



## CORDILLERA PEOPLES ALLIANCE

*For the Defense of the Ancestral Domain  
and for Self Determination*

December 22, 2008

### **UPDATE REPORT IN THE SEARCH FOR JAMES MOY BALAO**

Dear Friends:

This is the 94<sup>th</sup> day from James Moy Balao's enforced disappearance on September 17. The state security forces of GMA continue to hold him in captivity. Nonetheless, we continue and intensify our **MABTAD!**<sup>1</sup> to search and campaign to surface James. **MABTAD** tako am-in!

The search is doubly hard because in our search for James, the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) continue to release statements in an attempt to divert the accountability of the State on James' disappearance. They have questioned James' identity and have even placed James' clan and his colleagues in the CPA as suspects in the enforced disappearance.

We condemn this attempt at a whitewash and find it inexcusable and irresponsible.

Thus, on November 17, the second month since the disappearance of James Balao, we held protests in Baguio City and La Trinidad.

In La Trinidad, we held a picket and noise barrage in front of Camp Dangwa, the police regional headquarters. This to protest the police statements that the disappearance of James is highly to be a result of a purge within the CPA, a clan or family dispute or that he brought it upon himself for traveling alone despite the surveillance on his person. We also held a short program along the highway at the Provincial Capitol, during the Adivay Festival in Wangal, and at the La Trinidad Market to inform the public on James, the circumstances of his disappearance, announce that the search for James is still ongoing and to appeal for support in the continuing search.

Annexed to the Petition for the Writ of Amparo is James' journal that detailed his being under surveillance by state security agents. The notes date from April 29 to September 1, 2008. In this journal, he wrote the details of the vehicle surveilling him, the time and dates of his surveillance. The patterns of surveillance described in his journal are the same in the operations to neutralize members and leaders of progressive people's organizations under Operation Plan Bantay Laya. James noted this and feared not only for his life and security but for his family and colleagues' as well. The journal proves the State's hand in James' abduction and enforced

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<sup>1</sup> Mabtad is a practice among the Igorots i.e. indigenous peoples of the Cordillera, calling for community cooperation and mobilization in times of emergency such as to search for a community member.

disappearance.

The lies being thrown in now by the AFP and PNP that the clan and his colleagues are responsible for his enforced disappearance are the same accusations they made in other cases of enforced disappearances and the more than 900 cases of extrajudicial killings. Their statements have been highly criticized by the United Nations Special Rapporteur Philip Alston in his report saying, **“The military’s insistence that the “purge theory” is correct can only be viewed as a cynical attempt to displace responsibility.”**

In the afternoon of the same day, different groups converged at People’s Park in a program to reiterate the call for MABTAD! and to further the search for James.

### **On the Writ of Amparo**

In a move to hasten the proceedings of the Writ of Amparo and avoid our perceived delaying tactics of the counsel of the respondents i.e. Office of the Solicitor General, the Petitioners through their counsels filed a manifestation with the Court that they have presented all witnesses and evidences for the granting of the writ. Petitioners also fervently asked the Court to resolve the petition at the soonest time.

At the last hearing on November 27, the Court stated that it should issue its resolution after ten (10) working days. To date, the Court has not yet issued its resolution.

### **On Legislative Lobby**

In the morning of November 17, the Balao Family and the CPA together with the DESAPARECIDOS and TAKDER accompanied BAYAN MUNA Party List Representative Teddy Casiño in an action filing of House Resolution 869 calling for a legislative inquiry on the enforced disappearance of James. Bayan Muna Party List Representatives Satur Ocampo and Teodoro Casino initiated this, and jointly sponsored by Liza Maza and Luzviminda Ilagan of Gabriela Women’s Party, and Rafael Mariano of Anakpawis Party List. Immediately after, the group proceeded to lobby the Representatives of the six (6) provinces of the Cordillera and Baguio City to support the said resolution. We also made similar efforts with the members of the Senate particularly Senator Chiz Escudero who heads the Senate Committee on Human Rights.

The Resolution also called for efforts for the immediate and unconditional surfacing of James.

We hope that the House inquiry will push through on January next year and that our lobby efforts in the Senate will result to a similar action.

TAKDER AND UP Anido also headed candelighting and program at UP Diliman on November 28 as part of the campaign to surface James. The UP Baguio Alumni on December 5, 2008 dedicated an award to James for his outstanding commitment in

service to the Cordillera indigenous peoples, and reaffirmed their solidarity for his immediate surfacing.

### **On Working with the Commission on Human Rights (CHR)**

The Chairperson of the CHR, Leila de Lima, acting on a CHR en banc resolution, called for a multi-sectoral consultation on the matter of James' enforced disappearance on December 2. The Balao Family and the CPA attended the consultation. Also attending the consultation among many were Prime Bishop Ignacio Soliba of the Episcopal Church of the Philippines (ECP), Bishop Deogracias Yniguez of the Roman Catholic Diocese of Caloocan, representatives of human rights and indigenous peoples organizations KARAPATAN (National Alliance for the Advancement of People's Rights), DESAPARECIDOS (Families of the Disappeared) and TAKDER (Cordillera Youth in Manila). Attending also were representatives of the national police, and the CHR Cordillera and Region III (Central Luzon) who conducted search operations in camps within their area of responsibility. Unfortunately, their efforts did not yield positive results.

The consultation resolved for the CHR to continue its efforts to search for James in other military and police camps, and for such to be coordinated at the least with the Balao family. It also looked into greater efforts in gathering information in the high possibility that state security forces have James in one of its "safe houses."

Prime Bishop Soliba expressed concern on the incident and reiterated the agreement of the mainstream churches with the military and police that before arresting a member of the congregation is to inform the Bishop concerned. The Bishop would look into the validity of the charges against the concerned lay or clergy, and if necessary, facilitate the voluntary submission of the concerned to the authorities. This would avoid cases of unlawful arrests and enforced disappearances.

In the case of James, a member of the Anglican Communion, his Bishop is unaware of any legal charges against him.

### **On the Formation of a National Network**

In response to the CPA and Balao Family's call of Mabtad, legislators, human rights organizations and advocates from the academe and church institutions gathered on the eve of the 60th Anniversary of the Universal Declaration of Human Rights, to form a network that supports the plight of the kin and colleagues of missing indigenous activist James Balao. This they called **MABTAD!**

Among the personages convening the national network **MABTAD!** with the CPA and the Balao Family are Prime Bishop Ignacio Soliba of the Episcopal Church of the Philippines (ECP), Bishop Deogracias Yniguez, D.D. of the Roman Catholic Diocese of Caloocan, Obispo Maximo XI Godofredo David of the Philippine Independent Church (PIC), and indigenous peoples rights advocate and lawyer Marvic Leonen. The newly formed group vowed that it will actively participate in efforts to search James in military and police camps and other facilities; organize various fora and other information and awareness- building activities; conduct data gathering and

monitor the case; and link with church, civil society, media and other eminent institutions and individuals.

Its statement of unity says, *"In the tradition of solidarity woven in the historical struggle of indigenous peoples, we declare our commitment and support to find James Moy Balao, to end enforced disappearances in the country, and to advance human rights and fundamental freedoms of the people."*

### **On International Efforts**

In our efforts to gather more support in our campaign to Search and Surface James, Arthur Balao (the father of James) appealed to various foreign diplomatic representatives in Manila. This resulted to a meeting of the CPA with representatives of the British Embassy in Manila on November 4 and with the European Union (EU) on November 12.

The British Embassy also informed us that the human rights organization Frontline Defenders based in London, urgently requested the Foreign Department to look into and consider the case of James as a priority case. In the said meeting, they committed to assist in ways possible for them. The EU through Alistair MacDonald, its Ambassador in Manila likewise expressed similar sentiments.

Indigenous peoples rights and human rights advocates continue to issue statements of condemnation, concern and appeal on the disappearance of James. We remain thankful to the member churches of the United Church of Canada (UCC) and the Anglican Church of Canada (ACC), the Primates of the World Relief and Development Fund (PWRDF), the Canada-Philippines Solidarity for Human Rights, Migrante-Canada for their steadfast support and solidarity. Likewise, with the participants to the World Council of Churches (WCC) Indigenous Peoples Consultation held in Baguio on Oct 21-25, the participants to the Asian Indigenous Lawyers Training on October 30-November 10 that expressed similar sentiments. The Christian Trade Union in Belgium also released a campaign poster for their activities in Belgium in relation to James' enforced disappearance and the campaign to stop the killings and enforced disappearances in the Philippines. The Asian Human Rights Commission based in Hong Kong responded to our Urgent Alert.

In November, we forged partnership with the Monday Demonstration group in Stuttgart, Germany for the International Campaign to Search and Surface James Moy Balao. The said group conducts activities on the said campaign every Monday, thus, the name Monday Demonstration; and sends letter of appeal every week to Pres. GMA and other concerned government agencies.

In November 28, we launched the International Day of Action wherein partners send simultaneous letters of concern to Pres. GMA, the PNP Chief and the AFP Chief of Staff. Among those who responded are: the Center for Philippine Concerns, International Working Group for Indigenous Affairs (IWGIA), Elisabeth Tveter Briseid, Rev. Beth W. Johnston from Canada, and Brigitte Cosme Dang-ay.

### **On December 10 International Human Rights Day Commemoration**

On the eve of December 10, Bishop Carlito Cenzon, CICM, celebrated a Mass for Peace and Justice at the Baguio Cathedral. The Association of Women Religious-Baguio-Benguet sponsored the mass. Doves, bread, flowers were part of the symbolic offering during the mass.

In his sermon, Bishop Cenzon spoke about the adoption of the Universal Declaration of Human Rights and how despite its existence and the government's recognition of it, human rights violations continue. He cited the case of James Balao and the need for more support in the search for him.

Joni Balao-Strugar, the youngest sister of James also spoke during the mass to appeal for more support for the search not just for her brother but also for social justice, which James actively worked for and advocated.

A candle lighting activity and program at the Cathedral Square preceded the activity.

The following day, during the commemoration of the 60<sup>th</sup> year of the United Nations adoption of the Universal Declaration of Human Rights, the CPA and Cordillera Human Rights Alliance (CHRA) led a march-rally. Different regional organizations marched down the Central Business District of Baguio City to Camp Allen where the office of the Military Intelligence Group (MIG)<sup>2</sup> is located and at People's Park.

Still within the context of **MABTAD!**, the participants of the mobilizations donned in the indigenous attires sounded their shields and bamboos to call for public attention and participation in the search for James. The CPA and the CHRA likewise announce that they will continue to be relentless in the search.

In Camp Allen, we held a program simultaneous to a condemnation ritual done by elders of the CPA and the Cordillera Elders Assembly (CEA). The ritual called on the ancestors of James and the martyrs of the CPA to protect James from further harm, and to help turn the conscience of those accountable for James' disappearance. If not, then the said good spirits shall bring the perpetrators to justice where in due time they shall face appropriate punishment.

During the program, points regarding the inaccessibility of the camp for search and their openness for investigation was condemned repeatedly by the Balao family and the different organizations. James was re-introduced to the public by the different representatives of the provincial people's organizations to establish that he is not a "drug pusher", that he has worked untiringly to serve the people and that the only motive behind his enforced disappearance is in line with the State policy Operation Plan Bantay Laya's motive to neutralize political dissent.

Upon reaching People's Park, participating organizations and individuals presented the human rights situation through speeches, and cultural numbers. The case of


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<sup>2</sup> Our independent investigation shows that the MIG played a major role in the enforced disappearance of James. This validates the Journal of James wherein he clearly noted that the MIG, the Intelligence Service Unit (ISU) of the Philippine Army and Intelligence Unit of the PNP-Cordillera jointly conducted surveillance operations on him, his family and colleagues.

James, the bombings at the tri-boundary of Abra, Mountain Province and Ilocos Sur, the forced and fake surrenders and the harassment, threats, intimidation among other forms of human rights violations show the heightening of state aggression in the region. During the program, the speakers repeatedly stressed on the challenge to continue to assert and protect our rights as well as to continue the persistent search for James and social justice.

Let us intensify our search and campaign to Surface James Moy Balao, and Stop Enforced Disappearances!

**MABTAD!** tako am-in!



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