



CORDILLERA PEOPLES ALLIANCE

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

October 13, 2008

Dear Friends:

Mr. Art Balao, the father of James has written a letter of thanks. I quote in part: ***“I wish to express my deep appreciation and thanks to all who in one way or the other contributed to find James. In behalf of my family, I thank you all so much. My family miss him and am sure his many friends, relatives and the many people he has touched, loved and helped miss him too.”***

Today is the 26th day of the enforced disappearance of James. ***However, let us not lose strength in our continuing efforts to surface James. Let us not lose courage as we demand and bring to justice the Intelligence Security Unit (ISU)-Military Intelligence Group (MIG) and the Philippine National Police (PNP) and other State units that conspired to this dastardly act.***

This is the second update letter on our continuing efforts for the immediate and unconditional surfacing of James. We issued the first update letter last October 3.

While we have yet to find out the exact location and condition of James, through the help of friends and concerned individuals, sometime October 3, we were able to know of the place and account of his disappearance, as follows:

On the morning of 17 September, at around 8:00 in Lower Tomay, La Trinidad, five (5) unidentified elements of the military excluding the driver, riding on a white vehicle that looks like a Mitsubishi Adventure or Revo swooped on him and forcibly took him.

One immediately cuffed his hands as he cried, ***“Saludsuden yo man dagitoy nu ania ti basol ko? (Please ask them what wrong have I done?)*** Another, to prevent him from saying more, locked the jaws of James with his arms while two others violently pointed their guns at his sides, to prevent him from resisting, then they hurriedly shoved him into the car. The remaining one waved his automatic rifle at the shocked onlookers as he warned them not to interfere. He shouted ***“Pulis kami! Huwag kayong maki-alam! Drug pusher eto!”*** (We are the police! Do not interfere! He is a drug pusher!) Then he rode the vehicle and within hearing stated: ***“Diretso sa Camp Dangwa”*** (Proceed to Camp Dangwa.)

Aside from these five men, at least three (3) served as lookouts.

The accounts of many witnesses and sources have also validated our record that James has indeed been under surveillance.

On the same date, acting on information that the military units of Ilocos Sur specifically the 50th Infantry Battalion Philippine Army (IBPA) may have James in custody, the family, friends, the CPA and the CHRA (Cordillera Human Rights Alliance), immediately traveled to Ilocos Sur. We did not take the information lightly because we know that the same IBPA was involved in the extra-judicial killings of activists Romy Sanchez in 9 March, Pepe Manegdeg in 29 November and Albert Terradano in 30 November, all in 2005. In the case of Pepe Manegdeg, eyewitnesses specifically pointed as the killer Sgt. Joel Castro of the 50th IBPA.

Through the intercession of Governor Deogracias Victor B. Savellano, the family and the CPA had a dialogue with the 50th IBPA. Unfortunately, the military representatives Lt. Ruben Tambio and Sgt. Marcelo Garcia did not make any categorical denial as to their involvement in the disappearance of James or a clear commitment of their assistance to surface James. On negotiation, they allowed a very limited ocular visit of the 50th IBPA headquarters in San Juan, Ilocos Sur, to 4 members of the family and 2 representatives of the CPA, and disallowing taking of photographs.

On initiative of the PRO-CAR, the family, the CPA and the CHRA held a dialogue with the police regional directorate, on October 6, after a short program in Lower Tomay, where James was forcibly taken, appealing to the residents therein for further assistance and cooperation. Present during the said dialogue were the Regional Director, Gen. Eugene Martin, the Benguet Provincial Director, Col. Danilo Pelisco, the La Trinidad and Baguio City Police Directors, Cols. Mario Mayam-es and Jesus Franco, respectively, and other police officers. During the dialogue, as a sign of our good faith and willingness to cooperate with the police, we narrated to them the information as to account of the incident and what we gathered, of which the police had no knowledge. We also informed them that there are witnesses. The place of incident is just a few meters away from Camp Dangwa, the regional headquarters of the PNP in the Cordillera.

In the said dialogue, the PNP directorate agreed to double their investigation efforts, provide custody and security for the possible witnesses, greater police visibility in the place of incident to prevent possible attacks and harassment from the perpetrators, and transparency with the family and with the CPA.

The following day, we revisited the MIG office in Camp Allen, Baguio City. This we formally coordinated with the Police Regional Office-Cordillera Administrative Region (PRO-CAR) and the Baguio City Police Office (BCPO). Unexplainably, the MIG disallowed our entry to the said Camp but on negotiation allowed entry to the City Police Director, Col. Jesus Franco. The MIG coldly ignored our pleas to allow just the father of James, who was already in the premises as early as 6:30 in the morning, to accompany the Police City Director to enter the MIG compound. In fact, the MIG permitted Col. Franco to enter ONLY when Mr. Balao agreed to the demand of the MIG to move away from where he was waiting simply because he can see the vehicles entering and leaving the MIG compound.

Thereafter, LTJG Thomas Yu-ing, the head of the 11th Community Relations Unit (CRU) of the AFP whose office is just beside the MIG, invited Mr. Art Balao for a discussion. In the said meeting, he offered his assistance in investigating the case of James. **Such deception and trickery!** As he issued on the same day a very poorly written and grammatically erroneous press release that trivialized James' abduction and enforced disappearance by saying that the CPA is merely playing this up simply for "*propaganda to attract media attention and collateral attack upon the government...*" and even disrespectfully and loosely comment "*Who is James Balao anyway?*" Our concern is the life of James, that he be surfaced alive and THAT is NOT propaganda.

The regional office of the Commission on Human Rights (CHR) in response to an earlier letter from the Balao family and succeeding requests for their immediate action on the disappearance of James, on the same day, proceeded with a team of investigators to the MIG office for inspection. However, the MIG elements treated them with grave hostility; shouting at them and even cocking their guns at the investigators. In paranoia and sign of guilt, the MIG hiding behind the gates, only showed their faces but disguised themselves in baseball caps, dark and wide-rimmed sunglasses, and handkerchief covering their mouth. The CHR investigating team also failed to enter the MIG compound.

On 9 October 2008, the family (his father Art Balao, younger sisters Nonette Balao and Jonilyn Balao-Strugar, and brother Winston Balao,) and I as Chairperson of the CPA filed a Writ of Amparo with the Regional Trial Court (RTC) of Benguet. The petitioners pray that the Court ***“(a) issue a Writ of Amparo ordering the respondents to disclose where James Balao is detained or confined, (b) to release James Balao considering his unlawful detention and (c) to cease and desist from further inflicting harm upon his person.”***

The petition also prays for an inspection order ***“to permit the entry of authorized persons for the purpose of inspecting, measuring, surveying and photographing the property or any relevant object or operation thereon”*** of police and military facilities not limited to the Camps Aguinaldo and Crame in Quezon City, Fort Bonifacio in Taguig City, the 50th IBPA in San Juan, Ilocos Sur, MIG in Camp Allen, Baguio City, and ISU in Navy Base, Baguio City. The respondents are Gloria Macapagal-Arroyo as President of the Republic of the Philippines (RP) and the Commander-in-Chief of the Armed Forces of the Philippines (AFP), Eduardo Ermita as the Executive Secretary of the RP, Gilberto Teodoro as the Secretary of the Department of National Defense, Ronaldo Puno as the Secretary of the Department of the Interior and Local Government, Norberto Gonzales as the National Security Adviser, Lt. Gen. Alexander Yano as Chief of Staff of the AFP, Gen. Jesus Versoza as the PNP Chief, Brig. Gen. Reynaldo Mapagu as Chief of the PA, Maj. Gen. Isagani Cachuela as the Commanding General of the AFP Northern Luzon Command, the Commanding Officer of the AFP ISU and PCS Eugene Martin as the Regional Director of PRO-CAR.

On raffle, the RTC 63 under Judge Benigno Galacgac shall hear the Writ. The sheriff has already served a copy of the Writ and Notice of Hearing with the respondents,

except the ISU as the personnel therein refused to receive the document. The said Court has set the first hearing on the 16th.

Widespread support continues to pour in.

On 6 October, responding to the plea of the Balao family who addressed their session, the Sangguniang Panlalawigan of Benguet (Provincial Board) approved unanimously a resolution CONDEMNING THE ENFORCED DISAPPEARANCE OF JAMES BALAO, FOUNDING MEMBER OF THE CPA, AND CALLING FOR THE IMMEDIATE SURFACING AND RELEASE OF MR. JAMES BALAO BY HIS CAPTORS. The said resolution further states that ***“enforced disappearances is contrary to the customs and traditions of the Benguet indigenous peoples that advocate peace.”*** The Sangguniang Bayan (Municipal Council) of La Trinidad also issued a similar resolution after. Earlier, Benguet Governor Nestor Fongwan wrote the Pres. Gloria Macapagal-Arroyo through Secretary Gilbert Teodoro for her “intercession in locating the whereabouts of Mr. James Balao.”

The ***Commission on Human Rights (CHR)*** national office on October 10 issued resolution A2008-035 approved en banc ***“STRONGLY CONDEMNING THE ENFORCED DISAPPEARANCE OF JAMES BALAO, CONTINUING THE INVESTIGATION THROUGH THE CAR REGIONAL OFFICE, AND REQUESTING THE AFP AND PNP FOR ASSISTANCE.”*** On the same day, the ***Governor Maximo Dalog*** of Mountain Province issued a statement AGAINST ENFORCED DISAPPEARANCES. The statement reads in part *“As father of the province and as Regional Chairman of the League of Provinces, I denounce the unexplained disappearance of James Balao who is one of us. The act does not only deprive him of his rights but also subjects his family to untold mental and psychological torture. xxx Those responsible, regardless of their position or standing in society, should be held accountable, and made to pay for their acts. Denying or delaying justice would prompt aggrieved parties to take the law into their hands. Worse, the impunity by which the crimes have been committed may institutionalize or promote the commission of the same.”*

We have yet to hear from the offices of the National Commission on Indigenous People’s (NCIP) and other concerned government agencies to which we appealed for support and intercession.

Recently, the University of the Philippines Baguio, from where James graduated in college on 1983, published its Statement of Concern in the Baguio Midland Courier; and letters of concern from Filipino Scholars in the United States and Filipinos in Stuttgart, Germany. International support continues with barrage of letters and online petition addressed to the respondents as widespread public condemnation reverberates locally.


Amidst all these, we respond appropriately to continues military propaganda that we are simply on a demolition job against the military specifically the army. Recently, on the disdain statement of the Community Relations Unit of the AFP that James Balao does not merit their attention – a remark that smacks of the army insensitivity and lack of value for the safety and life of James.

Kindly visit our website: www.cpaphils.org for the full text of the above stated resolutions, CPA and CHRA statements, letters of support and/or concern, and a photo documentation of all our efforts. This is the second update letter, we have posted the first in our web site. Again, our heartfelt thank you for your actions and responses.

While we cooperate with the police and certain military officials on the matter of investigation and security assistance – we do not have second thoughts as to demanding the full accountability of the military and the police on the enforced disappearance of James. We shall not also hesitate to break lines of full cooperation with the police when proven of their insincerity and involvement in the same, and when such police and military efforts shall point to a conscious conspiracy and whitewash of the accountability of police and military elements.

Let us not lose strength and courage in our campaign to Surface James Balao and Stop Enforced Disappearances. Instead, let our rage and tears further our resolve to continue working for the immediate and unconditional surfacing of James from his captors.

Respectfully,


BEVERLY L. LONGID
Chairperson
Cordillera Peoples Alliance