrile. The paper claimed that he was a respondent in the **Karagatan-Andrea** case.

The truth of the matter is that Giron, a former student, is charged in the case of "People of the Philippines vs. Fr. de la Torre, et. al." The case has been indefinitely suspended and the respondents, including Catholic priest Edicio de la Torre, SVD, have been in detention since 1974.

The escape of these two political prisoners brings some questions to mind. How long can one wait for justice and what kind of justice can be expected under martial law?•

Lawyers Appeal for Atienza

The counsel for Monico Atienza has asked the Military Commission to suspend the arraignment of his case. Atienza, a former UP student, has been diagnosed by military doctors as suffering from schizophrenia, resulting from intense torture which included the forced intake of "truth serum." Atienza has spent most of his detention at the V. Luna Medical Hospital where he has been undergoing psychiatric treatment.

During a hearing, the counsel for Atienza presented the government psychiatrist attending to him since 1975. The doctor testified that Atienza was suffering withdrawal from his surroundings whenever faced with stress, such as the hearings on the case. The psychiatrist went on to say that he bases his findings on Atienza's medical history. To this, Commodore Fernandez of the Military Commission retorted that the commission was interested in knowing if the respondent could undergo the trial at the particular time and that they were not interested in his past history. Fernandez demanded that the doctor examine the respondent right there and come up with a diagnosis. A superior medical officer who was present said that a medical diagnosis could not be given until after a week.

As the hearing was going on, Atienza was in the process of another withdrawal. His wife, Edith Sangalang-Atienza was the first to note his depression. Yet the commission did not excuse him until the military doctor certified that Atienza's blood pressure was unusually high. A previous motion for Atienza's temporary release from detention had been denied.

Monico Atienza has suffered psychological strain as a result of intense torture in the hands of the military intelligence. After being detained in a hospital for the past four years, Atienza is again victim of military harassment. This time, it takes the form of being forced to stand trial even after the doctors themselves claim that he cannot take the stress. After destroying the mental capacity of this young man, the military commission seems to want to destroy whatever is left of him.•

KARAGATAN CASE APPEALED AT S.C.

Thirty-two of the 92 respondents in the **Karagatan-Andrea** case appealed their case before the Supreme Court after Special Military Commission No. 1 denied in succession practically all motions of the accused. During the arraignment, the accused were also asked to plead "guilty" or "not guilty" to the charge of rebellion.

In two separate petitions, lawyers Diokno, Arroyo and David appealed for a writ of habeas corpus to the Supreme Court (SC). In their petition, the lawyers for the defense questioned the constitutionality of the Military Commission, in trying the civilians. In behalf of the political prisoners, the defense lawyers asked for the release of the 27 detained on the grounds that rebellion was not a capital offense and that the detainees were denied the right to a speedy trial.

The Supreme Court has scheduled the hearing of the habeas corpus petition of Sison and others on Jan. 16. In the petition the SC has asked the military authorities to explain the cause of the detention of the respondents. Should the military be unable to justify the detention, the accused are entitled to be released.

Those who were called to explain are Defense Minister Juan Ponce Enrile; AFP Chief-of-Staff Gen. Romeo Espino; PC Chief Gen. Fidel Ramos; trial counsel for the military commission, Col. Manuel Casaclang; Col. Miguel Aure; and Capt. Melchor Acosta. Aure and Acosta are the officers-in-charge of the detention camps housing the political prisoners.

Meanwhile, the 27 detained respondents demanded that they be released on the grounds that they were denied their constitutional rights to a speedy trial and due process and are entitled to bail since they have not been charged with a capital offense. The detainees went on to say that the trials run counter to Marcos' alleged "irretrievable move towards normalization."•

VILLAGES BOMBED IN MINDANAO

North Cotabato (Nov. 14) — Five Muslim villagers were killed and 11 wounded in the bombings by government military forces of Sitio Damatog in Bo. Gayona and Sitio Malingao in Bo. Salunayan, Midsayap, reports said.

A witness, Pisante, reportedly said that the bombings took about 300 Muslims by surprise. Pisante said that the residents of Damatog first waved at the helicopters. It was at this point that the helicopters signalled the planes to drop 14 bombs in both sites.

The friendly waving turned into futile pleas for the bombings to stop. Pisante added that five houses caved in and many were burned.

At Damatog, the dead were identified as Malukah Lipules, 45; Abdal Lipules, 60; Modem Macam, 6; Laga Asi, 35; and Tambal Asi, 7. The wounded were brought to the medical clinic in Midsayap for treatment.

Reports said that some families from Malingao have evacuated in Bo. Salunayan proper. In leaving their homes and livelihood, they contributed to the already escalating refugee problem in Mindanao.

According to a Dec. 1 issue of a Philippine daily, the **Times Journal**, Defense Minister Juan Ponce Enrile sent a team to investigate what happened in Midsayap. This action by the military came as a result of open protests from different sectors of society including a group of concerned citizens who sent a petition to the Defense Minister. In their petition, the group demanded the identification of the pilots, indemnity for the victims, and a public condemnation of the bombing.

The conduct of the investigation though has led several to become cynical. Some of the signatories to the petition were called for questioning at the Municipal Hall at Midsayap. The questioning did not center on the bombings, but on the political inclinations of the signatories.

Meanwhile, a Lt. Col. Henlo of the Philippine Air Force declared that the bombings were not in fact a mistake and that the area was indeed "terrorist territory" (which discounts the fact that civilians were the victims).

The families of the victims were compensated nevertheless, with indemnities of 250 to 1,000 pesos. This amount would not even pay for the cost of having the victims buried.

The bombings have resulted in a grave overcrowding problem in refugee centers throughout Mindanao. Poor living conditions, lack of water supplies and congestion has made these places the breeding ground of epidemics.•

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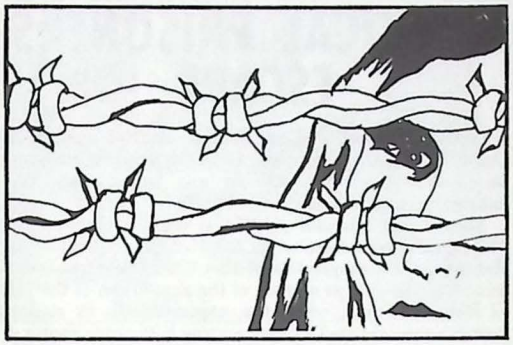
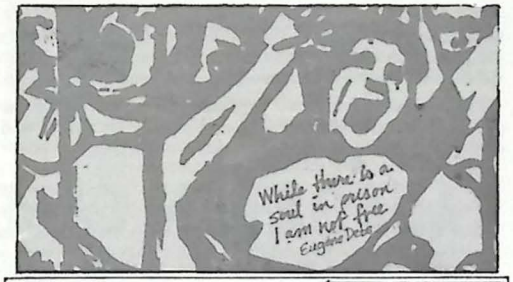


Human Rights Day Celebrations

Continued from front page

Smaller cities and towns observed the anniversary in their own manner. In Negros Occidental, an estimated 18,280 people gathered in five centers to celebrate Human Rights Day. However, the celebrations were marred by two unprovoked incidents. In Bacolod City, a busload of civilians on the way to the celebrations were detained by military officers. They were detained for five hours and their reading materials were confiscated. Another incident occured in Iloilo City, when two men representing Col. Miguel Abaya, the Provincial Commander, disrupted celebrations at the San Agustin School grounds. After making an agreement in good faith not to use their camera, two military representatives began taking pictures soon after admittance. When a priest at the door refused to let them leave without surrendering the film, the soldiers became hostile and tried to get away. Amid the ensuing commotion, Col. Buenaventura Casenas intervened to force the men to give up the film.•



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