

ANNEX

Tuesday, August 30, 2016 Plenary Session

The following is the text of privilege speech of Rep. Edcel C. Lagman, submitted for insertion in the Congressional Record, per motion of Rep. Juan Pablo “Rimpy” P. Bondoc, as approved in plenary:

“Disappeared Heroes and Martyrs” International Day of the Disappeared

Mr. Speaker, esteemed colleagues:

Five years ago, the United Nations declared August 30 as International Day of the Disappeared.

Today, as we pay tribute to the *desaparecidos*, we recognize their inspiring feat as heroes and martyrs of freedom and democracy. Today, we demand justice for all victims of enforced disappearance and their families in no less than 88 countries, including the Philippines. The *desaparecidos* were abducted by agents of the State or by persons acting with their support or acquiescence, but who refuse to disclose any information on their custody or whereabouts. Their inquiries being stonewalled, the families remain clueless about their disappeared loved ones’ fate – many up to this very day.

Concealment of the fate and whereabouts of the victims places them beyond the protection of the law. Their merciless captors deny them their rights not to be arbitrarily deprived of their liberty, not to be subjected to torture, cruel, inhuman or degrading treatment or punishment; the rights to recognition as a person before the law, to be presumed innocent until the contrary is proved, to a fair and public trial, to human dignity and personal integrity, and most often, the right to life. It may concomitantly violate the rights to work, to a family; and the rights of children, even as it may restrain freedom of expression, religion and association.

State authorities resort to enforced disappearance as a tool of repression to stifle dissent, eliminate political opponents, isolate social activists from the resistance movement, and sow terror and fear in communities influenced by non-state armed groups. In the Philippines, there are 2,239 reported victims of enforced disappearance from 1971 to the present administration. The unreported could be much higher. The Marcos regime registered the biggest number of reported victims of which 856 have been documented by the Families of Victims of Involuntary Disappearance (FIND), a human rights organization established at the height of the people’s resistance to the Marcos dictatorship. The cold-blooded murder of former Senator Benigno Aquino in August 1983 heightened the mass protests against the then moribund Marcos regime. As the people’s resistance intensified, the suppression of civil liberties escalated as well. The convenient tool to silence dissent was the enforced disappearance of those arbitrarily labeled as “enemies of the State.”

Uncowed by the declaration of Martial Law in 1972 and the unlawful arrests and detention, torture, cruel, inhuman and degrading treatment or punishment, and extrajudicial killings that continued beyond Martial Law, the progressive and principled, especially among the youth, courageously and resolutely fought against repression and the onslaught on human rights.

What did the disappeared have in common?

They shared a common vision of a society where no Filipino is hungry, ignorant, homeless, jobless, and powerless. They always put the interest of the people they have chosen to serve ahead of their personal interests. They searched for the truth amidst the self-serving lies and falsehoods of those in power, and confronted the social and economic ills of the country on the basis of empirical facts. They held the government accountable for the highly skewed distribution of wealth and power, the rampant graft and corruption, the ballooning national debt, and the flawed agenda of change and development. They lived with and for the poor and marginalized, teaching them to assert their rights amidst repression, learning from their innate wisdom, and dreaming with them of a future when no single drop of blood would color the land farmers till and when every drop of sweat from a worker’s back would translate into a living wage.

It is indeed lamentable, that these *desaparecidos* vanished without seeing the dawning of their dreams. It is equally deplorable that the loved ones they left behind have been unable to mourn as they endlessly equivocate between the hope of reuniting with their disappeared kin alive, and the despair of finding them

lifeless and tortured, or unearthing their skeletal remains with ropes or wires wound around the neck, skull, ribs and limbs broken, lying beside spent bullets. The traumatic loss endured by mothers, wives, children and other family members manifest in lingering pain and anguish, anger, fear, anxiety, social withdrawal, isolation and even guilt of having failed to prevent the disappearance. All these lead to months and years of unresolved grief.

This is aggravated by economic difficulties when the disappeared is the sole family breadwinner. For instance, poor wives who suddenly find themselves multi-burdened and struggling between resilience and depression, need psychosocial support and rehabilitation. It is for this reason that R.A. No. 10353 or the Anti-Enforced or Involuntary Disappearance Act of 2012, which the Fifteenth Congress enacted, necessarily provides for a comprehensive rehabilitation program that is gender-responsive, human rights-based, and culturally sensitive. Thus, it is incumbent upon the government to accompany the survivors of enforced disappearance in their long journey toward truth, justice, comprehensive reparations and nonrepetition of the abominable crime to which they have fallen prey.

Under the current administration, however, there are roadblocks to their full recovery and reintegration into the mainstream of society. These include the brazen commission of extrajudicial killings of suspected drug dependents, drug pushers and other criminals. The violent drug-and-crime-busting inevitably reminds them of the harrowing fate of their disappeared kin. In the same vein, the proposed burial of the remains of the chief violator of human rights during Martial Law in the Libingan ng mga Bayani opens old wounds that have not really healed in the absence of closure as justice remains elusive.

Today as we mark the International Day of the Disappeared, I join the families of *desaparecidos* in urging Congress to exercise its oversight function to ensure that R.A. No. 10353 is fully and strictly implemented. I also join them in urging the President to endorse the Philippines' accession to the International Convention for the Protection of All Persons from Enforced Disappearance which entered into force nearly six years ago. This landmark international human rights instrument complements and strengthens national legal protection from enforced disappearance and other forms of deprivation of liberty. The Convention holistically and comprehensively addresses the global scourge of enforced disappearance beyond national borders. As a responsible and responsive member of the family of nations, it behooves the Philippines, where there are over 2,000 unresolved cases of enforced disappearance, to join the 96 signatories and 52 states-parties to the Convention.

Making the world enforced disappearance-free is a tall order that no single nation can attain, but united, nations have progressively moved toward breaking impunity, upholding human dignity and protecting life and liberty. Building peace based on human rights and justice is a long and arduous process. Serious efforts to reconcile national sovereignty and security with human rights and civil liberties toward peace-building are what international human rights and humanitarian laws seek. The Convention on Enforced Disappearance is indubitably one of these international human rights treaties. It is an enduring tribute to the *desaparecidos* and their families that the Philippines must affirm through accession.
