



## PRELIMINARY REPORT

### International and Interfaith Solidarity Mission In Defense of Indigenous Communities Fighting Impunity

*17-19 November 2012*

*Provincial Capitol Grounds, Malaybalay, Bukidnon*

The KALUMBAY Regional Lumad Organization, KARAPATAN Northern Mindanao Region, Community-Based Health Services (CBHS)-Northern Mindanao, Asia Indigenous People's Pact (AIPP), KATRIBU Indigenous Peoples' Partylist and Rural Missionaries of the Philippines-Northern Mindanao Sub-Region (RMP-NMR) organized an International and Interfaith Solidarity Mission (ISM) in Defense of Indigenous Communities Fighting Impunity on 17-19 November 2012 at Malaybalay, Bukidnon, Philippines. The ISM was hosted by KASILO (Kaugalingong Sistema Igpasasindog te Lumadnong Ugpaan), an organisation of Matigsalug indigenous peoples based in San Fernando, Bukidnon. Ms. Beverly Longid, President of KATRIBU, joined the mission.

The Mission had the following objectives, to:

- 1 Gather further information on the circumstances surrounding the mass evacuation of the Matigsalog and Tigwahanon indigenous peoples particularly of Dao, San Fernando, Bukidnon;
- 2 Document human rights abuses perpetrated by the military, New Indigenous People's Army for Reforms (NIPAR) and other State security forces against the said indigenous peoples;
- 3 Express solidarity and support to the Matigsalogs and Tigwahanons in defense of ancestral land, for justice against human rights abuses and internal displacement;
- 4 Gather broader support for the campaign to arrest Alde "Butsoy" Salusad, and to disarm and disband NIPAR; and
- 5 Present the ISM results to concerned local and national government agencies and units.

In line with the said objectives, it conducted the following activities:

- 1 Medical services especially for women and children;
- 2 Collective psychosocial processing specifically for the children;
- 3 Documentation of reported human rights violations from January 2012-November 18, 2012; and
- 4 Dialogue with the Vice-Governor of Bukidnon Jose Maria Zubiri.

## **Community Profile and Situation**

San Fernando is government classified as a first class municipality of the Province of Bukidnon. It has a land area of 70,506 hectares. Dao is one of the 24 barangays (smallest local government unit/village) of the municipality.

The indigenous peoples of San Fernando are the Tigwahanons and Matigsalugs. Originally were nomadic but later settled along the fertile areas of the Tigwa and Salug Rivers, thus, their identity in reference to their location or settlement. They largely subsist in agriculture with corn as a major product and augment this with traditional gold panning.

The arrival of other interests over the gold and fertile lands in San Fernando shattered the peace in this once sleepy town.

At present, San Cristo Mineral Exploration Corporation – a local subsidiary of IndoPhil Mining holds an exploration permit for 13,756 hectares in San Fernando. IndoPhil is a partner company of Xtrata-Saguitarius Mining Inc., an Australian mining company operating in Tampakan, South Cotabato. The Xtrata-SMI is currently under heavy criticism with the recent massacre of the family of Daguil Capion – a Blaen opposing Xtrata-SMI's operations – by military elements protecting the said mining operations.

Aside from San Cristo Mineral Exploration Corporation, another group called Sanmatrida (San Fernando Matigsalug Tribal Datus) and Vale Mining holds interest in the gold in San Fernando.

The Sanmatrida has a Certificate of Ancestral Domain Title (CADT) claim of 52,000 hectares in San Fernando and has been actively pushing for the entry of large-scale mining firms interested to operate in the municipality.

According to the villagers, on August 2, 2012, Alde Salusad went to the small-scale mining area in Sitio Kiranggol, Dao. He then demanded for a certain Tessie Ombo, the alleged financier of some small scale miners, to hand him money. But Tessie said she had already distributed it to the miners. Alde, who was then with ten other armed men, fired his rifle ordering Tessie to gather the miners together.



**1 Sharon Liguyon, wife of slain indigenous leader Jimmy Liguyon, shared how her husband was killed in front of them**

They further narrated, on August 16; Alde Salusad with his armed NIPAR returned in Sitio Kiranggol and set-up their tents for shelter. A few days after, joining the NIPAR were about seventy (70) elements of 8<sup>th</sup> IB Philippine Army with members of Special Civilian Active Auxiliary (SCAA) – another paramilitary group attached to the 8<sup>th</sup> IBPA. Thereafter, Salusad and the NIPAR installed at the mining site four (4) gold ore processing tools known locally as “Bolmellan” (ball mill). They witnessed Alde’s group cut indigenous trees for materials in constructing tunnels for their mining operation. Members of NIPAR were also reported to have shouted and fired their guns at children to stop them from playing at the nearby basketball court.

Alde Salusad and his NIPAR have taken over and now control small scale mining in San Fernando.

### **The Killing of Datu Jimmy Liguyon**

On March 5, 2012, Alde “Butsoy” Salusad, a known leader of a local paramilitary group called the New Indigenous People's Army for Reforms (NIPAR) shot dead Jimmy Liguyon, in front of his family members.

Datu Jimmy Liguyon is the barangay captain (village chief) of Dao, leader of KASILO and a respected traditional leader (Datu) who has publicly opposed large-scale mining and the Sanmatrida CADT specifically in Dao. He often states that the “people in Barangay Dao did not want large-scale mining and he, as village chief would not force them to it.”

Days after his killing, in a statement, the NIPAR claimed responsibility and alleged that Liguyon was a communist. In a radio interview with DXDB in Malaybalay City, Alde Salusad admitted to Liguyon’s killing.

Alde “Butsoy” Salusad and his father, Benjamin “Nonong” Salusad, are former members of the New People’s Army (NPA); they surrendered to the military sometime in 2011 and became members of the Citizen’s Armed Forces Geographical Unit (CAFGU), the official militia under the command and supervision of the Philippine Army. Alde later formed the NIPAR while his father remained a regular member of the CAFGU. Both the CAFGU and NIPAR are attached with the 8<sup>th</sup> IBPA in San Fernando, Bukidnon.

The police investigated the killing and charged Alde Salusad and 14 unidentified NIPAR members for the murder of Liguyon. The Court subsequently issued a warrant of arrest against him on 30 April 2012, but to date has not been served. The regional office of the Commission on Human Rights of the Philippines also promised to investigate the case but no official investigation report has been released.

The older Salusad has also eight warrants of arrest against him for separate cases of murder and frustrated murder, which remains unenforced.

## Mass Evacuations



**2 More than a half of the second batch of the IDPs are children**

The lack of political will of the provincial government and the police to arrest the Salusads and the NIPAR, and the continuing militarization of San Fernando led to two mass evacuations of Matigsalugs and Tigwahanons. The first on March 14 after the killing of Datu Jimmy Liguyon, with 43 families, and the second on August 29, with 35 families seeking sanctuary in front of the Capitol grounds in Malaybalay, Bukidnon.

In a dialogue on June 2012 with officials led by provincial administrator Provo Antipasado Jr. and former provincial police director SSupt. Rustom Duran, the evacuees said they would not be safe in Dao if the Salusads and other accused in the killing of Liguyon were not arrested. Backed by the (KASILO), the Liguyons, as in the previous dialogues, rejected the proposal that they will return to Dao while waiting for the arrest of Salusad.

On August 7, the other evacuees families of Dao decided to return to their community despite the failure to arrest Alde and the other accused. Hunger at the camp has compelled them to go back to their livelihoods and be nearer their farms. In the past months, the families subsisted only on the limited relief support given by organizations and the local government unit of Bukidnon. Despite this decision of the other families, Sharon Liguyon and her children refused to return to Barangay Dao.

However, the continuing terrorism of the Salusads and their NIPAR with support of the 8<sup>th</sup> IBPA, forced the Matigsalogs and Tigwahanons mainly from Sitio Kiranggal, Dao to evacuate anew. On August 29, they again sought sanctuary at the provincial capitol grounds of Bukidnon. However, the provincial government refused them sanctuary and prevented them to set up camp with the help of the local police. The camp was finally set-up on October 22, 2012, after 4,000 members of various people's organizations and support groups trooped to the provincial Capitol.

Prompted by this situation, the RMP-NMR and other organizers saw the need to hold an ISM to probe deeper in the two successive mass evacuations and look into reports of civil and political, and socio-economic and cultural rights violations perpetrated by the Salusads, NIPAR and the 8<sup>th</sup> IBPA.

### In Defense of Indigenous Communities Fighting Impunity



3 ISM Orientation in Cagayan de Oro City

Atty. Beverly Musni, Union of People's Lawyers of Mindanao (UPLM) discussed the general situation in San Fernando and the background on the killing of Datu Jimmy Liguyon. After which, the ISM secretariat presented the schedule of the 2-day ISM and divided the participants in groups/teams.

Travel to Malaybalay took approximately 3 hours with the participants arriving at around 9:00 in the evening. Tired and hungry but the evacuees warmly welcomed the arrival of the ISM participants. After a simple meal with the participants, a short program of introduction before all went to rest for a full and busy day.

The Mission conducted in-depth key informant interviews, and secondary data review. The head of the teams collated the data and subjected it to initial data analysis. The collated data shall be subjected further to analysis and discussion with human rights lawyers and

paralegals; and look on possible legal remedies. Nonetheless, the ISM validated that militarization and the terrorism of NIPAR forced 32 families of Matigsalogs and Tigwahanons to evacuate from their community in Dao, San Fernando. The evacuees consist of 153 individuals, of which 86 are children and 77 are women.

At present, State security forces in San Fernando are the 8<sup>th</sup> IBPA with the following paramilitary groups attached with undetermined number of elements: NIPAR, CAFGU, SCAA and CAA.

### **Unearthing More Killings and Human Rights Violations**

The ISM unearthed the killing of two other Lumads this year prior and months after the killing of Datu Jimmy Liguyon. Abon and Datu Erning Mantugohan were reportedly killed in Slide, Dao in San Fernando last January and October this year, respectively. Witnesses alleged that two killings were perpetrated by members of the Special Civilian Armed Auxiliary (SCAA) headed by Benjamin Salusad.

The Mantugohans are small miners who are opposed to the control of the Salusads and NIPAR of mining in San Fernando. Apparently, the Salusads and NIPAR view small scale miners such as the Mantugohans who refuse to bow down to them as competition that needs to be exterminated – annihilated physically.

Thus, the total number of indigenous peoples killed in Mindanao since Aquino III assumed power is no longer 24, but 26.

The ISM found and documented the following violations perpetrated by the NIPAR and SCAA since January of this year in Dao, San Fernando, Bukidnon: (*See Annexes 3 etc. – Fact Sheets*)

1. 3 Cases of extra-judicial killings (EJK):
  - a. Datu Jimmy Liguyon on 05 March 2012;
  - b. Abundio Mantugohan on 11 January 2012, and
  - c. Datu Erning Mantugohan on 10 October 2012;
2. Hostage taking/abduction of 5 individuals specifically the wife and four children of Sitoy Manlus-ag, (and the breaking of family and separation of the 4 children from their father)
3. Forcible evacuation involving 70 families or 262 individuals (First batch: 38 families or 127 individuals, including 54 children; Second batch: 32 families or 135 individuals, including 86 children)
4. 15 school children denied of education,

5. 19 incidents of threat/harassment/intimidation,
6. 23 orphaned children
7. Violent dispersal involving more than 100 in a peaceful protest,
8. 3 incidents illegal searches,
9. 2 incidents of divestment of property, and
10. 1 case of torture

The resulting documentation currently being collated shall be used to file appropriate charges against the culprits, and for information dissemination and policy advocacy. The same will also be submitted to the concerned government agencies specifically the Commission on Human Rights and the NCIP, including local and international bodies like the ASEAN Inter-Governmental Commission on Human Rights and the United Nations, and to various foreign consulates in the Philippines, with the demand to arrest Alde "Butsoy" Salusad, Benjamin "Nonong" Salusad; disband and disarm NIPAR; and pull-out of military forces in Dao, San Fernando, Bukidnon.

A delegation from KALUMBAY, KASILO and RMP-NMR shall highlight these cases as they attend the ManiLakbayan from December 3-10 in Manila. The ManiLakbayan is a week-long campaign of the peoples of Mindanao to bring their struggles to the country's capital, Manila. It carries the theme "Stop the Killings! Stop Large-Scale Mining!"

### **Abduction/Hostage taking**

The ISM confirmed the earlier reported abduction/hostage taking of the family of Sitoy Manlus-ag. Sitoy confirmed the report as documented by the RMP-NMR.

*"On October 7, 2012, Julia Manlus-ag, 25 years old, married to Sitoy Manlus-ag together with her children Jeron, 9 years old, Eron, 6 years old, Manilyn, 4 years old, and Micel 9 month old passed Sitio Kiranggol on their way to Dumasilag, Sta. Felomina, Quezon to visit her parents when they were held by members of NIPAR, and five elements of CAA (Civilian Active Auxiliary) —one of them identified as Benny Sito - under the command of the 8th IB of the Philippine Army operating in the area).*

*"Upon hearing what happened to his family, Sitoy, 36 years old immediately went to Sitio Kiranggol hoping to rescue them. He arrived at Sitio Kiranggol at around 4 pm and was met by Butsoy Salusad and other members of NIPAR.*



*"Butsoy Salusad ordered the victim Sitoy Manlus-ag at gunpoint that they will only release his wife and children if he can convince the families of indigenous peoples from Sitio Kiranggol who evacuated to provincial capitol grounds, to come back to Sitio Kiranggol, and that if he refuse, Alde "Butsoy" Salusad said, "mabuak gyud ni imong dughan" (your chest will get shattered).*

*"Manlus-ag, afraid of his life and his family's did not refuse and was released by the group, but instead of proceeding to Malaybalay City and do what he's been told to do by Salusad, he went straight back to Sitio Slide. When Salusad found this out, he immediately went to Sitio Slide to search for Sitoy but the victim eluded him by going and hiding at Sitio Halapitan, San Fernando, Bukidnon.*

*"Then on October 16, 2012, Sitoy Manlus-ag arrived at the provincial capitol grounds to join other evacuees and sought help fearing for the lives of his wife and children at the hands of Butsoy Salusad, NIPAR and the CAA under the 8th IBPA. Up to this time, his family members are still in the hands of NIPAR."*

#### **Harassment Continues in the Evacuation and Sanctuary Grounds**



**4 Some of the displaced indigenous children**



On September 3, at least eight masked men on motorcycles harassed youth and student support groups who joined the evacuees families who had been picketing the capitol for six days after fleeing their homes in San Fernando. The masked men also destroyed an amplifier and snatched streamers and tarpaulins. Photos taken by the youth and posted in social networking sites the next day show two of the men riding in tandem on a motorcycle, the driver clad in camouflage shorts and an olive drab sweater; back-rider wore a camouflage shirt and pointed at student activists with what witnesses claimed was a taser gun.

The youth and students said that despite the incident, the capitol security unit and heavily - armed policemen who had cordoned off the capitol grounds did nothing to either stop the masked men or arrest them.

During the ISM, there is a noted sense of unease among participants in the evacuation and sanctuary camp due to the presence of men in civilian clothing roaming around and keenly observing the activities and movements of the evacuees.

### **Indifference of the Provincial Government**

As stated earlier, the governor even attempted to block the setting-up of camp by the evacuees in front of the Provincial Capitol last October. He has stated in more than one occasion that the evacuees are an eye-sore that disturbs the scenic landscape of the Capitol grounds. He has never met with the evacuees and has not provided any support to them. Such indifference has resulted to ill-effects on physical and psycho-social health among the 86 displaced children due to cramped camp settings and the lack of balanced food and basic medicine.

This view was bolstered, on orders of the Provincial Administrator, when Capitol guards slammed its doors to 10 representatives of the ISM in the morning of November 19 who were just moments in entering the provincial Capitol to present the results of the ISM with the governor and vice-governor. This occurred simultaneously with the arrival of at least 50 fully armed police men in camouflage uniforms who posted themselves in front of the Capitol.

During the dialogue with the Vice-Governor Jose Maria Zubiri, the Provincial Administrator admitted to ordering the closing of Capitol entrance and requesting the presence of armed police to prevent the entry of the ISM representatives. The provincial director of Philippine National Police-Bukidnon Police Provincial Office (PNP-BPPO) likewise admitted in the dialogue that they had information that at least 3,000 supporters of the evacuees were massing-up since last night and were to attack the Capitol that morning.

## Dialogue with Vice-Governor Zubiri

In a few minutes after the slamming of the door, a staff of the Vice-Governor approached the ISM representatives informing them that the Vice-Governor has arrived in Cagayan de Oro from Manila, and was on his way to Bukidnon and would like to dialogue with the ISM representatives.

Upon arrival, the Vice-Governor immediately ordered the presence of the Col. James V. Jacob commanding officer of the 403<sup>rd</sup> BDE, PSSupt Orlando A. Beñas of the PNP-BPPO, Datu Magdaleno "Mayda" Pandian, the mandatory representative for indigenous peoples to the provincial legislative board, and a representative from the National Commission on Indigenous Peoples-Bukidnon.

Unfortunately, Col. Jacob states that he cannot enforce the warrant of arrests against the Salusads and the NIPAR because the military has to conduct its own investigation on the matter. He also revealed that in the surrender of the Salusads sometime in 2011, there was an agreement with the OPAPP (Office of the Presidential Assistant on the Peace Process) that they shall be granted amnesty and pardon for criminal charges against them. The ISM representatives questioned the said agreement of amnesty and pardon for wanted persons who have not yet been brought to the jurisdiction of the Court.

The dialogue resulted to the following agreements with the Vice-Governor:

1. A concurrence with the ISM and evacuees that the arrest of the Salusads who have pending warrants of arrest for criminal charges of murder, attempted murder and frustrated murder is essential in giving justice to human rights victims and restoring peace in San Fernando, Bukidnon;
2. Presentation of previous Sangguian Panlalawigan (Provincial Legislative Board) resolutions on the arrest of the Salusads as stated above;
3. Support and endorsement of other efforts to bring attention and action on the concerns of the evacuees such as seeking the assistance of national government agencies and human rights organizations here and abroad; and
4. Support of the Vice-Governor and his office for the daily needs of the evacuees while the arrest of the Salusads remains unenforced.