

2018

TRANSITIONAL JUSTICE CONFERENCE

April 11, 2018

Microtel Technohub, Quezon City

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OPENING PROGRAM

After the Opening Invocation (A Universal Prayer), and the Philippine National Anthem, the facilitator, Rene Clemente (ALG) gave a quick overview. He began by giving a short introduction of ALG (Alternative Law Groups), AJAR (Asia Justice and Rights), TJAN (Transitional Justice Asia Network) and the Conference Objectives.

ALG

- ALG stands for “Alternative Law Groups”
- It is a coalition of 20 Non-Governmental Organizations with developmental and legal programs
- Current Programs: On Human Rights, EnDefense (Environmental Defense), NGO Participation in Monitoring of the Courts and Quasi-Judicial Bodies (EU Project), and Transitional Justice
- www.alternativelawgroups.ph

AJAR and TJAN

- AJAR stands for “Asia Justice and Rights”
- AJAR seeks to empower national and regional partners seeking to end impunity, establish a base of accountability and defend human rights by providing them with opportunities to increase their skills and knowledge, strengthening the organizations they work in, and helping them to access the resources they need for their work
- TJAN stands for “Transitional Justice Asia Network”
- It is a loose network from 7 Asian countries – Philippines, Indonesia, Sri Lanka, Thailand, Myanmar, South Korea, Timor Leste
- It seeks to strengthen TJ capacity and advocacy in the region
- The secretariat of TJAN is AJAR



A Review of Transitional Justice

- Transitional Justice refers to ways in which countries emerging from periods of conflict and repression address large scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response
- It can be done through a combination of judicial and/or non-judicial initiatives. It seeks recognition for victims and promotion of possibilities for peace, reconciliation and democracy – dealing with the past to have a sustainable peace in the future

Conference Objectives

- Enable national perspectives of TJ issues in the Philippines and links among them
- Dissemination of the Transitional Justice Scoping/Research (funded by the British Embassy) and discussions of issues thereof
- Networking among TJ organizations and experts and sharing of experiences on TJ
- Strengthening TJ advocacy in the Philippines

PRESENTATION OF THE TRANSITIONAL JUSTICE RESEARCH

The session was facilitated by Atty. Cecilia Jimenez. She presented the highlights of the Scoping Research on Transitional Justice Issues in the Philippines (research funded by the British Embassy of Manila).

The Study

- Project Title: Promoting a knowledge baseline for advocacy on the major and outstanding Transitional Justice issues in the Philippines
- Project Purpose: The Research will provide a scoping of Philippine Transitional Justice issues and themes useful for pushing the rule of law and justice
- Limitations:
 - Scoping nature of the research (database building)
 - Focus was on five major thematic issues (not to cover all Transitional Justice issues)
 - Mostly desk review (review of available literature)
 - Inputs gathered from FGDs (Focus Group Discussions)

Why a Transitional Justice Scoping Study?

- There are different levels of Transitional Justice discourse which are scattered
- Different developments, it seems to appear that they are separate from each other
- There is a need for a baseline on which a national discourse for Transitional Justice advocacy can be undertaken

What is Transitional Justice? (A Quick Review)

- "Refers to the ways countries emerging from periods of conflict and repression address large scale or systematic human rights violations"
- There is no one way to practice transitional justice given the variety of contexts in which it can be applied, but TJ "is rooted in accountability and redress for victims. It recognizes their dignity as citizens and as human beings"
- Its constant features include the "recognition of the dignity of individuals; the redress and acknowledgment of violations; and the aim to prevent them from happening again"
- "It is the application of a human rights policy in particular circumstances. It is the attempt to provide the most meaningful justice possible in the political conditions at the time"

Transitional Justice Approaches

- It consists of judicial and non-judicial measures such as criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms
- 4 Pillars of Transitional Justice:
 - Right to Truth
 - Right to Justice
 - Right to Reparation
 - Guarantees of Non-Recurrence

BACKGROUND

- Neglect, oppression, authoritarian rule and HR violations are the foundation of dissent and struggles against governments and leaders. Legitimate demands are met by violence and impunity. Thus, conflicts are born
- The Philippines is said to have transitioned from the dictatorship to democracy. But much of the conflicts arising from the despotic regime remains until today
- This scoping research aims to map out the major TJ issues and scan various initiatives using the TJ framework to see how they impacted the lives of the people and society. It seeks to provide baseline information

5 MAJOR AREAS CONSIDERED

1. Marcos' Martial Law Period
2. The Struggles of the Bangsamoro
3. Struggles of the Peoples of the Cordilleras
4. Atrocities Committed by Armed Political Groups
5. Developing Transitional Justice Issues in the Current Administration



MARCOS MARTIAL LAW PERIOD

- Martial Law was declared on September 21, 1972. It resulted in gross Human Rights violations and placed the country in bankruptcy.
- 32 years have passed, and we still have no definitive account of the dark days of Martial Law. It took 27 years to initiate the establishment of the HRVCB (Human Rights Victims Claims Board, a mechanism for documentation, reparation and recognition of the Marcos regime Human Rights victims). The Martial Law Museum is still to be implemented.
- The late reaction ushered revisionist attempts to deny accountability from people who were instrumental for the past atrocities. Rather than be brought to justice, the architects of Martial Law now became the engineers of the "new democracy."
- The government left out the victims to attempt the pursuit for justice on their own. The government sought settlement with the accused at the expense of the victims seeking for reparation. It doubly pained the victims when it granted a hero's burial to the dictator, with the courts affirming its constitutionality.

STRUGGLES OF THE BANGSAMORO

- The MNLF (Moro National Liberation Front) waged war for a free Bangsamoro. The MNLF splintered into various groups (like the MILF or the Moro Islamic Liberation Front) over political and ideological reasons.
- It took 28 years to include the concept of a TJRC (Transitional Justice and Reconciliation Commission) under the auspices of the negotiating panels with the MILF that brought out narratives of historical grievances.
- The TJRC reported that "legitimate grievances of the Bangsamoro people, historical injustice, human rights violations, and marginalization through land dispossession" are the consequences of three mutually reinforcing phenomena: deep neglect by the State (and lack of a vision for the common good), violence (including systematic socio-economic, political

and cultural exclusion, and disproportionate use of direct violence), supported by a deeply embedded (nationwide culture and practice of) impunity."

- It is for society in general, and for the government in particular, to acknowledge the rights of victims and the obligation of the State to transform conflict into trust between the citizens and the republic.

STRUGGLE IN THE CORDILLERAS

- The CPLA (Cordillera People's Liberation Army) emerged over political issues of genuine autonomy in the Cordilleras.
- The Cordillera case is a perpetuation of discrimination against IP (Indigenous People) culture, political economy and tradition. While their existence is considered part of the Philippine national legacy, historical records are deficient or silent on its depiction of their struggles.
- Their narratives of land dispossession are foreshadowed by "development concepts" or economic ventures legally sanctioned by the government. Their continued discrimination remains deeply anchored on negative stereotyped interpretations.

ATROCITIES OF ARMED POLITICAL GROUPS

- As the C-N-N (Communist Party of the Philippines – New People's Army – National Democratic Front) suffered from an internal split, it resulted in an internal "purge" which resulted in the loss of hundreds of lives. The groups dissolved into different factions over political and ideological disagreements.
- Issues within the C-N-N extended to the issue of IPs in the context of a national struggle. This severed the CPLA and some lumad (IPs) groups in Mindanao from the Party. Likewise, the government is equally responsible for their misery – the unequal treatment of the national issue over the IP issue was an extension of the historical injustice experienced by the IPs in their claim for self-determination and cultural identity. Projects have dispossessed the IPs of their ancestral lands.

GOVERNMENT RESPONSES

- Marcos was forced to deal with the Moro secessionists – it resulted in the signing of the Tripoli Agreement.
- Cory Aquino forged the Mt. Data Accord with the CPLA, which resulted in the establishment of the CAR. She reorganized government bureaucracy to arrest possible resurgence of a dictator, but left untouched political dynasties. She opened her government for negotiations with other political armed groups and unleashed the "sword of war" that saw the violation of human rights of people accused of siding with the rebels and communities caught in the crossfire. She allowed the return of the Marcoses and their cronies to the country to face civil and criminal liabilities, but no criminal case has ever prospered up to today.
- Fidel Ramos abolished the anti-subversion law and created the National Unification Commission ("6 Paths to Peace" as a guiding framework for peace negotiations). He also forged the MOA for the return of Marcos' body back to the country.
- Joseph Estrada signed the CARHRIHL (Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law). He continued negotiating with the RPMP-RPA-ABB (Rebolusyonaryong Partidong Manggagawa ng Pilipinas – Revolutionary Proletarian Army – Alex Boncayao Brigade) ending in a peace agreement to end armed hostilities and to

undertake long lasting cooperation. He signed the final peace arrangement with the MNLF and constituted a peace panel for the MILF. But seeing irreconcilable proposals for ceasefire, he declared an "all-out war" policy against the MILF that witnessed the plight of internally displaced Muslim communities in Mindanao.

- Gloria Macapagal-Arroyo took over after Estrada. Major legislations have been passed for Human Rights protection (Anti-Torture Act and the law against IHL violations). Engagement with the armed groups centered on disarmament, demobilization and rehabilitation (DDR).
- Benigno Aquino III ordered the resumption of peace talks with rebel groups. He witnessed the "closure agreement" between the GRP (Government of the Republic of the Philippines) and CPLA, but until today, no law has been passed towards a Cordillera autonomous region. He agreed to fast track the peace process with the MILF and signed the FAB (Framework Agreement on the Bangsamoro) towards coming up with the BBL (Bangsamoro Basic Law). The TOR for the Joint Normalization Committee (JNC), Independent Decommission Body (IDB), the TJRC, and the CAB (Comprehensive Agreement on the Bangsamoro) were signed. However, his preliminary negotiations with the C-N-N bogged down after denial of some confidence-building measures (release of political detainees).

TRANSITIONAL JUSTICE

- While the majority of Filipinos ratified the 1987 Constitution, not all provisions to guarantee the non-recurrence of the dictatorial rule were implemented. It failed in dismantling the Marcos-promoted economic and political elite and the development of a strong political party system. The military continued to enjoy political favors and remained a distinct political block.
- Conceptually, Transitional Justice is not applicable where conflicts between the government vs. the political armed groups are still ongoing and/or negotiations have not reached its final stages of completion. Nevertheless, the government has not fully taken over responsibility to facilitate justice and reconciliation between the perpetrators and the victims.
- However, there are conflicts internal to the armed groups (e.g. victims of purges) that warrant sincere actions. In the same manner, the government (being a major party to the conflict and is primarily responsible for the protection, promotion and fulfillment of the HR of its people), may initiate programs and campaigns using the framework of Transitional Justice outside the bounds of the peace table.

DEVELOPING TRANSITIONAL JUSTICE ISSUES

- The Duterte administration continued to negotiate for peace with various armed groups. Like his predecessors, his engagement with the C-N-N is punctuated with actions undermining the sincerity of both sides to the peace process. The BBL continues to be watered-down by Congress amid promise of its enactment. His order for the burial of Marcos at the Libingan ng mga Bayani (Graveyard of Heroes) has ignited mounting protests, and galvanized "revisionist" thinking of the Martial Law era among his supporters and allies. EJKs (extra-judicial killings) are unprecedented under his "war on drugs." Mindanao has been subjected to Martial Law and we have witnessed the ravages of war (thousands displaced, and Marawi City was razed to the ground).
- While EJKs and IDPs (internally-displaced persons) are also occurrences in past administrations, what is different today is the 'nationalization' and 'institutionalization' of

the approaches that have direct implication on the observance of the rule of law. This is strengthened by the government's distrust of Human Rights standards and democratic institutions. These current issues are fast developing into Transitional Justice concerns in the future.

CONCLUSION

- Transitional Justice or DwP (Dealing with the Past) remains a real challenge in the Philippines. While in general, conflicts are being managed and resolved through various processes and initiatives, they have not fully addressed the root causes and effects that continually ignite their repetition. They have not changed the people's perception of the problems, nor have they mended the relationship that breeds dissent between individuals, among groups, between the people and the government. They have not led to the renewal of structures that govern the citizenry, nor have they changed the people governing or leading those structures.
- It is a cycle of never-ending violence rooted in the legacy of the past.
- While the Bangsamoro and IPs rooted their struggles against attempts at subjugation and colonization, the following administrations were no better in handling their legitimate grievances. They incorporated discrimination and oppression through legal mechanisms, leading to dispossession of ancestral domains, and further buried the people in misery.
- The 1986 EDSA Revolution brought euphoria to a nation besieged with suffering. Such suffering could have been the foundation to find lasting peace and dealing with the past. But this was capitalized to venture into reconciliation without justice, and total amnesty without remorse and accountability for past atrocities.
- Reconstruction was centered into building formal structures to unmake a dictator. Leaving empowerment of people behind from whom sovereign power of the government resides to continue to languish in pain and poverty. The architects of martial law became the engineers of the "new democracy."
- Political dynasties resurfaced with a new "democratic cloak."
- Since Cory Aquino, the administrations failed to address the Transitional Justice issues at its core. Initiatives of justice and reconciliation for the victims lack a clear framework for addressing social issues which have nailed the people in poverty, inequality and discrimination.
- Truth telling was never satisfied. The government was reluctant to open its archives for fear of possible undesirable effects to the present administration, or to national security. Thus, possible mechanisms were not entertained. The pain of truth seeking was considered too risky for a fragile democracy. Being so, the elements of truth, justice, reparation and guarantees of non-repetition stand on shaky ground.
- The right to truth is considered the strongest foundation of Transitional Justice. It enables people to do what is necessary to build the new democracy: namely, examine the crimes of the past, learn about the myths and the facts, understand what lies underneath, and come to terms with it. It helps society to deal with the past, bring accountability, provide reparation and prevent impunity, a framework that is absent in all the initiatives engaged in by the following administrations after the dictator.

research standpoint, but not deleting or leaving out the negative side. Second, there were a lot of IDPs (internally-displaced people), and many of them come from IP and Moro communities. So that led us to ask the question – if the war in Marawi happened in Cebu or Makati, would the devastation be the same? Or did this massive devastation only happen because it was in Mindanao? But one limitation that the research faced was that the time frame was limited up to December 31, 2017, and we know that a lot of things have happened since. Even up to today, there are a lot of emerging issues, but the research had to have a fixed time frame.

- Comment: The comment about the change in the character of the military is significant. The lowest ranks received a salary increase of 100%. The highest ranks, like the generals, received a salary increase of 30% – so we can clearly see that Duterte is courting the military. Another point – the lumads play a key role because the military intelligence say that about 90% of the rebel base comes from lumad and IP communities. So they are now deliberately targeting these communities. In a recent IP Summit in East Mindanao, Duterte promised to bring development into these areas. At the same time, he said that he will provide arms for about 20% of the *bagani* (indigenous peacekeeping forces of some IP communities) – and we see this as part of a deliberate attempt to recruit IPs into the military and recognize their traditional defense force. Can you also include that in the research?
- Atty. Cej: We can include that by saying that we have a “regression” in the achievements to reform the security forces. We can say that there was a regression from a guarantee of non-recurrence because we need to have a Transitional Justice perspective and language on this – so that can be the way to include that.
- Comment: In one of the slides on Conclusions on the truth – even in other contexts, Transitional Justice is usually conducted post-conflict, and in other contexts, they were able to do that. Maybe we should explain why in the Philippines we were not able to do it. When you transition from conflict to post-conflict, a lot of things happen, and Transitional Justice should have been a conscious choice of the administration in which the transition should have happened. In our case, some military personalities were able to “highjack” the situation during the EDSA revolution so it was extremely difficult to hold these people into account. But it was a missed opportunity for us. We really missed an opportunity to implement genuine Transitional Justice. But one thing that must also be made known was that not taking into account Transitional Justice was also a conscious effort on the part of the next administrations. If it was done during the Cory Aquino administration, there were other succeeding administrations that also chose not to implement Transitional Justice proceedings and initiatives. All in all, I think that we were not able, or we were not knowledgeable enough, to initiate Transitional Justice measures and processes.
- Boyet: Yes, there were no conscious efforts in the succeeding governments after Marcos, so, yes, we can say that they were indeed missed opportunities for us. In the presentation, we gave a chronological presentation of the Transitional Justice initiatives, so it was not arranged according to per government administration. So maybe we can ask ourselves why did these things happen? How can we further strengthen Transitional Justice advocacy in the Philippines?
- Atty. Cej: One of the objectives of this conference is to have a common message, and that can be one of the common messages – on the need for further strengthening our Transitional Justice advocacy. We would like to say that people are now able to think

through what happened, and we can say that what happened was a missed opportunity from Marcos to post-Marcos, but that there was a conscious effort to block out that opportunity.

- Comment: Perhaps this can be considered in the research. There was a declaration of a revolutionary government – the present administration threatened to form a revolutionary government so that it can have the “legroom” it needs to implement changes. I am just putting it on the table for consideration by the group.
- Comment: Just to share some thoughts related to the post-EDSA limitations – I want to share the other side of the coin that I heard from some parts of the military. Around 12 weeks ago, there was a celebration in the army, and there was an active General who spoke up and gave his comments after each of the speakers. His main message was that the problem with the Philippines is liberalism. So essentially, he was anti-civil liberties and he affirmed the need for a “strong man” rule. He said that what Marcos did was OK, but he was bothered by the NPAs, the rebel groups, and the Liberal Party politicians. I just wanted to share this because I want to find out how rampant this kind of thinking is. And there is a danger that this kind of thinking will spread out – as was said by Cej, there is a danger of regression. If we have limitations about post-EDSA, from the perspective of some officials, like this General, the limitation is that he prefers to have an autocratic system, not a democratic system. Instead of a need for more pro-civil liberties administration, he wants to have more autocracy. That means we also have to double our efforts to reach out to other like-minded people within the security sector, so that our pro-democracy foundations are preserved and will not be overturned.
- Boyet: Other reflections?
- Comment: A “millennial” reflection on the discussions about truth telling. After 30 years of the previous Marcos Martial Law (as you know, we are currently under Martial Law in Mindanao) we have access to information via the internet. So the truth is already out there, supposedly. I think that the comment about the “nonchalance” of some people is really more of burying their head under the sand, because again, the information is already out there. So we need to recognize that there are many different ways to acquire information. In the past, when there is a news blackout, then no news would really come out. But today, there are so many ways and modes to acquire information. But the issue right now is that we don’t have ways to verify the information – and that is the reason why we have historical revisionism initiatives. It now just becomes a contest of getting people to read your post, and having the most “likes.” Even if the people just “liked” your post, they are already engaged in that kind of thinking. We see a lot of memes in social media – and that shows how we are in our political life. We have so many online warriors, but nobody is out on the streets. Not that we need to be on the streets, but we need to do something about it. We should not content ourselves to just posting our complaints on Facebook. We need to acknowledge the real truth. Aside from the pillar of right to truth, perhaps we should also add another pillar – perhaps a pillar on how information is shared. Why is this important? Because it affects all the other pillars. For example, your sense of justice – even if it is enough just to be acknowledged, we do not have that because the information is buried under the sand. So maybe we need to acknowledge that the situation 30 years ago is very



different from our context right now, especially with our context information-wise. Like we have online museums right now (which we did not have 30 years ago) – but the problem is, do people visit the site? If we have an advocacy, should it be in the form of a movie or a song? What type of media will be popular enough with the general public that they will listen to the message? Why is it that the activists of today are generally not that artistic? I think that’s important because the times have changed. Today, we are in the digital age, so we need digital formats to share our platforms and advocacy. We need catchy memes and songs to catch the people’s attention. This is where the Marcoses are good at because they have been at it for more than the past 10 years. I think it’s time that we also keep up with the current context if we want our advocacies to be heard.



- Boyet: Thank you, we will feed that in the workshop later.
- Comment: Just a question – Cej presented us some Conclusions. I was actually looking for recommendations. One recommendation that we could discuss is how do we popularize Transitional Justice? Because when you tell people about it, they immediately ask, what’s that? Is there a common term that we can use that is more understandable, and could be used to popularize our advocacy?
- Boyet: Yes, we will leave that as a discussion point in the WS later. One difficulty we have is that we are from coming from different organizations, with different mandates and programs. So we need to sit down together and discuss how we can strengthen our Transitional Justice advocacy.
- Comment: There is a petition filed to declare the C-N-N as terrorists, and most of what they cited were actually from the purges (where the perpetrators escaped prosecution). But for the government, they are using it as anti-insurgency or anti-terrorist measure (using it to their advantage) – so it confuses people as to how we can address the issue or even as to how we can include this as a priority Transitional Justice issue for the Philippines.
- Comment: I just wish to plug something – Brillante Mendoza has a movie which is in support of the administration’s war on drugs, and it will be shown in Netflix. There is now an online petition at [change.org](https://www.change.org) to stop Netflix from showing it. Please sign the petition.
- Insight: Although all over the world, when you talk about Transitional Justice, it comes at a period of post-conflict, in the case of the Philippines, Transitional Justice can be applied not necessarily in a post-conflict situation. Of course, it is a lot easier to do it post-conflict, but in our case, we are already addressing some issues. There are elements during conflict that need to be resolved, so that if it is resolved post-conflict, it is not institutionalized. In terms of implementation of international criminal law and crimes against humanity, it is not only limited to conflict situations – it applies even in non-conflict situations. Transitional Justice to a more democratic regime – not necessarily from conflict to post-conflict situation, but to a situation which is more democratic and more pro-human rights.
- Comment: When it comes to accountability, we cannot limit it just to the government because there are also atrocities committed by the non-state entities. Can Transitional Justice apply to non-state groups outside of conflict situations (due to IHL)? Nevertheless, Transitional Justice is not only applicable to post-conflict situations. It can be applied even

during ongoing conflict situations, like the case of the Philippines right now. We should be looking for specific ways to approach our Transitional Justice issues.

- Comment: I just wanted to comment on the last video shown about Lan Mercado. I would like to believe that Transitional Justice does not only refer to Non-Government vis-a-vis the government. What would be Transitional Justice for a case like hers? How would Transitional Justice be achieved in her situation? And with the thousands of other cases which are similar to hers? If we have 4 pillars of Transitional Justice, in the case of violence and human rights violations committed during the purge, how can genuine Transitional Justice be achieved? Remember that it is extremely difficult to file a case against non-state actors (armed political groups).
- Comment: In terms of Transitional Justice, first, there must be full acknowledgment by the CPP (Community Party of the Philippines) that the purges indeed happened. Second is to name and identify all the victims, and giving them their proper due. Third – and I think that this is very important for the families to have some form of closure – the remains of the victims must be returned to their families.
- Atty. Cej: This is indeed an advocacy point for us. It is clear what the families of the victims of atrocities are advocating for, but when it comes to the government, what do you want to demand from the government in terms of how it should be approached?
- Comment: That is a difficult question to answer because the conflict is still ongoing. The fear is that this will be used as political ammunition against the enemy, but again, we cannot totally ignore. I guess, at the minimum, that this becomes a part of the agenda and that this is discussed as part of the negotiations. In the past it has been totally ignored as if it never happened. This experience also happened in other countries, like in Africa, where they had an equivalent of the purge. But even before their peace process, there was an attempt to have a truth commission established first, where they had the initial investigations, and some of the perpetrators were identified, and there were some forms of redress.
- Atty. Cej: But the conditions in South Africa was very different from ours. The ANC (African National Congress) essentially took over state power, so this is very different from our context in the Philippines.
- Comment: In terms of the Philippines, are we just looking at dealing with the past? If so, then I think that would be very limiting because you don't see the ramifications. If you are just dealing with the past, how would you address current and emerging issues like the drug-related EJKs that are happening right now? Unfortunately, there was no renewal of the structures, nor the people leading the structures. Government needs policy advocacy, but the people in positions of power had continuing support for the Marcos family, and were even the purveyors of continuing fake news and historical revisionism. So it is clear that we have a problem with the policy makers, as well as the institutions involved. We also need to raise the awareness of the general public so that they cannot be easily misled. Coming from the pillar of right to truth, all of this comes from exercising the right to truth. It is really very difficult to push for the other pillars if you are denied the right to truth. In the end, truth telling was never fully satisfied in the case of the Philippines.



WORKSHOP

- Objective: To draw reflections on the commonalities and approaches of the TJ thematic issues in the Philippines
- Process and main outputs
 - Discuss main points that connect the “disparate” TJ issues

RIGHT TO TRUTH	<ul style="list-style-type: none"> • Importance of TRUTH (facts vs. opinion, freedom of speech, blogging, spreading fake news, historical revisionism). • Government should play a key role in spreading information about TRUTH (However, the present government is a primary source of fake news and historical revisionism).
RIGHT TO JUSTICE	<ul style="list-style-type: none"> • It was hard to exact justice and accountability after Martial Law – How should you do it? What processes and mechanisms are involved? Will there be Truth Commissions? Will it be civilian-led or government-led? What do we do with the findings? Do you need special laws and policies to implement the findings?
RIGHT TO REPARATION	<ul style="list-style-type: none"> • Because of the different cultures and impacts, for the HRVCB (even if it is a victory and achievement), there were only a small number of claims from Mindanao due to lack of documentation (and we all know that there were many human rights violations that happened in Mindanao).
GUARANTEE OF NON-RECURRENCE	<ul style="list-style-type: none"> • Was it a missed opportunity or was there a conscious and deliberate decision? Was it just because we did not know about Transitional Justice, or was there really a deliberate attempt for us not to explore the Transitional Justice Pillars? • One realization is that this is not a matter of personalities, but of the institutions themselves. The Constitution failed the guarantees of non-recurrence after the authoritarian regime, thus political dynasties became part of the new democracy. Change must be carried out by the officials and by the institutions themselves.
COMMON	<ul style="list-style-type: none"> • We were too late and insufficient on the rights to truth, justice, reparation and guarantee of non-recurrence. As a result, the architects of Martial Law are once again back in power. • Regression – it could be likened to cancer. We were able to cut most of it out after EDSA, but because there were still some vestiges, and because we did not clean it up thoroughly, it has now come back – there are now negative views about human rights, and that we need a “strong man” to rule us, and that it was a missed opportunity for us. Although there were attempts in the past, they did not succeed, so the conflicts are still ongoing. • Traditionally and most of the time, Transitional Justice looks at CPR (due to the nature of the violations), but there has to be a holistic analysis of Transitional Justice (which also includes ESCR). Due to the concept of a “Filipino Citizenry,” we are not able to look at the individual struggles – the IPs, the Bangsamoro, the Cordillerans, etc. • We need to differentiate the substance from the packaging. The core of Transitional Justice is Human Rights, but Human Rights is not necessarily Transitional Justice. One EJK is a Human Rights Violation, but we don’t apply Transitional Justice in just one case of EJK. We apply Transitional Justice if it is a policy by the government. So that is important to know in terms of the substance. In terms of packaging, I think that we should adjust our packaging, depending on whom we are talking to. • One common assessment – armed conflict is fertile soil for Human Rights Violations. One common thread in our history is the existence of armed conflict. But our situation at this point in time is very peculiar. EJK is not a result of armed conflict. The difference today is the absence of a pushback which encourages more violations. When public outcry is not strong, there are more

	<p>killings. Because we have a different socio-political context right now, we also need to find a different approach.</p> <ul style="list-style-type: none"> • It is very difficult to resolve the Transitional Justice issues holistically (all 4 pillars). There are a lot of considerations because there are a lot of things that have to be delivered for Transitional Justice to be addressed holistically. We should be able to pick up all the lessons from the 5 Transitional Justice Issues – for example, for the Bangsamoro, if the BBL passed, will we say that this is already the Transitional Justice solution for the Bangsamoro people? Who will say that this is the appropriate Transitional Justice solution to the issue/s? • There is a need to build a constituency for TJ. We missed a lot of opportunities for Transitional Justice, and we may be missing them again at this point. For the next several years, we may not have them again. So we need to continue to popularize Transitional Justice on the ground. We need to find a process which will help build a constituency on the ground for Transitional Justice. That is something we should be looking at so we will not miss any future opportunities again. • On constituency-building, we should also consider building a constituency within the government agencies because they are a major actor in the peace process and in other Transitional Justice processes. We can begin with small steps – hopefully, it will get the ball rolling. • If we are after accountability, we should be able to reach a point where the names the perpetrators of the human rights violations are made public. This is important because there is also a lack of acknowledgment on the part of the perpetrators.
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- Produce main advocacy messages for each of those points

RIGHT TO TRUTH	<ul style="list-style-type: none"> • Government should play a key role in spreading information about TRUTH, not be a source of fake news • There were some NGO initiatives to organize and look for the right to truth (especially for Marcos Martial Law victims), but it was difficult for them to come out with a public image. It is still important to find ways on how we could support each other so that the truth may eventually come out. Although there are some victories, it is still a bleak picture overall. Measures to halt the long-term resolution of impunity are still lacking.
RIGHT TO JUSTICE	<ul style="list-style-type: none"> • Rappler in 2016 researched those who voted for Marcos – and the strongest votes were from the people from 55 years old and above, and from the ABCD crowd, not from the DEF crowd. So the more educated people still chose Marcos. One explanation is that they had higher expectations during the 1986 People Power Revolution (they were expecting a total overhaul of the government), but it didn't happen. So we should consider that the same people who experienced the atrocities of the Marcos Martial Law, are the very same people who voted for Marcos. They feel the country needs a benevolent dictator. So we should also consider what the people are looking for, what the people expect. • Due to ongoing violations, we are not able to get justice immediately. However, as the elites continue to rule, they will try to maintain the status quo (access to justice, access to ESCR, etc will be more difficult to achieve) • One of the few successes we had was the establishment of the TJRC, even if there were some limitations.
RIGHT TO REPARATION	<ul style="list-style-type: none"> • Challenge – there should be a different approach for victims. How do we ensure that the (compensation) for victims becomes part of the Transitional Justice approach? How can we get government agencies to do <i>motu proprio</i> investigations? Sometimes, documentation of human rights violations are just not available (ex. Torture)

GUARANTEE OF NON-RECURRENCE	<ul style="list-style-type: none"> The failure of 1987 Constitution to dismantle traditional elite and prevent the return of the Marcoses and their cronies back into the political limelight – it is very difficult to include such dynamics under the Constitution. This is rooted in our political values which are often very personalistic (personality-driven). We are loyal, not to the party, but to the individuals. When elections come, if they reach out to the patriarchs or matriarchs of the groups or clans, then all of their followers and clan members will automatically vote for them. How do we change personal loyalties into issue-based party affiliations?
COMMON	<ul style="list-style-type: none"> How come political dynasties thrive? Because money rules. If we are not able to improve our economic situation (rampant poverty results to voters who are willing to sell their votes) – so we need massive voters education, especially in areas where there are massive vote-buying in the countryside. It stems from the economic situation so this is a big challenge for all of us. CPR (Civil and Political Rights) and ESCR (Economic, Social and Cultural Rights) – as Human Rights advocates, we should look at Human Rights holistically. The challenge for us under Transitional Justice is how do we relate TJ issues (which appear to be CPR) and relate it to their roots of ESCR violations? Most of the victims are from the marginalized sectors. One commonality is that violations are not only CPR, but also ESCR violations.

- Suggest formats, forms, etc.

RIGHT TO TRUTH	<ul style="list-style-type: none"> Right to TRUTH – what facilitates and what hampers it? Packaging of information is very important. When Marcos declared Martial Law, his propaganda was that he just wanted to defend Philippine democracy from the clutches of the Communists. He packaged himself not as an autocrat but as a defender of democracy. Cory Aquino was packaged as an “icon of democracy” – but was it really about democracy, or was it just about having a more open democratic space? (NOTE: the disappearances and human rights violations were still continuing even under the Cory administration). Why? Because she inherited the same institutions that committed the HRVs in the first place, so there were a lot of coups against her government, and she found it important that she side with the military. Packaging is very important to the Duterte administration as well. Despite his rough exterior, he is packaged as a “real” person that most people can relate to, and one that is acceptable to the masses. How do we package TRUTH so that people will embrace it? One that is really liberating and upholding human dignity? When Bongbong Marcos started using social media, they used very catchy phrases so that even if it were lies that they were spreading, it would really catch people’s attention. We should also look for effective packaging in our advocacies.
RIGHT TO JUSTICE	<ul style="list-style-type: none"> ---
RIGHT TO REPARATION	<ul style="list-style-type: none"> ---
GUARANTEE OF NON-RECURRENCE	<ul style="list-style-type: none"> There must be a platform to have an open conversation on Transitional Justice with all relevant stakeholders. But as all the previous platforms have failed so far, the conflicts are continuing. So Transitional Justice is far from being achieved, and we are still in the process. How should we address this situation?
COMMON	<ul style="list-style-type: none"> Transitional Justice seems to be a foreign concept, so we need to package it in such a way that is easily understandable by all stakeholders and the general public. What do we mean when we say Transitional Justice? The term Transitional Justice sounds too complicated – people don’t immediately see where human rights are, in relation to Transitional Justice. For the grassroots, you need to clarify and explain the concept. However, the government is painting a different picture about human rights – that if you defend human rights, you are defending the drug users and drug pushers. They are changing the concept of human rights. We need to come up with a local term for

	<p>Transitional Justice – one that fully captures what we really mean.</p> <ul style="list-style-type: none">• It is important that we begin to write about our experiences and contribute to the local discourse on Transitional Justice. We should write down what happened, based on our perspective.• Also, in terms of packaging, why don't we use different forms of media (movies, songs, blogs, etc)?
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