



CORDILLERA PEOPLES ALLIANCE

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

Update on the SURFACE JAMES MOY BALAO CAMPAIGN

April 13, 2009

Dear Friends:

April 17 would be the 213th day since James enforcedly disappeared on 17 September 2008. Two days after (April 19) is his 48th birthday. The Christmas and the New Year have passed without James. Lent has recently been concluded still without James. Nonetheless, we, the CPA, family, CHRA, relatives and friends continue with our efforts to search and surface for James, and bring the perpetrators of this reprehensible act to Justice.

During the Congressional Inquiry for Northern Luzon on Human Rights last March 12-13 held at the University of the Philippines Baguio, Winston Balao (younger brother of James) testified in behalf of the Balao family before the House Committee on Human Rights chaired by Rep. Erin Tanada. He acknowledged before the giving of testimony that the Committee received many letters of concern on the case of James.

Mr. Arthur Balao, father of James, who also attended the hearing and appealed to the Committee, *"On April 19, my son James will be turning a year older. We would like to have him and be with him on his birthday. Please, talk to the President to release my son."* The Committee reassured the family that they will do so and will also try to help in the search for James.

On the Writ of Amparo, the family and the CPA as petitioners filed an appeal to the Supreme Court regarding the interim orders (inspection, production and protection), which were not granted by the RTC. The respondents through the Office of the Solicitor General also appealed the said Judgment. Supreme Court has given both Parties 10-days to submit their respective comments before it gives due course on the said appeals.¹

The CPA and the CHRA also presented the same and other cases during a Community-Based Dialogue for the Cordillera convened by the Alternative Law Groups (ALG) on March 25-26 between civil society organizations (CSO) and the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP).

¹ See the CPA website: <http://www.cpaphils.org> for statements/position re the Judgment on the Writ of Amparo.

The CPA, CHRA and other non-government organizations and institutions working in the Cordillera participated in the Dialogue. The Commission on Human Rights-Cordillera (CHR) was also present during the dialogue and provided a summary of local, national and international human rights instruments including their response to cases of human rights violations. The case of James is the first documented case of enforced disappearance for the region.

In the said Dialogue, the CSO and the AFP and PNP agreed to disagree. Nonetheless, we and other CSOs asserted that human rights violations are State perpetrated. The State and its instruments are primarily responsible for the protection of the human rights of its citizenry. We strongly reiterated our position that the people need protection and immediate economic relief not State persecution.

Both activities were held in Baguio City.

Also, a German Human Rights Mission to the Philippines was conducted last March 11-20. Members of Action Network for Human Rights-Philippines, a network of non-government organizations in Germany, met to express their solidarity with families of victims of enforced disappearances and other human rights violations. The case of James Balao was presented by the Cordillera Human Rights Alliance (CHRA) and Winston Balao like the other members of Desaparecidos², gave a testimony on the continuing enforced disappearance of his brother.

Last 18 March 2009, The Episcopal Church of the USA (ECUSA) led by The Most Rev. Katherine Jefferts Schori, Presiding Bishop and Primate submitted the written testimony of Rev. Canon Brian Grieves and Alexander D. Baumgarten³ in behalf of the Episcopal Church regarding human rights in the Philippines and U.S. military assistance to the US Committee on Appropriations, Sub-Committee on State, Foreign Operations. The testimony reads in part⁴:

“xxx In February of this year, we joined other faith and citizen groups as well as NGOs in a letter expressing our appreciation for efforts by members of the House and Senate Appropriations Committees to ensure that our military aid to the Philippines is not exacerbating an already tragic situation regarding human rights. In 2007, the Congress voted for the first time to attach human rights conditions to the military aid our government is providing the Philippine government. Partly as a result of oversight by the Congress, there was a decline in the extra-judicial killings in 2008. Unfortunately, widespread human rights abuses continue and Congress must take additional action in order to improve conditions in the Philippines.”

² Desaparecidos – a national organization of families of victims of enforced disappearances

³ The Rev. Canon Brian Grieves is Director of the Advocacy Center of the Episcopal Church; Alexander D. Baumgarten is the International Policy Analyst.

⁴ <http://www.episcopalchurch.org/elife> or http://www.episcopalchurch.org/79901_106351_ENG_HTM.htm

It is because of those continuing abuses that we submit this testimony today. In particular, we want to highlight the case of James Balao, a member of the Episcopal Church of the Philippines who was abducted in September of 2008. The Episcopal Church has strong ties to our partners in the Philippines dating back to 1898. xxx While Episcopalians are a small portion of the Christian community, our many institutions, including medical centers and schools for all ages, serve the country in important ways and give us important insights into the people and their concerns. In 1994 our General Convention passed a resolution urging "the U.S. government to adopt a foreign policy for the Philippines which promotes the protection of human rights ...and to terminate direct and indirect military aid."⁵

We have been painfully aware of the extra-judicial killings and disappearances that have terrorized the human rights community of the Philippines and deeply disappointed at the lack of response from the Philippines Government and with the continuation of U.S. military aid despite the lack of progress on human rights. Our Anglican partners in the Philippines tell us that the military includes them as "terrorists" because of the church's mission work in far-flung villages considered revolutionary strongholds.

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As we wrote in our February letter to Congress: "The perpetrators of these abuses continue to enjoy impunity and there is strong evidence that Philippine military officials responsible for human rights abuses will never face justice." Despite the fact that the Philippine government did not meet any of the human rights conditions for Foreign Military Financing (FMF) in 2008, the Department of State provided the Philippines with the full FMF allocation. We again ask that in order to receive FMF funding, the Philippine government must successfully implement the recommendations of the UN Special Rapporteur; those in the military and others responsible for the human rights violations must be prosecuted; and the vilification of legal civil society organizations by the military must end.

Additionally, we recommend that the United States Government undertake a thorough investigation as to where and how U.S. military aid to the Philippines has been spent, with particular emphasis on whether these funds are being used in ways that violate the people's right to life, liberty, and security. We believe the rights and freedom of the Filipino people, including James Balao, cannot be fully realized until these steps are taken."

On the 213th day of his disappearance, the family, colleagues, relatives and friends of James shall hold a whole-day information drive and a photo exhibit at the La Trinidad Public Market on the incident, on enforced disappearances, on the person of James and on the campaign to search and surface James Moy Balao campaign.

⁵ Episcopal Church Archives: 1994-A097 Urge the US Government to Adopt a Policy of Peace and Justice in the Philippines

Immediately after this, the Ifugao Peasant Leaders Forum (IPLF) and the Ifugao Resource and Development Center (IRDC) shall convene a gathering of Friends of James on 19 April (James' birthday) in Lagawe, Ifugao. The IPLF and the IRDC are organizations that James has worked with during his assignment in Ifugao from 1997 up.

As the CPA hosts the 25th Cordillera Day in five provinces (Benguet, Kalinga, Abra, Ifugao and Mountain Province) on April 24, it shall facilitate a resolution on the enforced disappearance of James and intensify the surface and search James as a regional campaign.

Again, our heartfelt thanks to all who continue to participate and support the Campaign to Surface James.

BEVERLY L. LONGID
Cordillera Peoples Alliance
Chairperson