

# **International Solidarity Mission to Surface James Balao October 22-23, 2008 Report**

## **Background**

On September 17, 2008 James Balao, a founding member of the Cordillera Peoples Alliance (CPA) and the President of the Oclupan Clan Association, was abducted in Lower Tomay, Benguet. On September 20, 2008 the CPA distributed an Urgent Alert to its national and international partners to inform them of the disappearance. ([http://www.cpaphils.org/campaigns/james%20balao\\_sept20%2008.htm](http://www.cpaphils.org/campaigns/james%20balao_sept20%2008.htm)) On September 23, 2008 the CPA, along with the Cordillera Human Rights Alliance (CHRA) and the Balao family announced their suspicion that Balao had been the victim of a state perpetrated enforced disappearance in their report "Surface James M. Balao Now!". ([http://www.cpaphils.org/campaigns/cpa%20statement%20james%20balao\\_sept23%2008.htm](http://www.cpaphils.org/campaigns/cpa%20statement%20james%20balao_sept23%2008.htm)) The ensuing Surface James Balao! Campaign has garnered national and international attention amongst CPA partners and other concerned indigenous rights and human rights organizations. Out of concern for the severe human rights abuses which appear to have been perpetrated against James Balao, and at the request of the Balao family, the CPA and the CHRA, international and national delegates convened in Baguio City to perform an independent investigation into the disappearance of James Balao.

## **Participants and Objective**

The International Solidarity Mission to Surface James Balao was convened on October 22 and 23, 2008. Twenty-three international and national participants, representing twenty-four organizations, participated. The international delegation consisted of representatives from the International Working Group on Indigenous Affairs (IWGIA); the Auckland-Philippines Solidarity Group from Auckland, New Zealand; the Asia Pacific Indigenous Youth Network (APIYN); the Asia Indigenous Peoples Pact (AIPP); the United Church of Canada and seven participants from the World Council of Churches' International Consultation on Ecclesial and Social Visions of the Indigenous Peoples, taking place presently in Baguio, representing the Muskogee Nation of the United States, the Baptist Church of Northern India, the National Council of Churches of Australia (NCCA) and Tulsa University. National and regional delegates participated from DESAPARECIDOS, HUSTISYA, Kalipunan ng mga Katutubong Mamamayan sa Pilipinas (KAMP), the EED Task Force on Indigenous Peoples; the Interfaith Gathering for Truth and Accountability, TAKDER, the Cordillera Peoples Legal Center (Dinteg), the Missionary Sisters of the Immaculate Heart of Mary (ICM Convent), the Indigenous Peoples Apostolate Missionary Benedictine Sisters, the Lutheran Church of the Philippines, the United Church of Christ in the Philippines – Northern Luzon Jurisdiction, the Good Shepherd Convent and the Cathedral of the Episcopal Diocese of North Central Philippines. The participants of the International Solidarity Mission to Surface James Balao came together with the objective of investigating what is being done by the concerned people's organizations and government institutions to bring about the surfacing of James Balao, and to produce an independent report assessing these actions.

The mission's objective required that the participants meet with all of the parties that have been involved in the case of James Balao. The scheduled meetings included a briefing with the Balao family, the CPA and the CHRA; a meeting with the principle of the

Saint Therese School in Lower Tomay; and dialogs with General Eugene Martin of the Philippine National Police (PNP) Regional Command-Cordillera Administration Region (CAR), Governor Nestor Fongwan of Benguet, Mayor Galwan and members of the La Trinidad Municipal Council, members of the Baguio City Council, the Military Intelligence Group (MIG) of the Armed Forces of the Philippines (AFP); and Regional Commissioner Russell Ma-ao of the Commission on Human Rights – CAR (CHR-CAR). In order to better assess the information gathered during these activities and to compile the assessment into a coherent report, we, the delegates of the International Solidarity Mission to Surface James Balao have chosen to discuss the activities chronologically.

At the time of the convening of the International Solidarity Mission to Surface James Balao, Balao had been missing 36 days.

### **Balao Family, CPA and CHRA**

The delegates of the International Solidarity Mission were given a joint briefing by the Balao family and the two peoples organizations leading the Surface James Balao! Campaign, the CPA and CHRA. Because of Balao's continue connection to the regional indigenous rights movement as a member of the CPA, the CPA, CHRA and his family have been working closely together since his disappearance.

The briefing was held in the Cranberry Bakeshop in La Trinidad, Benguet, a property of the Balao family. The delegates were presented first with testimonials from the family: his father, Mr. Arthur Balao, as well as his three siblings, Winston, Nonette and Joni. The family is descendant of both the Ibaloi and Kankanaey peoples. From his family the group learned of Balao's dedication to the indigenous peoples of the Cordillera, and how that dedication has been focused in the last few years on bringing together and organizing the Oclupan clan. In the last five years he has attended numerous clan meetings and festivals and has researched as far back as nine generations on two of the clan's family trees. Mr. Balao also told the group about an email that Balao sent his family days before his disappearance, detailing months of surveillance on his person. The family believes this surveillance, as well as his disappearance, were perpetrated by the state, and resulted from Balao's attempt to organize the Oclupan clan and his previous work helping other indigenous peoples of the Cordillera. Mr. Balao was emotional as he descried the long trips his family has had to make to Ilocos Sur and to other lowland provinces in their search for information about his son. The family members all expressed that they have been unable to live normal lives since the abduction.

The briefing of the CPA and CHRA involvement in the campaign to have James Balao surfaced was presented by CPA Chairperson, Beverly Longid. Longid began by detailing Balao's work for indigenous rights in the region before and during his time as a member of the CPA. After university Balao was engaged in research for the Cordillera Schools Group's Cordillera Studies Program. He left the Program after the founding of the CPA in 1984, to join the new organization's Secretariat. Longid enumerated the important research projects, such as research on tribal war, and the training modules, such as indigenous leader's training, that Balao conceptualized and began in his time as the first Coordinator of the CPA's Research and Education Commission. She also described for the group the role Balao continued to play for the CPA as a researcher and trainer after leaving the Secretariat in the 1990's, and how his research for the Oclupan Clan feed into the work of the CPA. The question was raised by numerous international delegates how

this kind of work could have made Balao a target of the state security forces.

The CPA believes that Balao was targeted because of his membership in their indigenous rights organization. In order to explain this conviction Longid described the AFP's counter insurgency policy, Oplan Bantay Laya. This policy has been used to tag legal people's organizations and legal activists as front organizations and members of the communist rebel forces. This tagging has led to the listing of these entities on the AFP Order of Battle and the systematic, state-sponsored surveillance, harassment, disappearances and killings of legal activists as enemies of the state. The CPA has detailed evidence of this tagging, including AFP propaganda material given to residence in mining affected communities, AFP teaching material on enemies of the state and numerous reports of surveillance from CPA regional leaders and staff. The CPA believes that it has been targeted especially because of its vocal campaigns against the government's anti-people and anti-indigenous peoples policies. Balao would have been perceived personally as a threat because of his long involvement in these CPA campaigns and also because of the way that his research has been used in these campaigns to expose government misdoings and to assert the land and resource rights of indigenous peoples.

Since the disappearance on September 17, 2008 the CPA and CHRA have been actively supporting the Balao family in their search. Immediately after being informed of Balao's abduction the organizations created profile information and an Urgent Alert about Balao to distribute regionally, nationally and internationally. Complaints were filed with the Philippine Commission on Human Rights, the Joint Monitoring Committee – CARHRIHL, the United Nations Working Group on the Convention on Enforced and Involuntary Disappearances and the United Nations Special Rapporteur on Human Rights Defenders. They also began the Surface James Balao! Campaign, which has solicited commitments of support from numerous regional politicians and local government units, including the Baguio City Council, the Municipal Council of La Trinidad, the Governor of Ifugao, the Governor of Mountain Province and the Provincial Council of Benguet. This campaign has led to a petition with approximately 1000 national and international signatures, a public information campaign, focused especially in Lower Tomay, about Balao's personality and work and a rigorous media campaign to bring attention to the case and to pressure the perpetrators to surface Balao.

Longid also described how the family and the people's organization have initiated their own investigation into the abduction. Though the CPA has made numerous attempts to seek PNP help in the investigation, they have found the efforts of the PNP's Task Force Balao insincere and unhelpful. As part of their investigation that have spent time seeking out witnesses in Lower Tomay. They have also visited four Baguio based PNP and AFP offices/camps and six regional PNP and AFP headquarters searching for Balao. In their search for information about Balao the CPA and CHRA have facilitated numerous dialogs between the Balao family and General Martin, representatives of the 50<sup>th</sup> Infantry Battalion, high ranking officials in the national PNP and AFP offices, local Congressmen and Senate staff. Any developments in the case appear to have been discovered by the efforts of Balao's family and the people's organizations.

The briefings presented at the Cranberry Bakeshop had a deep emotional impact on the delegates of the International Solidarity Mission. Many of the participants come from indigenous communities and felt a strong sense of solidarity with the CPA, the Balao family and the Oclupan Clan in their work and in the repression they experience as a

result of their work. The indigenous participants felt that the tagging of indigenous peoples rights activists as communist/terrorists by the Philippine government, and the subsequent human rights abuses, was part of a long, global history of violence against indigenous peoples who dare to stand up for their individual and collective rights. The point was made that at times the state and corporate forces working against indigenous peoples in the world seem too big and too powerful to fight, but that there had to be a way, through the international solidarity of indigenous peoples, to combat these forces. The group also felt great sympathy for the Balao family. The idea that someone could be picked up off the street and disappeared without a trace was jarring to the participants. There was agreement that a government can not claim it is a democracy if freedom of speech is curbed by a fear of being killed or disappeared for speaking out against the government. All of the participants expressed a desire to continue working in solidarity with the CPA, CHRA and the Balao family.

### **Ocular Inspection of the Abduction Sight and Discussion with Witnesses**

The International Solidarity Mission was lead through Lower Tomay by a member of the CPA who has been staying in the community. His presence is intended to calm the fears of witnesses and community members who are worried that the state security forces will retaliate against them for helping the family and the people's organizations in their investigation. The delegation was shown the exact location of the abduction and directed to take note of the heavy traffic along the road and the high population of the area. There were conceivably many witnesses to the abduction, yet only a few have come forward. Our attention was also called to the fact that some of the stores in the vicinity of the abduction sight had chosen to stay closed, having been informed earlier of our visit. The participants questioned why the community would be so afraid of the police and military. The guide explained that there is a long history of Philippine leaders using the state security forces as a tool of repression, which has breed deep mistrust amongst the population. In Lower Tomay this mistrust had been compounded by suspicious faces in the community since the abduction, assumed to be plain cloths intelligence officers. It was shocking to the group to see how real the fear of retaliation is within the community.

After being shown the abduction sight the circumstances of the disappearance were explained. The morning of the disappearance numerous community members in Lower Tomay noticed two men on motorcycles passing back and forth along the road in fronts of the Saint Therese Church and School. At approximately 8am Balao was seen standing across the street from the school when a white Mitsubishi Adventurer pulled up in front of him. Five armed men in civilian clothing, but with military haircuts, got out and surrounded him. Balao was wrestled and handcuffed. He shouted, "Ask them why they are taking me!" in Ilocano before he was put into a headlock and rendered unable to speak. As he was being forced into the vehicle one of the abductors started yelling to the witnesses, "Don't worry, we are the police and he is a drug pusher. Don't interfere." As the perpetrators were reentering the vehicle, a witness overheard one of them say that they were going to proceed strait to Camp Dangwa, the Regional PNP Command, which is just a short distance away from abduction sight.

After the ocular inspection the group met with Principal Potenciana Calabias of the Saint Therese School, which sits across the street from the abduction sight. Mrs. Calabias told the group about her experiences from the day of the abduction up to the International Solidarity Mission. She and members of her PTA had been waiting for a ride in front of

the school on the morning of September 17, 2008 and had watched the two men on motorcycles pass by numerous times. They had worried amongst themselves that these men might be casing the school for a robbery, and one of their party copied down the license plate numbers. When she returned to the school in the afternoon she was told about the incident with Balao and felt immediately reassured that the men on motorcycles had been related to the police, and not robbers. She was also relieved that the PNP had taken a drug pusher out of their community. The license plate numbers were thrown away. The principle explained that she and most of the other members of the community had not known the reality of the situation until the enforced disappearance was discussed in a fiesta mass almost two weeks later. Since discovering the truth Mrs. Calabias and the Saint Therese School have worked with the Balao family and the CPA to calm the community's fears and to provide a safe and private space for the interviewing of witnesses.

Mrs. Calabias was asked about the impact that this event has had on the community. She responded that people were initially happy that the police arrested a drug pusher, however, learning the reality of the situation the community has become quiet worried about their safety. When asked what reasons the population had been giving her for their fear, the principle explained that people are frightened that the perpetrators might come back and kill the witnesses. Besides fear, the community members and the school's students have been emotionally affected by the abduction. The school has not yet decided on the best way to explain the situation to their students or how to help them process their feelings. Members of the group commended Mrs. Calabias for her willingness to help the Balao family and the CPA, despite the tense atmosphere in the community, and promised to keep her and her students in their prayers as they start the difficult task of processing the emotional impact of state terrorism.

While at Saint Therese School the delegation also met with an eye witness to the abduction. He told the delegates about what he had seen and about his desire to help the Balao family by giving his testimony. The witness confirmed that he had spoken first with the Balao family before speaking to the police. When he went to Camp Dangwa to make his official statement he did not feel intimidated by the officers attending him. However, the group was informed by Atty. Mary Ann Bayang, a lawyer from the Indigenous Peoples Legal Center who has been assisting the Balao family, that other witnesses in the community have had officers bring them statements to sign which are not accurate. This has led to even more suspicion of the local PNP by community members.

Four very important concerns were raised amongst the participants after the visit to Lower Tomay. The first concern is the positive reaction of the community to the abduction when they believed that Balao was a drug pusher. This suggests that there is not a strong understanding of Miranda rights or the rights of the accused amongst the general Filipino population. The group felt that this lack of information gives the PNP a dangerous immunity. There was also concern about the lack of police involvement in the investigation of the abduction and the lack of police protection for the eye witnesses of the abduction. But even more the participants were concerned by the perception of the witnesses and the community members that they could not trust the state security forces and were even endangered by them. The group planned at this time to bring these concerns to the attention of the regional PNP officials during their dialog in Camp Dangwa.

## **Police Regional Commander Eugene Martin and other PNP officials, Camp Dangwa**

The International Solidarity Mission proceeded to Camp Dangwa, for a dialog with officials in the PNP Regional Command.

The group was provided first with a detailing of the actions taken by the PNP's Task Force Balao, created on September 20, 2008. On September 24, 2008 they received the background and profile material distributed by the CPA, which they sent to all PNP units as part of a missing persons alarm. On October 6, 2008 the PNP attended a dialog with members of the CPA and the Balao family. On October 8, 2008 a Petition for the Writ of Amparo was filed by the Balao family and Beverly Longid of the CPA, naming the Chief of Staff of the PNP as a respondent. On October 9, 2008 General Martin and other PNP officials participated in second dialog with members of the Balao family and the CPA. On October 13, 2008 the Task Force requested help from the CPA in locating one of Balao's housemates. On October 16, 2008 the letter requesting a meeting with the International Solidarity Meeting was received at Camp Dangwa. During this period of time Task Force Balao also took official witness statements. The participants were extremely disappointed with this detailing, because it did not show any independent investigation work. After the presentation the delegates were allowed to dialog freely with General Martin, the Commanding Officer of the PNP Regional Command.

The delegates questioned the PNP Regional Commander vigorously about the investigation of the PNP, especially in the community of Lower Tomay. General Martin was asked to describe what independent actions have been taken by the PNP in their investigation and how much time they have spent investigating in Lower Tomay. The General skirted the question, claiming that it was impossible to give an exact list of actions taken or number of man hours spent on the investigation, since the Task Force Balao had been working 24 hours a day since its inception on September 20, 2008. Questions were also raised about the fear that the delegation witnessed in the community. General Martin admitted that the population of Lower Tomay had experienced harassment by "certain quarters" since Balao's abduction, but would not define what he meant by "certain quarters", saying only that the Task Force had been investigating this harassment. Not addressing the group's assertion that much of the community's fear is directed toward the state security forces, the General told the participants that he had ordered an increased police presence in Lower Tomay in order to calm community fears. Despite this claim the delegation had seen no officers or patrol cars in Lower Tomay during their ocular inspection.

General Martin was next asked to discuss leads. The Task Force Balao is looking into four possible groups of suspects: the PNP themselves, the AFP, personal enemies of Balao and the CPA. The participants were taken aback by the suggestion that the PNP and the AFP would be natural suspects; feeling that this validated the CPA's claim that the state security forces are involved in the rising number of enforced disappearances in the country. General Martin would not explain what was being done to eliminate suspect organizations from the list and became aggressive when asked if the slow pace of the investigation was hindering their ability to eliminate themselves as suspects. The defensive tone continued when participants asked if Task Force Balao, as a PNP body, had the jurisdiction to investigate the possible connection of the AFP to the abduction.

The General responded that he had open channels of communication with the AFP, but that he needed names of possible suspects within the military if he was going to begin investigating, claiming that he could not investigate the entire institution. This seemed strange to the delegates, many of whom come from countries with a record of regularly investigating government institutions suspected of wrong doing. The General also dismissed any possible similarities between the Balao abduction and the previous extra judicial killings of indigenous rights activist in the region. The delegation came away from the dialog with a sense both that the police force was not making a real effort to investigate the abduction of James Balao, and that they were trying to cover up their own unwillingness and/or inability to investigate the AFP.

After the dialog in Camp Dangwa the participants were broken into three groups. The first group had lunch with members of the Baguio City Council. The second group met with Benguet Governor Nestor Fongwan. The third intended to meet with Mayor Galwan and Municipal Council Members in La Trinidad.

### **Baguio City Councilors**

The first group of participants met with Baguio City Councilors Pinky Rondez, Richard Cariño and Nicasio Aliping Jr. The International Solidarity Mission was pleased to hear that soon after the abduction the Baguio City Council unanimously passed a resolution supporting the Balao family, the CPA and the CHRA in their Surface James Balao! Campaign. The dialog began with a reiteration of that support.

The Councilors were interested in knowing, what, apart from passing the resolution, they could do as a body to help in the campaign. This question initiated a long discussion about the role that local government units, such as City Councils, can play in a country with failing governance. In an environment where people's organizations feel threatened by the policies of the national government it was agreed that the lower levels of government must step in to protect their constituents. As a result it was suggested that the Baguio City Council could take a more active stance in human rights cases, initiating a series of resolutions and being vocal in the media against the targeting of civilians and people's organizations by the state security forces. It was also suggested that the Councilors could play a stronger role in this specific case by using their contacts to seek out information about Balao's whereabouts and to facilitate dialogs between the Balao family and local PNP and AFP units. Councilor Cariño told the group that the city council had already been in contact with General Martin, but that they would consider contacting other elements of the regional state security forces.

The delegates also suggested that the Baguio City Council would be ideally suited to address the serious problem of population mistrust of the PNP and AFP. The Councilors were told about the participants experience in Lower Tomay, and their shock at how honestly the community fears retaliation by the state security forces for their involvement in this case. The possibility of the City Council hosting a community forum on peace and justice was discussed. Councilor Aliping, Chairman of the Council's Human Rights Committee supported the idea and committed to organizing a forum as part of the City's events to commemorate International Human Rights Day on December 10. The willingness of the Councilors to incorporate the suggestions of the participants was perceived as a strong show of support by the International Solidarity Mission.

## **Governor Fongwan of Benguet**

The second group met with Governor Nestor Fongwan of Benguet. The Governor began the meeting by listing the concerned government agencies and personal contacts, such as the retired Regional ISO, that he has written to on behalf of the Balao family and the Surface James Balao! Campaign. He told the delegates that he has also spoken personally with General Martin, and was given information on the two groups under investigation by the Task Force Balao. He was unable, however, to reveal these groups to the International Solidarity Mission. This suggestion of only two suspect groups was confusing to the participants, since General Martin had told them previously that there were four groups suspected in the abduction of James Balao. He asserted however, that the abduction was the first in the region, and as such an isolated incidence that should be left up to the police to investigate. The Governor viewed his own role in the campaign as one of support to the family, not one of information gathering.

Many of the Governor's comments confused the delegates because they contradicted things that had been presented earlier. Despite claiming to have information from General Martin, Governor Fongwan proceeded to present more than two other possible explanations for the activist's disappearance beside an enforced disappearance by the state security forces. The Governor suggested that members of the Oclupan clan or friends of Balao's could possibly have been the perpetrators. He also mentioned that Balao had 60 000 pesos on his person when he was abducted, suggesting that someone who knew about the money may have staged the abduction to hide a robbery. The participants were suspicious that the Governor had information about money on Balao's person, since it has not been mentioned in any of the previous briefings. They left the dialog feeling frustrated and uncertain of the Governor's sincerity in his commitment of support the Surface James Balao! Campaign.

## **Mayor Galwan and the La Trinidad Municipal Councilors**

Due to unforeseen scheduling issues the third group was unable to meet with the Mayor Galwan or the La Trinidad Municipal Councilors.

## **Military Intelligence Group – Armed Forces of the Philippines**

After the meetings with representatives of the regions local government units the participants of the International Solidarity Mission regrouped at Camp Allen in Baguio City. The AFP camp houses the CAR offices of the MIG. This unit is strongly suspected by the CPA and CHRA of being responsible for the abduction of James Balao. The participants were accompanied to Camp Allen by Atty. Bayang. Atty Bayang had sent a letter to the offices of the MIG at the same time as that sent to Camp Dangwa, requesting a dialog on October 22, 2008. There had been no response from the MIG offices.

The group was told immediately upon arrival that no unauthorized persons were being allowed into the camp at that time. One Lieutenant Castro, stationed at the gate, informed Atty. Bayang that the Philippine Military Academy, also based in Baguio City, has declared all regional camps on red alert due to National Defense Week, which was in its third day. Atty Bayang requested to speak to the Commanding Officer of the MIG to

request again that he hold a dialog with the International Solidarity Mission. The Atty. was taken instead to speak with the Administrator of Camp Allen, LTJG Thomas Yu-ing, head of the 11th Community Relations Unit (CRU) of the AFP.

After a very short time inside the camp Atty. Bayang returned to the gate and described her meeting with the Administrator. LTJG Yu-ing claimed to never before have seen the letter from the organizers of the International Solidarity Mission requesting entry into the camp. He also claimed to be unable to show her to the offices of the MIG, insisting that he was unaware in which building they were situated and did not know their Commanding Officer. Atty. Bayang did not believe his assertions and insisted again on being taken to Commanding Officer of the MIG. LTJG Yu-ing refused a second time, telling the Atty that to find out where the office was situated in the camp would take too long. It would require him to contact his Commanding Officer, who would have to contact the Commanding Officer of the MIG, which would take a few hours. Since it was already mid-afternoon he believed that he would not have permission to take the group inside the camp before the end of the day. The International Solidarity Mission was unable as a result to hold a dialog with representatives of the MIG.

The participants of the International Solidarity Mission believe that the reasons for refusing them entry into Camp Allen were stall and avoidance tactics on the part of the AFP. The group was informed that on October 6, 2008 the Balao family, supported by a team from the CHR-CAR and representatives from the CPA were also refused entry into Camp Allen to meet with members of the MIG. The unwillingness of the MIG to meet with members of the family or even the state's own Commission on Human Rights makes it seem as if the unit is hiding something. The participants also believe that the refusal of the MIG to meet with anyone related to the James Balao case suggests an attitude of arrogance and a feeling of impunity which is unhealthy within the state security forces of a democratic country.

### **Commission on Human Rights – Cordillera Administrative Region**

The International Solidarity Mission to Surface James Balao met last with Regional Commissioner Russell Ma-ao of the CHR-CAR.

The meeting began with a detailing of the actions taken by the Commission on Human Rights in the case of the missing activist. The CHR-CAR has not released an independent statement on the abduction of James Balao, but did request that the National Chairperson, Leila De Lima, make a statement. However, the Regional Commissioner has attended activities of the Surface James Balao! Campaign. Also the staff of the CHR-CAR has begun searching AFP camps for Balao. At the time of the meeting one team had just returned from Ilocos Sur and another was in the process of searching the camps in Central Luzon. If Balao is not found in the AFP camps then the CHR-CAR will assign staff to search the local PNP camps next. The Commissioner did expressed the frustration of the CHR-CAR staff at the slow pace of the investigation and the lack of help coming from the regional PNP. When asked if she had spoken with regional PNP and AFP officials about the case. Commissioner Ma-ao admitted that all communications with the state security forces had been through the National Chairperson. It is her belief that the culture of the chain of command would lead the state security forces to respond more positively to directives from the National Office then from the Regional Commission.

The Commissioner was asked to discuss a possible connection between the abduction of James Balao and the previous extrajudicial killings of indigenous rights activist in the Cordillera. Commissioner Ma-ao seemed to answer hesitantly, saying that this was the first disappearance in the region, and though the PNP and AFP were suspects in the case, the CHR was not going to draw any conclusions until their investigation was finished. She suggested that there were still other possible suspects who had to be considered, such as Balao's clan members. Commissioner Ma-ao made it clear that the Commission, as an institution of the government, is not able to make a statement against the government until it is absolutely certain that state security forces have been involved in the case.

Frustration was expressed by the participants that the CHR-CAR did not feel independent enough of the government to make statements in cases of human rights abuses. The group agreed that a Commission on Human Rights is not functional unless it is independent of the government. There was also disappointment amongst the participants that the CHR-CAR has not yet made a statement about the abduction; something they felt would be useful to the Surface James Balao! Campaign.

## **Conclusions**

The International Solidarity Mission to Surface James Balao has concluded that James Balao was the victim of an enforced disappearance perpetrated by the state security forces as result of Oplan Bantay Laya, the government's anti-insurgency policy.

The meetings with the PNP, AFP and CHR convinced the participants that the government institutions are not working together or working in a concerted fashion to decisively address and resolve the Balao case. The presentation of the PNP did not demonstrate any independent action taken by the Task Force Balao to pursue the investigation. Nor did the presentation show any coordination between the regional PNP and AFP. Despite General Martins's assertion that there is healthy communication between the two institutions around the case, he did not properly respond to questions about the PNP's ability to investigate the AFP. The General instead enumerated the other possible suspects in the Balao case: friends of Balao, his clan members, the CPA, etc. These other possible motives were also suggested by Commissioner Ma-ao of the CHR-CAR. The participants of the International Solidarity Mission were disconcerted by the fact that these other motives were being considered on equal footing as an enforced disappearance as part of the systematic human rights violations committed by state security forces, since the other motives are all things that could be easily disproven with more sincere and serious investigation. The International Solidarity Mission views the continued assertion of the other motives as proof that the state is trying to misdirect the investigation into the disappearance of James Balao. The participants were also disconcerted by the fact that neither General Martin nor Commissioner Ma-ao would discuss the possible connection of Balao's abduction to the extra judicial killings of indigenous rights activists in the region in recent years, or to the enforced disappearances of activists in other parts of the country this year, despite the fact that the cases appear to share similar circumstances. It has been clearly documented by human rights organizations in the country that the decrease in extra judicial killings in the last 2 years has been counteracted by an increase in enforced disappearances. The International Solidarity Mission believes that the state security forces are willfully ignoring this fact in order to protect the state.

The participants of the International Solidarity Mission felt that the CPA's assertion that the MIG was involved in the enforced disappearance of James Balao was validated by the MIG's refusal to hold a dialog with the International Solidarity Mission, and by the later revelation that even the CHR-CAR has been denied access to the MIG offices since September 17, 2008. The International Solidarity Mission felt that neither the PNP nor the AFP responded adequately to group's concerns that these institutions have been unhelpful and even detrimental to the investigation into the abduction of James Balao. The participants were especially disappointed that government institutions dominated by people of indigenous origins were not sympathetic to the issues of the indigenous activists and the indigenous peoples of the Cordillera, but instead appear to be serving national, anti-indigenous interests. The apparent absence of accountability of the state security forces appeared to the delegation to be symptomatic of a broader lack of governance in the Philippines.

Participants whose governments work in tandem with the government of the Philippines were disappointed by what they experienced during the International Solidarity Mission. They had high expectations of the Philippine government's institutions and were upset to see those institutions, such as the PNP and the AFP, trying to divert and stall the investigation into the abduction of James Balao. They were also frustrated that this stalling had forced the Balao family, the CPA and the CHRA to exhaust their own resources in the search for their lost son and member.

Even those participants whose governments do not work closely with the Philippine government expressed anger that the interests of multinational corporations, based in their home countries, were in part driving the anti-people and anti-indigenous peoples policies of the Macapagal-Arroyo government. The group was unanimous in their belief that the repression of activists in the country, and in the Cordillera, was being made worse by the interest of multinational corporations in developing Philippine natural resources. In the long, global history of human rights abuse against indigenous peoples and indigenous peoples activists there has always been an element of corporate and government collusion and the participants of the International Solidarity Mission felt it necessary to reiterate the importance of solidarity between indigenous peoples.

The participants of the International Solidarity Mission were pleased to see the support that has already been given to the Surface James Balao! Campaign by the Baguio City Council, the Benguet Provincial Council, the Governor of the Province of Benguet, the Municipal Council of La Trinidad and the Governor of Ifugao. They were also pleased to be able to meet personally with Governor Nestor Fongwan of Benguet and with Councilors Pinky Rondez, Richard Cariño and Nicasio Aliping Jr. of the Baguio City Council to solicit their continued support. However, the delegation believes that local politicians and local government units in the Cordillera need to be more vocal in naming the PNP and the AFP as the perpetrators of the human rights abuses against the region's activists. There was consent amongst the group that though numerous public figures and government officials seem sincere in their desire to help in the Balao case and in other cases of human rights abuses, these individuals are stuck in a system which puts them at risk of losing their jobs or their lives for speaking out against the government and the state security forces.

## **Appeal for Action:**

The International Solidarity Mission to Surface James Balao unanimously condemns the enforced disappearance of James Balao, which it believes was motivated by the Philippine government's policy, under Oplan Bantay Laya, of systematically targeting and terrorizing the country's legal activists in an attempt to silence legitimate, democratic government opposition. In solidarity with the Balao Family, who now resides in the hearts of all of the participants, the CPA and the CHRA we call on the Philippine government and its concerned institutions:

- to immediately and unconditionally surface and liberate James Balao;
- to initiate an independent investigation into the enforced disappearance of James Balao with a mandate that allows the investigation of all bodies of the Armed Forces of the Philippines and the Philippine National Police, including paramilitary forces, as well as the ability to bring possible criminal charges against the staff and offices of these institutions;
- to call for a review of the Task Force Balao of the PNP in the conduct of their work since its formation, including potential intentional mismanagement of the Balao case as a case of human rights violations;
- to immediately cease the implementation of Oplan Bantay Laya and its abuses against legal people's organizations and activists;
- to provide immediate, and long overdue justice, to the other 198 victims of enforced disappearances and the almost 1000 victims of extra judicial killings in the Philippine under Oplan Bantay Laya since 2001;
- to call upon the public to speak out on human issues and demand a accountability of the state security forces and the national leadership.

***The International Solidarity Mission was co-hosted by the Cordillera Peoples Alliance (CPA) and the Cordillera Human Rights Alliance (CHRA). It was supported or contributed to by the Indigenous Peoples Rights Monitor (IPRM), the Interfaith Gathering for Truth and Accountability, the ICM Convent, the Episcopal Diocese of North Central Philippines (EDNCP), the Cathedral of the Episcopal Diocese of North Central Philippines, the Regional Ecumenical Council of Churches in the Cordillera (RECCORD), the Lutheran Church of the Philippines, the EED Task Force on Indigenous Peoples' Rights (EED – TFIP), the World Council of Churches (WCC), Ms. Capuyan of Inglay's Restaurant and the Baguio City Councilors Pinky Rondez, Richard Cariño and Nicasio Aliping Jr. To all of these groups and people the International Solidarity Mission to Surface James Balao offers its sincere thanks.***