

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide a brief overview of the political platform of the Bayan Muna party.**
- 2. Please provide information on whether Bayan Muna members have been targeted by the authorities or other groups. Are there reports of campaigners being targeted? Or is the mistreatment restricted to leaders and electoral candidates?**
- 3. Please provide information on whether the state has provided protection to Bayan Muna members. Have episodes of mistreatment been investigated and prosecuted?**

RESPONSE

- 1. Please provide a brief overview of the political platform of the Bayan Muna party.**

Bayan Muna (People First) is a legally registered left-wing¹ progressive party-list group. The party currently has three representatives in Congress. According to the Bayan Muna website, the party “stand[s] on a platform of change and social transformation that addresses the basic problems that have plagued our country – foreign domination, feudal bondage and a graft-ridden government”. Bayan Muna is ideologically close to the Communist Party (CPP) and, along with other left-wing parties, is often accused by the military of being a front for the CPP’s underground organisations and the New People’s Army (NPA) (‘Commitment and

¹ In the Philippines, the terms “the left” or “leftists” encompass a broad range of political meaning. Terms commonly used to differentiate groups within this spectrum include “rebels” or “guerrillas” for members of communist revolutionary armed groups; “militants” for various mass-based unarmed people’s organisations; “progressives” for members of left-leaning political parties; and “cause-orientated groups” for various left-leaning sectoral (urban poor, peasants, workers etc.) non-governmental organizations working on social justice issues (Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006 – Attachment 10).

Vision' 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive http://web.archive.org/web/20070408172051/www.bayanmuna.net/?page_id=9 – Accessed 26 September 2007 – Attachment 1; International Federation for Human Rights 2007, 'Briefing note: Philippines', FIDH website, 7 February <http://www.fidh.org/IMG/pdf/0702note-philippines.pdf> – Accessed 9 February 2007 – Attachment 2).

Bayan Muna's website (<http://www.bayanmuna.net>) is currently "under construction". A search of the Internet Archive found that the website was last active in June 2007. Information from the archived website gives the following details about Bayan Muna:

About Bayan Muna

Bayan Muna (People First) is a national political party composed mainly of workers, farmers, professionals and other progressive sectors that champions the cause of "New Politics, the Politics of Change" in the Philippines.

Duly accredited by the Commission on Elections, Bayan Muna emerged as the topnotcher in both the 2001 and 2004 partylist elections, capturing more votes needed to obtain three seats in the current and previous Congresses.

Rep. Satur Ocampo, the party president and leading representative in Congress, is currently a Deputy Minority Leader of the House of the Representatives. He was immediate past chair of the House Special Committee on Peace, Reconciliation and Unity; and vice chair of the House Committee on Civil, Political and Human Rights. Ocampo is a former journalist, political detainee, peace negotiator and street parliamentarian.

Among Bayan Muna's first representatives were Rep. Crispin Beltran, reknowned labor leader and chairman emeritus of the Kilusang Mayo Uno (KMU, May First Movement Labor Center), and Rep. Liza Maza, feminist leader and leader of Gabriela (the Philippines' biggest alliance of women's organizations). They have since left Bayan Muna to lead their own parties, Anakpawis and Gabriela Women's Party, respectively, en route to victory in the 2004 elections.

Bayan Muna draws its strength from the organizations comprising the Bagong Alyansang Makabayan (Bayan, New Patriotic Alliance) that made the establishment of the party possible. It draws inspiration from the previous progressive parties that existed in the Philippines like the Democratic Alliance and the Partido ng Bayan (People's Party) ('About Bayan Muna' 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive http://web.archive.org/web/20070408171306/www.bayanmuna.net/?page_id=2 – Accessed 26 September 2007 – Attachment 3).

Under the title 'Program of Government' the website gives the following information on Bayan Muna's political platform:

- To establish a democratic, nationalist and popular government by empowering the people, ensuring their representation and participation in all levels of government decision-making.
- To assert national sovereignty and independence and protect the national patrimony from foreign domination and control.
- To promote a self-reliant and sustainable socio-economic development through the integrated programs of genuine land reform, national industrialization and protection of the environment

- To uphold and defend the people's basic human rights and freedoms and ensure justice for all victims of human rights violations.
- To improve the social and economic welfare of workers, peasants and other marginalized sectors by providing a comprehensive and progressive program in basic social services and livelihood.
- To promote a national culture that is progressive, patriotic, scientific and popular and develop research and development in science and technology.
- To guarantee the right to self-determination of the Bangsa Moro, Cordillera and other indigenous peoples and ensure their participation in all matters that directly affect them.
- To remove all forms of gender oppression and discrimination against women and promote their full involvement in national affairs and other fields of endeavor.
- To advance a national comprehensive policy on peace negotiations to address decisively the root causes of the prolonged armed conflict that has historically beset our country.
- To foster a just policy of international relations that is independent, peace-oriented and mutually beneficial to our integrity, security and prosperity as a nation ('Program of Government' 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive http://web.archive.org/web/20070408213153/www.bayanmuna.net/?page_id=6 – Accessed 26 September 2007 – Attachment 4).

A 2006 article in *Business World* provides the following information on the formation of Bayan Muna:

There was a schism in the local communist party which started sometime in 1992 (read the 2005 Philippine Human Development Report on this), dividing the party into the “reaffirmists” or RAs (among them those who joined Bayan Muna) and the “rejectionists” or RJs (among them those who joined Akbayan). The RAs hold to the view of “democratic institutions and processes as mere instruments for tactical gains, such as for propaganda, resources and legal cover, which serve the strategic agenda of armed revolution”, while the RJs and the so-called emerging democratic left “recognizes and accepts the intrinsic value of formal democratic institutions... because they at least make free and open debate possible, and can be deepened to become more participatory and egalitarian” (Monsod, S. 2006, ‘Calling A Spade Truly Chilling’, *Business World*, 10 August – Attachment 5).

2. Please provide information on whether Bayan Muna members have been targeted by the authorities or other groups. Are there reports of campaigners being targeted? Or is the mistreatment restricted to leaders and electoral candidates?

The available information states that in general leftist party group members and officials have been the targets of increased political killings, harassments and enforced disappearances in the last few years. Of these political parties, Bayan Muna leaders and members have been particularly targeted. It is generally believed that security forces are behind a majority of these cases. The mistreatment appears not to be restricted to leaders and electoral candidates. Human Rights Watch (HRW) states that “[s]ome of the victims of this spate of extrajudicial executions had national political reputations... The majority of victims of the political killings, however, were involved in political activism at a low-level, with at most local

notoriety” (Human Rights Watch 2007, *Scared silent: Impunity for extrajudicial killings in the Philippines*, June – Attachment 6).

According to the Bayan Muna website, 130 members have been killed between January 2001 and March 2007. The website contains a list of those killed and the alleged killers (‘Bayan Muna members killed under the Gloria Macapagal-Arroyo Regime’ 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive http://web.archive.org/web/20070408213416/www.bayanmuna.net/?page_id=159 – Accessed 26 September 2007 – Attachment 7).

Recent reports on human rights in the Philippines also list numerous examples of Bayan Muna leaders, members, campaigners and supporters who have been targeted. For example, see:

- US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Philippines*, March – Attachment 8;
- Asian Legal Resource Centre 2007, ‘Special Report: The criminal justice system of the Philippines is rotten’, *Article 2 of the International Covenant on Civil and Political Rights*, vol. 6, no. 1, February <http://www.article2.org/pdf/v06n01.pdf> – Accessed 19 June 2007 – Attachment 9;
- Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006 – Attachment 10.

The International Federation for Human Rights (FIDH) conducted a mission to the Philippines in January 2007. FIDH notes that during the few days that its delegation was in Manila, several extrajudicial killings were reported, including a member of Bayan Muna. In May 2007, the Asian Human Rights Commission (AHRC) sent out an urgent appeal over the killing of five activists and the forcible disappearance of another one in separate incidents. Two of those killed were Bayan Muna members (International Federation for Human Rights 2007, ‘Briefing note: Philippines’, FIDH website, 7 February <http://www.fidh.org/IMG/pdf/0702note-philippines.pdf> – Accessed 9 February 2007 – Attachment 2; Asian Human Rights Commission 2007, ‘Philippines: Killing of five more activists and forcible disappearance of another one in separate incidents’, 23 May – Attachment 11).

A June 2007 article notes that, according to that the Filipino human rights group, Karapatan, Bayan Muna is the single organisation with “the most number of members and leaders killed in the tally of political killings”:

Members and officers of progressive party-list groups such as Bayan Muna...have been targets of political killings, harassments and enforced disappearances with the attacks intensifying in the last three years.

During the election period from January 14 to June 13, six Bayan Muna members and two from Kabataan party-list were killed, and one was abducted from Bayan Muna. Bayan Muna is also the single organization with the most number of members and leaders killed in the tally of political killings by Karapatan (Castañeda, D. 2007, ‘First Party Rule will make Future Party-List Elections Vicious, Expensive – Lawyers’, *Bulatlat*, vol. 7, no. 19, June 17-23

<http://www.bulatlat.com/2007/06/first-party-rule-will-make-future-party-list-elections-vicious-expensive-lawyers> – Accessed 26 September 2007 – Attachment 12).

A number of media articles also note the alleged campaign against Bayan Muna before and during the national elections held in May 2007. According to various sources, the military was actively campaigning against Bayan Muna, as well as openly threatening Bayan Muna supporters (see: ‘Militarized’ 2007, *Philippine Daily Inquirer*, 6 March – Attachment 13; Castañeda, D. 2007, ‘AFP Campaigns vs Bayan Muna’, *Bulatlat*, vol. 7, no. 5, 4-10 March <http://www.bulatlat.com/news/7-5/7-5-afp.htm> – Accessed 19 June 2007 – Attachment 14; San Juan, E. 2007, ‘U.S. Imperialism and Arroyo Regime in the Philippines on Trial at the Permanent People’s Tribunal, the Hague’, *Monthly Review*, 18 February <http://mrzine.monthlyreview.org/sanjuan180207.html> – Accessed 14 June 2007 – Attachment 15).

Recent media articles

A media article, dated 11 September 2007, reports on recent military operations against terror suspects in an “anti-terror” campaign. The report mentions a Bayan Muna supporter accused of providing assistance to armed communists:

Military operations against terror suspects have been protested by some groups that claimed the antiterror campaign was leading to human rights abuses.

In Pigkawayan, North Cotabato, some residents denounced what they called harassment committed by government soldiers who barged into houses without search warrants last week.

“The soldiers were armed pretending to be conducting census of households to make it appear that they have been authorized by the National Statistics Office (NSO),” said housewife Myrna Pio of Barangay Midpapan Dos.

“I don’t know if they had the permission of the barangay captain,” said Pio, who expressed alarm over the house-to-house search for suspected New People’s Army (NPA) supporters.

The presence of Army combatants belonging to the 40th Infantry Battalion has alarmed the adult segment of the community and terrified schoolchildren, forcing some of them to skip classes.

...Pio, who became a Bayan Muna [Nation First] supporter in the 2004 presidential elections, has denied military allegations that her family has been accommodating and providing shelter and other assistance to armed communists.

Pio said other houses were also raided.

“We are not against the presence of soldiers per se if they were there as peacekeepers. We are against abusive troops,” she said (‘Philippine police say terror plot foiled by arrests’ 2007, *BBC Monitoring Newsfile*, source: *Philippine Daily Inquirer*, 11 September – Attachment 16).

An article dated 30 August 2007 notes the “mounting list of family members searching for parents or children in lesser known cases of enforced disappearances in the country”. The article profiles the situation of two young Filipino women with missing activist parents. In one case the article states that the young woman’s father, “a Bayan Muna member, rarely goes home for security measures” (Uy, J. 2007, ‘No strangers on int’l day for “desaparecidos”’, *Philippine Daily Inquirer*, 30 August – Attachment 17).

It should also be noted that, according to the latest International Crisis Group (ICG) *CrisisWatch* update, the situation in the Philippines has deteriorated between the government and Communist rebels (International Crisis Group 2007, *CrisisWatch*, no. 49, 1 September – Attachment 18).

A previous research response, dated 22 June 2007, provides more information on the targeting of leftist groups in the Philippines (RRT Country Research 2007, *Research Response PHL31913*, 22 June – Attachment 19).

3. Please provide information on whether the state has provided protection to Bayan Muna members. Have episodes of mistreatment been investigated and prosecuted?

According to the available information there is a climate of almost total impunity in regards to human rights abuses by security forces in the Philippines, despite various commissions and investigations. In June 2006 President Arroyo declared a new strategy of “all-out war” against communism. Extrajudicial political killings have continued to increase and most of the victims are members of legal political parties or organizations that the military claims are allied with the communist movement.

In its June 2007 report on impunity for extrajudicial killings in the Philippines, HRW states:

While Arroyo has insisted that she is doing everything possible to investigate extrajudicial killings, the campaign of killings seemed to shift into a higher gear in February 2006 after leftist political parties were accused by members of the government of allying themselves with military rebels planning to overthrow her government. In the aftermath of that coup attempt, which failed when the military hierarchy rejected overtures from rebel colonels, Arroyo declared a state of emergency and castigated a handful of leftists from legal political parties who have gained seats in Congress. Cases have been filed against a number of politicians for allegedly backing the attempt to overthrow her.

Human rights activists remain concerned that Arroyo remains beholden to the military officers who put her in power, and that they are preventing her from disciplining those in the military who may be implicated in rights violations (Human Rights Watch 2007, *Scared silent: Impunity for extrajudicial killings in the Philippines*, June – Attachment 6).

Simon Montlake, writing in the *Far Eastern Economic Review*, notes that the military see the “left” as the enemy, and do not tend to distinguish between urban activists agitating for social reforms and armed “communist rebels”. He also states that “in 2006 President Arroyo declared a strategy of all-out war against communism, and the wave of extrajudicial killings began to peak” (Montlake, S. 2007, ‘Philippines Fights Leftists, Fair or Foul’, *Far Eastern Economic Review*, April <http://www.feer.com/articles1/2007/0704/p020.html> – Accessed 25 September 2007 – Attachment 20).

Amnesty International’s 2007 Annual Report on the Philippines states that:

Amid reports of ineffective investigations, and with witnesses and relatives of the victims too frightened to co-operate with the police, perpetrators were rarely brought to justice. In May the authorities set up a special police investigative task force. However, only a limited number of people were arrested and few cases were filed in court by the end of the year, and no one was held accountable for cases stretching back to 2001. President Arroyo in August established a Commission of Inquiry, headed by former Supreme Court Justice José Melo, to

investigate the killings and make recommendations for remedial action, including appropriate prosecutions and legislative proposals (Amnesty International 2007, *Amnesty International Annual Report 2007 – Philippines* – Attachment 21).

In late 2006 a special commission was established by the government, under former Supreme Court Justice José Melo, to examine political killings in the country. According to the available information, the preliminary findings were initially suppressed by the government, although they were later released due to international pressure. The Melo Commission concluded that Army officers were behind the bulk of the killings, and that the “AFP had tolerated and encouraged the assassination of ‘enemies of the state’”. However, according to sources, “there has been no let-up in the killings, nor in the harassment of left-wing activists by other means” (Montlake, S. 2007, ‘Philippines Fights Leftists, Fair or Foul’, *Far Eastern Economic Review*, April <http://www.feer.com/articles1/2007/0704/p020.html> – Accessed 25 September 2007 – Attachment 20; also see: Melo Commission 2007, *Initial Report of the Independent Commission to Address Media and Activist Killings*, January, Philippine Center for Investigative Journalism website http://www.pcij.org/blog/wp-docs/melo_commission_report.pdf – Accessed 20 June 2007 – Attachment 22).

In the section called ‘Ineffective investigations and a climate of impunity’, a 2006 Amnesty report notes its concerns that the routine investigations launched into political killings have “reportedly not led to the conviction of any of the perpetrators of the hundreds of killings of leftist activists since 2001”. Likewise, in the June 2007 report, HRW stated that it “was unable to uncover a single case of apparent extrajudicial killing in recent years for which a member of the armed forces was successfully prosecuted”. HRW also notes that a suspect had been arrested in only one of the incidents it had investigated (Amnesty International 2006, ‘Philippines: Political killings, human rights and the peace process’, AI website, <http://web.amnesty.org/library/print/ENGASA350062006> – Accessed 16 August 2006 – Attachment 10; Human Rights Watch 2007, *Scared silent: Impunity for extrajudicial killings in the Philippines*, June – Attachment 6).

According to the most recent US Department of State report on human rights, the fact that alleged abuses by security forces have gone unsolved and unpunished has contributed to a climate of impunity. The report also states that “[c]orruption was a problem in all the institutions making up the criminal justice system, including police, prosecutorial, and judicial organs”. In February 2007 the Asian Legal Resource Centre (ALRC) published a special report titled ‘The criminal justice system of the Philippines is rotten’. This report contains detailed information on human rights abuses in the Philippines and the failure of the criminal justice system (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Philippines*, March – Attachment 8; Asian Legal Resource Centre 2007, ‘Special Report: The criminal justice system of the Philippines is rotten’, *Article 2 of the International Covenant on Civil and Political Rights*, vol. 6, no. 1, February <http://www.article2.org/pdf/v06n01.pdf> – Accessed 19 June 2007 – Attachment 9).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com.au/>

Internet Archive <http://www.archive.org/index.php>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information Service database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. 'Commitment and Vision' 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive
http://web.archive.org/web/20070408172051/www.bayanmuna.net/?page_id=9 – Accessed 26 September 2007.
2. International Federation for Human Rights 2007, 'Briefing note: Philippines', FIDH website, 7 February <http://www.fidh.org/IMG/pdf/0702note-philippines.pdf> – Accessed 9 February 2007.
3. 'About Bayan Muna' 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive
http://web.archive.org/web/20070408171306/www.bayanmuna.net/?page_id=2 – Accessed 26 September 2007.
4. 'Program of Government' 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive
http://web.archive.org/web/20070408213153/www.bayanmuna.net/?page_id=6 – Accessed 26 September 2007.
5. Monsod, S. 2006, 'Calling A Spade Truly Chilling', *Business World*, 10 August. (FACTIVA)
6. Human Rights Watch 2007, *Scared silent: Impunity for extrajudicial killings in the Philippines*, June.
7. 'Bayan Muna members killed under the Gloria Macapagal-Arroyo Regime' 2007, Bayan Muna website (last updated 25 June), accessed through Internet Archive
http://web.archive.org/web/20070408213416/www.bayanmuna.net/?page_id=159 – Accessed 26 September 2007.
8. US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Philippines*, March.
9. Asian Legal Resource Centre 2007, 'Special Report: The criminal justice system of the Philippines is rotten', *Article 2 of the International Covenant on Civil and Political Rights*, vol. 6, no. 1, February <http://www.article2.org/pdf/v06n01.pdf> – Accessed 19 June 2007.
10. Amnesty International 2006, 'Philippines: Political killings, human rights and the

peace process', AI website, <http://web.amnesty.org/library/print/ENGASA350062006>
– Accessed 16 August 2006.

11. Asian Human Rights Commission 2007, 'Philippines: Killing of five more activists and forcible disappearance of another one in separate incidents', 23 May. (CISNET Philippines CX177905)
12. Castañeda, D. 2007, 'First Party Rule will make Future Party-List Elections Vicious, Expensive – Lawyers', *Bulatlat*, vol. 7, no. 19, June 17-23
<http://www.bulatlat.com/2007/06/first-party-rule-will-make-future-party-list-elections-vicious-expensive-lawyers> – Accessed 26 September 2007.
13. 'Militarized' 2007, *Philippine Daily Inquirer*, 6 March. (FACTIVA)
14. Castañeda, D. 2007, 'AFP Campaigns vs Bayan Muna', *Bulatlat*, vol. 7, no. 5, 4-10 March <http://www.bulatlat.com/news/7-5/7-5-afp.htm> – Accessed 19 June 2007.
15. San Juan, E. 2007, 'U.S. Imperialism and Arroyo Regime in the Philippines on Trial at the Permanent People's Tribunal, the Hague', *Monthly Review*, 18 February
<http://mrzine.monthlyreview.org/sanjuan180207.html> – Accessed 14 June 2007.
16. 'Philippine police say terror plot foiled by arrests' 2007, *BBC Monitoring Newsfile*, source: Philippine Daily Inquirer, 11 September. (FACTIVA)
17. Uy, J. 2007, 'No strangers on int'l day for "desaparecidos"', *Philippine Daily Inquirer*, 30 August. (FACTIVA)
18. International Crisis Group 2007, *CrisisWatch*, no. 49, 1 September.
19. RRT Country Research 2007, *Research Response PHL31913*, 22 June.
20. Montlake, S. 2007, 'Philippines Fights Leftists, Fair or Foul', *Far Eastern Economic Review*, April <http://www.feer.com/articles1/2007/0704/p020.html> – Accessed 25 September 2007.
21. Amnesty International 2007, *Amnesty International Annual Report 2007 – Philippines*.
22. Melo Commission 2007, *Initial Report of the Independent Commission to Address Media and Activist Killings*, January, Philippine Center for Investigative Journalism website http://www.pcij.org/blog/wp-docs/melo_commission_report.pdf – Accessed 20 June 2007.