



**PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA**

NV-EPG-476-2020

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (Attn: Special Procedures Branch) and, with reference to SPMH joint communication UA PHL 16/2017 dated 21 December 2017 on the alleged killing and displacement of indigenous peoples/ Lumads and the lack of humanitarian support, has the honor to enclose the response from the Philippine government.

In its response, the Philippine government has noted that many of the allegations referred to in UA/ PHL 16/2017 concern areas known to be hotspots of activities of the armed non-state actor and terrorist organization Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF). As it provides specific responses to the allegations, the Philippines also explains how sustaining the patterns of allegations against the government, including "militarization" and "forced displacement of Lumads" has been part of the tactics of the CPP-NPA-NDF in discrediting state actors, driving away government presence, and ensuring its continued illegal and criminal operations in ancestral domains.

As a background on the political context in the Philippines, particularly with regard to the activities of the CPP-NPA-NDF in exploiting human rights issues and co-opting human rights and democratic platforms to advance its violent political agenda, the Philippine government invites the attention of the concerned Special Procedures mandate holders to Section 3 (Political Context) of the Philippine Human Rights Situationer.¹

Section 6 of the Situationer emphasizes the Philippine government's strong and comprehensive government agenda of empowering the indigenous peoples (IP). This agenda stands on a comprehensive social justice program rectifying centuries of historical injustice rooted in colonial times and grants effective control of ancestral domains to IP communities, this being the most important and effective measure to truly operationalize the promotion and protection of their rights. This section describes the duplicities and atrocities committed by the CPP-NPA-NDF on the IP communities in the Philippines and explains why the empowerment of the IP communities pursued by the government is fundamental to national development and in ensuring the defeat of this long-running insurgency in the country.

The Permanent Mission of the Philippines requests the assistance of the OHCHR Special Procedures Branch in publishing the Philippine Government's response on to the SPMH communications website.

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Geneva avails itself of the opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Attn: Special Procedures Branch) the assurances of its highest consideration.

Geneva, 25 November 2020

**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
(Attn: Special Procedures Branch)**

Palais Wilson
52 Rue de Paquis
CH-1201 Geneva, Switzerland



Enclosure: The Philippine Government's Response to UA PHL 16/2017 dated 21 December 2017

¹ <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200609-PH-Human-Rights-Situationer.pdf>

The Philippine Government's Response to SPMH Joint Communication UA PHL 16/2017 dated 21 December 2017 on allegations concerning killings of indigenous Lumad farmers in the province of South Cotabato, Mindanao, the displacement of approximately indigenous families in the provinces of Sarangani, Surigao del Sur, Agusan del Sur, Maguindanao, and North Cotabato, and the lack of humanitarian support to the displaced communities.

It should be noted that many of the allegations referred to in UA PHL 16/2017 concern areas known to be hotspots of the armed non-state actor and terrorist organization Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF) such as certain towns in Surigao del Sur.

The Andap Valley Complex, a mountainous rainforest that runs from Lianga, San Agustin, Cagwait, Tago, Marihatag, and San Miguel municipalities of Surigao del Sur, has been a long-time stronghold and strategic area for the guerilla base of the CPP-NPA-NDF's North Eastern Mindanao Regional Committee (NEMRC). The Andap Valley is surrounded by indigenous communities which have been the targets of CPP-NPA-NDF for recruitment for armed combat and other forms of exploitation. It has been in the CPP-NPA-NDF's interest to retain its hold over the area.

Major activities of the CPP-NPA-NDF which are being held in the Andap Valley Complex include the annual celebration of the Founding Anniversaries of the CPP every December of the year to showcase the CPP-NPA-NDF's influence. It will be observed that many of the allegations in UA PHL 16/2017 appear to have occurred towards yearend. This period coincides with the CPP-NPA-NDF pre-anniversary plan of conducting widespread offensive against government troops, vital installations, civilian targets, and amping up its propaganda based on fabricated human rights violations issues before the international community .

The following are some of the activities to illustrate the extent of CPP-NPA-NDF operations in the area:

- 1) 25 October 2017- 10 NPAs burned a private container van at Banahao, Lianga, Surigao del Sur;
- 2) 6 November 2017- 20 fully-armed NPAs ambushed patrolling elements of the 75th Infantry Battalion in Lianga, Surigao del Sur. They detonated a landmine that resulted in the death of two CAFGU Active Auxillary, one soldier, and wounding of one other.
- 3) November 2017- NPAs were consolidating Lumad/ indigenous peoples residents of several villages of Surigao del Sur.



War materials seized by the Philippine Army from the NPA on 28 November 2017. These include, among others, an AK47, M653 rifle, compass, cellphones, USBs, IED detonating switch, detonating cord, blasting cap, and hand grenade.

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War materials seized by the Philippine Army at an NPA camp in Andap Valley on 1 December 2017. These include, among others, Improvised Explosive Devices (IEDs), IED parts, demolition manual, generator set, handheld radios, NPA flag, 300 meters detonating cord, 100 meters electrical wire.

The patterns of allegations concerning indigenous peoples issues such as "militarization", "forced displacement" and those raised by private tribal "schools" such as [REDACTED], [REDACTED] [REDACTED] are exhaustively addressed in the Philippine Human Rights Situationer¹. It should be noted that these patterns of allegations only serve the interest of the CPP-NPA-NDF which has been intent on discrediting the government to drive away the much-needed government presence and delivery of services in these remote and underserved communities. This then enables the group to retain its hold over the ancestral domains and influence over the vulnerable indigenous communities.

Section 3 of the said Situationer describes the political context and dynamics in the Philippines and illustrates the challenges confronted by the Philippines, as one of the top ten countries most impacted by terrorism per the 2019 Global Terrorism Index, to decisively defeat the longest-running and most violent communist insurgency in Asia pursued by the CPP-NPA-NDF. It also describes the group's self-professed application of "dual revolutionary tactic" which uses the "tactic" of instrumentalizing human rights issues and democratic spaces as a platform for advancing their agenda of an armed revolution and for covering their crimes and atrocities. Section 4.11 describes the accountability mechanisms and efforts to institutionalize and ensure the respect for human rights in the Armed Forces of the Philippines.

Section 6 of the Situationer emphasizes the Philippines' strong and comprehensive government agenda of empowering the indigenous peoples (IP). This agenda stands on a comprehensive social justice program rectifying centuries of historical injustice rooted in colonial times and grants effective control of ancestral domains to IP communities, this being the most important and effective measure to truly operationalize the promotion and protection of their rights. This section describes the duplicities and atrocities committed by the CPP-NPA-NDF on the IP communities in the Philippines and explains why the empowerment of the IP communities pursued by the government is fundamental to national development and in ensuring the defeat of this long-running insurgency in the country.

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The Philippine Government's Response to SPMH Joint Communication UA PHL 16/2017 dated 21 December 2017 on allegations concerning killings of indigenous Lumad farmers in the province of South Cotabato, Mindanao, the displacement of approximately indigenous families in the provinces of Sarangani, Surigao del Sur, Agusan del Sur, Maguindanao, and North Cotabato, and the lack of humanitarian support to the displaced communities.

I. RESPONSE TO SPECIFIC ALLEGATIONS IN UA PHL 16/2017

- 1) *Alleged massacre of eight (8) T'boli and Dulangan Manobo Farmers and wounding of two (2) others in Sitio Datalbong, Barangay Ned, Lake Sebu, South Cotabato by members of the 27th Infantry Battalion (27IB), 10th Infantry Division (10ID), and 33^d Infantry Battalion (33IB), 6th Infantry Division (6ID), of the Philippine Army***

Sitio Celtix is an ancestral domain located in Barangay Ned, Lake Sebu, South Cotabato which has been under the influence of the CPP-NPA-NDF. The NPA has used the area as a guerilla base and has been recruiting indigenous combatants and carrying out other forms of exploitation in the community. The NPA started organizing activities under its Guerilla Front 73 led by NPA commander [REDACTED].

Despite these developments, the 27IB and 33IB, 10ID of the Philippine Army continued to collaborate and engage with various stakeholders in an attempt to prevent the further exploitation of indigenous communities and members such as Mr. [REDACTED] by the NPA. Local government unit officials also made efforts to reach out and negotiate with Mr. [REDACTED] and his community.

On 1 December 2017, 27IB received a reliable information that NPA commander [REDACTED], together with 25 fully armed NPA had been encamped near the said *sitio*. NPA Commanding Officer of the Far South Mindanao Region [REDACTED] also arrived in the area together with about 26 fully armed NPA members.

In the morning of 2 December 2017, the unit validated the report and decided to conduct complementary focused military operations to dismantle the NPA formation and isolate and protect the community of Mr. [REDACTED] from NPA influence.

In December 2017 in Sitio Datal, Barangay Ned, Lake Sebu, South Cotabato, an encounter happened between the government troops and the NPA that resulted in the death of eight (8) *Lumads*, namely: [REDACTED]; [REDACTED]; [REDACTED]. In the government side two (2) were killed and three (3) wounded in action. It was observed that while the firefight was ongoing, the NPA directed a number of its members to defend the NPA outposts at all cost while its higher officials slowly scampered away.

Four (4) High Powered Fire Arms (HPAFs) and other war materials were recovered from the scene.

- 2) *Alleged displacement of more than 1,000 persons in October 2017; 135 families from Barangay Alonganen, Datu Piang Municipality, Maguindanao on 14 October 2017; pre-emptive evacuation of 216 families from Municipality of Pikit, North Cotabato***

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On 29 August 2017, morning, the 2nd Mechanized Infantry Battalion launched combat clearing operations in line with *Oplan "Bayawak"* of 601st Brigade to the Bangsamoro Islamic Freedom Fighters (BIFF) stronghold at the Barangay Alongalen, Datu Piang, Maguindanao which led to the capture of the camp led by alias [REDACTED].

[REDACTED] is a notorious BIFF personality and leader who is responsible for the series of atrocities against Armed Forces of the Philippines personnel and civilians in the periphery of the area. His group was also known for his strong ties with [REDACTED] and was known to be connected with the illegal drug traders in the area. In line with that, the unit received report that 148 families from Barangay Alonganen voluntarily evacuated on 3 September 2017, thereafter said internally displaced persons returned to their homes safely and peacefully. The local Human Rights Office did not receive any report of human rights violation.

The conduct of military operation to seize the camp was a legitimate operation to seize alias [REDACTED], who has been responsible for the series of atrocities in the area like extortion and drug trade in the Municipality of Datu Piang, Maguindanao.

3) Alleged forced evacuation of 12 Lumad communities in Lianga and Barangay Buhisa, San Agustin, Surigao del Sur due to encampment of 75th Infantry Battalion soliders on 26 November 2017

Per report of the H75IB, 6ID of the Philippine Army dated 1 February 2018, the unit denies the alleged encampment. The Armed Forces of the Philippines (AFP) troops were patrolling the area because San Agustin, Surigao del Sur, has several communities being frequented by the NPA.

The CPP-NPA-NDF also built pseudo-schools called [REDACTED] which are being used to recruit and teach indigenous children to become combatants. Members of *Lumad* tribes executed affidavits asserting that these pseudo schools, which are not accredited by the Department of Education, are teaching indigenous children/ students to become combatants.

The CPP-NPA-NDF had forced the indigenous families (Manobo tribe) to leave from their respective sitio residences and homes as part of its strategy called "*Taktikang Bakwit*" (Evacuation Tactic) to hamper the military operation.

4) On the alleged food blockade in Lianga, Surigao del Sur

Per Special Report from the 401st Infantry Brigade, 4ID, of the Philippine Army, it was established that there was no truth to the allegation of food blockade, in Lianga, Surigao del Sur. During the Municipal Peace and Order Council (MPOC) emergency meeting in Lianga, the 40st Infantry Brigade and 75IB of the Philippine Army raised the issue to the members of the council, that if and when an evacuation becomes imminent in Diatagon, it would be necessary to ensure that sufficient relief assistance be provided for the evacuees and that

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the delivery of relief goods should be managed and administered by the Local Government Unit (LGU) of Lianga.

The proposal was agreed upon by the Council. Resulting from the agreement of the Council, all relief goods were put in one center/area prior to distribution and that the LGU would be responsible in managing relief operations. The fact that there was an agreement by the MPOC that relief goods would be delivered, a food blockade would be contradictory and therefore illogical to happen.

The personnel of 751B of the Philippine Army, which manned the Neptune Patrol Base located in Km 5 and is along the way leading to Km 9 from Barangay Diatagon proper, helped facilitate the delivery of relief goods to residents of So Simowao distributing family food packs to 251 families staying at the Department of Social Welfare and Development (DSWD)-established Tribal Core Shelter and Social Service Facilities on 29 November 2017, 274 family food packs on 30 November, 274 on 6 December, 292 on 8 December, and 292 on 17 December 2017.



The Municipal Social Welfare and Development Office of Lianga distributing relief goods and family food packs to So Simowao residents.

To further deny the allegation, [REDACTED], Surigao del Sur has issued a certification dated 3 January 2018 indicating that **the alleged "food blockade" is not true** and that the evacuees from Km 9/Simowao, Km 4, Km 15, Km 16, [REDACTED], [REDACTED] were allowed entry after submitting themselves for visual inspection at the checkpoint. The certification further stated that "any donations from the government (national, provincial, and barangay) and non-government agencies (ACCORD Inc.) were fully endorsed to the Local Social Welfare and Development Office and subsequently distributed to affected families."

Moreover, Barangay Chairman [REDACTED] issued a certification dated 30 December 2017 stating that **there was no food blockade imposed by 751B in Barangay Diatagon and that all relief goods were channeled to DSWD-Lianga and were properly delivered to all evacuees who temporarily settled at Km 9/Simowao of the said Barangay.**

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On the information that only local government of Barangay [REDACTED] was allowed to deliver relief goods, it was agreed during the emergency meeting of MPOC that entry of private organizations should be restricted due to prevailing situation at that time which would unnecessarily expose individuals from these private organizations to risks on their safety and security.

Allegations of “food blockade” was raised, only after a group from the pseudo-schools [REDACTED], posturing to deliver “food supplies” to the evacuees, were restrained to proceed to So Simowao without the necessary coordination from Lianga LGU regarding their supposed delivery of relief goods on 1 December 2017.

It should be noted that as planned, agreed, and decided by the Lianga MPOC, the relief goods and food supplies were brought to the evacuees in Km 9 on 29 and 30 November and in the succeeding days.

The food blockade allegation was a ploy by the armed terrorist group, CPP-NPA, to arouse antipathy and anger, using social media platforms, over the fabricated issue of suppression of basic rights of the people. The allegation that donations from church groups and humanitarian organizations were barred from entering the evacuation centers, were baseless and unfounded, and were intended to solicit support from the church, cause-oriented groups and foreign donors against the government.

II. PATTERNS OF ALLEGATIONS IN THE CONTEXT OF INDIGENOUS PEOPLES

Allegations of violations against the rights of indigenous peoples have been levelled against the State across political administrations, with the rhetoric of State benefiting from the underdevelopment of IPs in an effort to advance business interests especially in the extractive sector.

Where the State has duly recognized the vulnerabilities of IPs, including to impacts of business activities and has, through IPRA, strongly pursued an IP empowerment agenda that grants effective control of ancestral domains to IP—this being the most important measure to truly operationalize the promotion and protection of their rights—such allegations only appear grossly inconsistent with State agenda and interests.

On the other hand, the government's pursuit of the full implementation of the landmark law Indigenous People's Rights Act (IPRA) including ensuring the IPs control of their ancestral domains has been inimical to the interests of a particular group, notably the CPP-NPA-NDF.

The reality on the ground is that the CPP-NPA-NDF has been responsible for countering government efforts to implement the IPRA and committing widespread human rights violations against IP communities.

The following puts in perspective the interests of the CPP-NPA-NDF in pursuing this malicious agenda against the Philippine government and the IP communities:

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- Ancestral domains/ IP territories are central to CPP-NPA-NDF operations on the ground. Against the will of the IPs/ICCs, the CPP-NPA-NDF have entrenched themselves and have been using indigenous territories/ ancestral domains for: “mass base building”; as guerilla base, guerilla zone, command bases; recruitment of children combatants; extortion of so-called “revolutionary taxes” from industries, local populace and businesses, among other crimes and atrocities.
- The passage of IPRA, which grants control of ancestral domains to IPs, **weakens the already tenuous control and claim of CPP-NPA-NDF over such territories** and renders them illegal occupants or encroachers.
- One of the demands of the CPP-NPA-NDF in their proposed peace agreements is to **remove recognition of indigenous peoples as such and to instead consider them “national minorities”** effectively removing the indigenous peoples’ historical claim to land title, self-governance, and right to self-determination provided in local and international laws, agreements, and norms.
- In peace negotiations with the government, **the CPP-NPA-NDF explicitly demand the distribution of ancestral domains to the “general public” instead of the particular indigenous peoples communities owning those lands. The Philippine government has consistently opposed such demand.**
- **CPP-NPA-NDF have been obstructing government delivery of services and programs and have killed and threatened to kill many IP leaders for supporting government programs.** CPP-NPA-NDF continues to pursue the narrative of a brutal, ineffective, and apathetic government in order to preserve and promote its propaganda of a “cause-oriented” armed struggle.
- Gaps in government service delivery and programs in IP communities are exploited to serve as justifications for front organizations of CPP-NPA-NDF to pursue their purported IP-focused charitable works through funding support from unsuspecting foreign donors. Investigations including attestations from IPs themselves have revealed a gross and complex pattern of malversation and misdirection of funds to support the CPP-NPA-NDF’s violent armed struggle, including the commission of systematic atrocities against IPs such as recruitment of children combatants, abduction, sexual exploitation, trafficking, among other crimes.

The Philippine government’s pursuit of IPRA and IP empowerment agenda is a fundamental threat to the CPP-NPA-NDF. As a result of their defeat in cities and most parts of the country, the NPA’s shrinking operational viability draws heavily from their illegal entrenchment in IP domains. This explains the CPP-NPA-NDF’s rigorous activities to prevent, sabotage, discredit and attack relevant government programs with false allegations of violations and abuse.

Notwithstanding the challenges posed by CPP-NPA-NDF, the government perseveres in its efforts to ensure the delivery of government programs and in addressing the decades-long systematic atrocities being committed by CPP-NPA-NDF against the IPs.

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On the alleged use of “paramilitaries”

Allegations against the government include the alleged use of IP “paramilitaries” by the Armed Forces of the Philippines. The term “paramilitary” or IP paramilitary is a misguided and a politicized term being employed by CPP-NPA-NDF to tactically convey, on the one hand, the military’s “rogue” nature with its use of non-accountable private armed groups that are not formally part of the armed forces and, on the other hand, that IP warriors are mere rogue military conscripts. It should be highlighted that **the Philippine government has no policy that allows such “paramilitaries”**.

The Citizen Armed Force Geographical Unit (CAFGU), created by law in 1987, provides for civilian reservists who are called for active duty for 15 days to render service within their respective communities. The CAFGU system supports the Functional Integrated Territorial Defense System or Community Safety System which enables community involvement and participation on peace and order and security matters affecting them. CAFGU reservists **undergo rigorous training in military courtesies, discipline, human rights and international humanitarian law. CAFGU abide by military rules and regulations and are under the administrative supervision of military non-commissioned officers.**

Indigenous Warriors: Duly Recognized under Philippine Law

With due respect to customary laws, IPRA provides for the full recognition of and respect for indigenous institutions of self-governance and defense of ancestral domains. Together with the elders and the religious leaders, tribal warriors or guards are a recognized group in most indigenous communities. These tribal warriors or guards (also known as “*Bagani*” or “*Alamara*”—different tribes have different terms) are tasked by their communities to defend against external aggressors, in line with customary laws. Conflicts are resolved through their existing indigenous political, religious, cultural and judicial processes and structures. Thus, tribal guards as directed by their political leaders known as “*datus*” and collectively through their tribal council, protect their territory from aggression and atrocities by entities external to their tribe.

The IP communities coordinate and seek assistance from the AFP, PNP and the local government units to ensure peace and order in their ancestral lands and domain.

Systematic atrocities committed by the CPP-NPA-NDF against IPs have prompted many tribal leaders, through their *Bagani* or tribal warriors, to engage in combat with the CPP-NPA-NDF who have been illegally occupying their ancestral domains. CPP-NPA-NDF continue to brand tribal warriors as “paramilitaries” in order to undermine the legitimacy of the IPs’ resistance and defense of ancestral domain against CPP-NPA-NDF.

Moreover, the branding of IPs as “paramilitaries” mocks and disrespects customary laws which duly recognize the important role of tribal warriors in the defense of ancestral domains. It assaults the IP’s identity and culture and has the effect of weakening indigenous political structures.

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CPP-NPA-NDF corruption of the indigenous defense system

On the other hand, the CPP-NPA-NDF has used this existing indigenous defense system “*Bagani*”, which is duly recognized and protected under Philippine law, as a convenient asset and corrupted and converted it to “*Pulang Bagani*” or Red Army/Warriors Command, suited to their political purposes. CPP-NPA-NDF has supplanted tribal leaders and usurped command of the *Bagani* system. In Mindanao there are five such “*Pulang Bagani*” commands consisting of platoon to company sizes with more than 500 tribal warriors. It would be noted that a lot of the surrenderers/returnees are indigenous peoples.

It is in CPP-NPA-NDF interest to keep IPs undereducated and in the dark about the IPRA law and government programs as empowered IPs translates to the further diminishment of what remains of CPP-NPA-NDF operational and political base. Conversely, it is in the government’s every interest to aggressively pursue the full implementation of IPRA and a comprehensive and responsive program that would address the needs, vulnerabilities and strengthen the resilience of indigenous communities against exploitation by CPP-NPA-NDF elements.

On the alleged “militarization” of ancestral domains and displacement of IPs

Allegations of “militarization” of ancestral domains, which connote an act of preparing the society for war, conflict or other emergencies, have been hurled against the Philippine government by the CPP-NPA-NDF across administrations.

The term “militarization” has been deliberately misapplied to refer to the legitimate conduct of operations by State armed forces against organized armed groups or to suppress lawless violence committed by non-state actors. These operations include Armed Forces of the Philippines (AFP) patrols in areas where there have been reported sightings of NPA armed groups.

The AFP patrols, prompted by reports from and always conducted in coordination with the IP communities, are warranted to respond to reports of NPA attacks, harassment, or extortion of so-called “revolutionary taxes” from the local populations and businesses.

CPP-NPA-NDF’s *Taktikang Bakwit* (Evacuation Tactic)

It has been alleged that “militarization” has caused massive displacement of indigenous peoples. The CPP-NPA-NDF has been known to use the device called “*Taktikang Bakwit*” (Evacuation Tactic) which involves the infiltration of IP communities to sow discord and cause disorder that could trigger mass evacuation among IPs especially in Mindanao. Under this strategy, the CPP-NPA-NDF has been using “military operations” or “militarization” as a reason to convince residents of the need to urgently evacuate.

This tactic continues to be employed by the CPP-NPA-NDF to, among others, prevent the local government from delivering basic services and goods to the communities and to hamper the legitimate operations by state security sector in response to reports by IP leaders of presence of and atrocities being committed by CPP-NPA-NDF. Sowing instability

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and keeping the IP communities in a state of unrest and deprivation enable the CPP-NPA-NDF to strengthen their hold on ancestral domains and maintain their presence.

Case Study: Oceana Gold Company in Dipidio, Kasibu, Nueva Vizcaya

The case of Oceana Gold Company in Nueva Vizcaya illustrates an example of allegations against the State on “protecting business interest”, “militarization”, “harassment of human rights defenders and community leaders” and generalized accusations of rights abuses in the context of business operations where there are IP communities.

The Philippine government takes all allegations of human rights violations seriously and undertakes thorough investigations on complaints brought against Oceana Gold on its activities.

The Philippine government shares that as a result of its investigation involving the concerned community in Dipidio, it was found out that the community itself, consisting of the residents of the host community of the mining project and other adjacent barangays, belied the allegations of human rights violations, including of reported burning of houses and forced eviction of residents. The community also referred to outsider individuals and groups that have personal vested interests and agendas in capitalizing on their silence.

Facts on the ground are contrary to the allegations made on militarization, and they indicate that military presence was in response increased NPA activities in the locality.

Consistent with government’s accounts denying allegations of “militarization” and establishing the fact about NPA presence and activities in IP communities, Oceana Gold, in its April 2019 response to a joint communication by Special Rapporteurs, attested to the following:

- *Para 27: As far as we are aware, **the Armed Forces of the Philippines (AFP) were not involved in any of the enforcement processes, and the Philippine National Police (PNP) were present at one of the 2008 entries, as set out in the paragraph below.***
- *Para 28: We understand that members of the PNP were present on 22 March 2008. **No members of the AFP were present.** We understand that the PNP were present to ensure peace and order during the dismantling process, and were not involved in any dismantling of structures themselves.*
- *Para 63: **Neither the AFP nor the PNP provide any special assistance to OGPI as regards "protecting the company" or preventing protest.***
- *Para 65: In relation to page 5 of the Joint Communication, **there has been an increased AFP presence in Dipidio since 2017. This is due to an increase in activity by the Philippine New People’s Army and is not at the request of OceanaGold.***

Case study: [REDACTED] in Davao City

[REDACTED] operations in Davao City have long been used by the CPP-NPA-NDF for propaganda on alleged violations by the government on the rights of IPs including “militarization.” The [REDACTED] is presented as a shelter and sanctuary of IPs in order to be able to raise funds from unwitting donors but in fact is used for the trafficking and detention of IPs who are forced to raise anti-government placards to project the government’s alleged neglect of the rights of IPs.

NPA commanders would arrange the travel of IPs from respective communities to the [REDACTED] in Davao City with the promise that they would have an audience with the Mayor, the President, and the boxing champion [REDACTED] and that they would be given a stipend of Php 500 (USD 10) per day.

Upon their arrival, the IPs would be held [REDACTED] for over 3 months with promises unfulfilled and would be forced to raise anti-government placards. Their photographs would be used to portray a grim picture of massive evacuation on account of the military and other allegations of human rights violations against IPs. IP leaders have

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been condemning the UCCP for violating the rights of and exploiting IPs with the Haran operations and have called for the closure of the compound. Recent data from January 2020 shows that there were around 400 IP trafficking victims encamped in [REDACTED], around half of which are children.

In January 2020, Davao Regional Peace and Order Council (RPOC-11) approved a resolution seeking the immediate closure of the [REDACTED]. The local government units and the Department of Social Welfare of Development have immediately provided assistance to the IP victims including facilitation of long-term interventions such as livelihood on their return to their communities.

Groups decrying the closure of [REDACTED] are CPP-NPA-NDF entities such as [REDACTED], [REDACTED], among others. These groups allege that said closure was a “witch hunt” against the indigenous peoples and an attack against so-called IP human rights defenders. This illustrates yet again a case where government effort to uphold human rights, hold perpetrators to account and bring redress to victims would be challenged by CPP-NPA-NDF as an act of reprisal against them as “human rights defenders.” This reveals the reality in Philippine setting that CPP-NPA-NDF elements have been misappropriating the hallowed “human rights defender” badge to get sympathy from the international community with the intent of raising international pressure to counter government action holding them accountable for the commission of atrocities and human rights abuses.

CPP-NPA-NDF's use of IP schools to train child combatants

Since early 2000 when the UN reported global concerns on the recruitment of child warriors, the Philippines immediately developed the *Protocol in Handling and Treatment of Children Involved in Armed Conflict*. In the past years, this was enhanced with the establishment of localized comprehensive monitoring system to prevent the occurrence of grave child rights violations in armed conflict situations and ensure the provision of appropriate and timely response.

The government is determined to address this challenge by reinforcing protection mechanisms for children in situations that make them especially vulnerable to violations of their rights and the recruitment by terrorists and other criminal elements. The Philippines enacted a law in January 2020 on the “*Special Protection of Children in Situations of Armed Conflict*”, in addition to a 2016 law on “*Children's Emergency Relief and Protection*” during calamities and disasters, and other policy measures.

The Office of the Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, in her press statement on 18 June 2019, lauded the Philippine government for the adoption of the Children in Armed Conflict Law and welcomed the signing of the Implementing Rules and Regulations of the Law. This SRSG acknowledges the Philippines serious efforts to strengthen mechanisms for enhanced protection of children from grave violations. The Philippines is supportive of the call of SRSG for States to prevent this exploitation by non-State armed groups, hold perpetrators accountable, and ensure rehabilitation and reintegration of exploited children.

The continued recruitment and use of children for combat is widely documented including in the report of the UN Secretary-General's Special Representative for Children and Armed Conflict.

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Reports and complaints from IP communities in the Philippines on the recruitment of children through private “tribal schools” prompted government investigations. Members of IP communities themselves executed affidavits asserting that these learning centers/programs such as the [REDACTED]

[REDACTED], including programs such as [REDACTED], were being used to teach indigenous children/ students to dismantle and assemble firearms and as recruitment grounds for children to become NPA combatants.

Tribal leaders themselves strongly urged the government to shut down such schools on account of countless violations of human rights including abduction, rape, slavery, and trafficking, among others

The House of Representatives-Committee on Indigenous Cultural Communities and Indigenous Peoples (HOR-CICCIIP) was prompted to conduct an inquiry on [REDACTED] following significant data and information on their alleged involvement in IP human rights violations.

In April 2019, the inspection team composed of the Office of the Presidential Adviser on the Peace Process, House of Representatives, Department of Education, Department of Interior and Local Government and the NCIP visited Km16, Sitio Han-ayan, Brgy. Diatagon, Lianga, Surigao del Sur to validate reports. The inspection team’s field reports confirmed the complaints. Following were among the main findings:

- Graduates of [REDACTED] become members of the NPA. As [REDACTED] curriculum does not comply with standards, graduates cannot proceed to higher education.
- Funds to run the schools/program are diverted to the armed movement, to cover day-to-day expenses, the cost of mobilizing people to attend rallies or stage public demonstrations, and to feed the NPA troops;
- Department of Education projects are obstructed by constant attacks and harassment from CPP-NPA-NDF elements.

In October 2019, a resolution creating a Technical Working Group to facilitate the closure of [REDACTED] was passed by the Caraga Regional Task Force to End Local Communists Armed Conflict.

Closure of 55 Salugpongan schools in Davao del Norte

Similar to allegations attendant to the investigation and closure of [REDACTED], the closure of operations of the [REDACTED] [REDACTED] was alleged to be part of the government’s “systematic attack targeting IPs and IP human rights defenders”

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The issuance by the Department of Education (DepEd) on 20 September 2019 of a Notice of Resolution ordering the closure of all [REDACTED] schools was a result of an exhaustive investigation prompted by numerous complaints from affected indigenous communities including formal complaints and recommendations for closure issued by 14 Municipal/Local Tribal Council of Elders in affected ICCs together with four (4) Local and Provincial Governments. The indigenous peoples themselves initiated the closing down of Salugpongan schools and also forwarded resolutions demanding the closure of the schools.

Among the key findings of DepEd's Fact-Finding Committee which became the bases for the decision on the operations of 55 [REDACTED] schools were:

- Failure to comply with DepEd's curriculum standards;
- The schools brought students away from their homes without the consent of their parents and used them to generate funds by making them perform in various events, a violation of DepEd's Child Protection Policy; and
- The schools have been operating within the ancestral domain of indigenous cultural communities without obtaining the mandatory Free and Prior Informed Consent (FPIC) and the subsequent certification precondition from the National Commission on Indigenous Peoples (NCIP).

Through perusal of testimonies of resource persons and documents and records, the Fact-Finding Committee gathered substantial evidence proving that the [REDACTED] is **detrimental to the safety and well-being of the students**. *"The [REDACTED] is being operated more like a camp than a school for basic education,"* stated the Fact-Finding Committee in its reports. It was also found out that parents were made to sign an undertaking that a child could not go home without the permission of the teachers, parents were not informed of their children's whereabouts, children were mandated to participate in CPP-NPA-NDF organized political rallies/demonstrations, additional subjects promoting violence and attack against the government were being taught, and some students were already taught to dismantle and assemble firearms and were set to be transported to Compostela Valley Province for a test mission.

In the case of the 1,142 former students of [REDACTED] schools, 1,000 are already enrolled in nearby DepEd schools. Parents of affected IP learners who have yet to enroll in DepEd schools are encouraged to bring their children to school. The government has considered as an urgent priority the building of government schools in affected areas and in IP communities in general.

The Philippine government, through its **National Indigenous Peoples Education (IPEd) Program**, continues to respond to further enhance the right of IP communities to basic education that is sensitive to their context, respects their identities, and promotes the value of their indigenous knowledge, competencies, and other aspects of their cultural heritage. As of 2019 there are over 2.5 million IP learners in the entire public school system.

The IPEd program's initiatives include the establishment of dialogue mechanisms with IP communities, personnel hiring and capacity development, and responding to access concerns. Curriculum contextualization and Mother Tongue-based Multilingual Education

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(MTB-MLE) implementation have been prioritized in support of the development of culturally appropriate learning resources and environment.

Currently, there are more than 90,000 IP learners directly being served through contextualized lesson plans and 112 IP languages are used in developing MTB- MLE prerequisites. Sixteen regional offices of the Department of Education including the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) and 117 divisions have been provided IPed Program Support Fund (PSF) and technical assistance.

Lakbay-Hukay Program and the CPP-NPA-NDF's "kangaroo courts"

The IP leaders in Mindanao prepared a document called the *17 major atrocities of the CPP-NPA-NDF against the Indigenous Peoples*. The document represents the consolidated output of a workshop convened in mid-2018 where 120 IP leaders and council elders representing different ethnographic tribes from the 6 regions in Mindanao gathered to discuss human rights issues. The document identifies systematic atrocities committed by the CPP-NPA-NDF that are in violation of their human rights, customary laws, way of life, and the Indigenous People Rights Act (IPRA). This document also cites the execution of at least 316 IP elders and leaders which were put together from the personal knowledge of the IP participants. The document has been submitted to the Commission on Human Rights (CHR), NCIP, and the Office of the President, among others.

Gravely alarmed about the reports from the IP leaders, President Duterte personally met with the IP leaders in Malacanang in mid-2018 in order to discuss their human rights concerns. The President assured that IPs that the government would address their concerns and grievances and look into the cases of the reported killings.

The government launched the *Lakbay Hukay* Program or "travel to the grave" in October 2018 in response to the demands of the families and relatives of the IPs victimized by the CPP-NPA-NDF. Joint efforts are conducted to locate, exhume the bodies of indigenous peoples, and conduct forensic analysis, with a view assisting the families in providing decent burial to the victims of CPP-NPA-NDF's summary execution and to facilitate the filing of cases.

The Program, involving the Philippine National Police the Armed Forces of the Philippines, the National Bureau of Investigation, was pursued in partnership with the IPs. In the course of the program, graves of executed IPs had been discovered, providing further evidence for CPP-NPA-NDF's routine violation of the International Humanitarian Law and the Republic Act 9851 on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity.

This and countless testimonies from IP communities confirm the existence of a CPP-NPA-NDF program of liquidating IP leaders that do not embrace the CPP-NPA-NDF ideologies including the armed struggle. In order to preserve its control of the IP communities, CPP-NPA-NDF has been supplanting traditional IP leaders with leaders from the ranks of CPP-NPA-NDF. It has been imposing its so-called "revolutionary justice system" including the use

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of kangaroo courts in indigenous communities, as stipulated in the CPP laws, rules, and guidance.

Most often, the decision or judgement to execute an IP leader is the expected outcome of the kangaroo court, with a relative of the IP leader being tasked to execute the judgement. CPP-NPA-NDF imposes a criminal and perverse “justice” system that forces the killing among relatives of IP leadership. This vile system is not only in conflict with the IP customary laws but also systematically destroys indigenous political and social structures. #