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OCTOBER 27, 2015

Philippines: Rebel Executions Violate International Law

Communist New People's Army Kills Mayor, Son

(Manila) – The communist New People's Army (NPA) in the _____ executed the mayor of a small town and his son on October 19, 2015, in violation of international humanitarian law, Human Rights Watch said today. Throughout its four-decade insurgency, the rebel group has frequently executed people found “guilty” by its so-called people's courts, which do not meet basic fair trial standards.

In a statement on October 25, the NPA took responsibility for the killing of Dario Otaza, 53, mayor of Loreto town in Agusan del Sur province, and his son Daryl, 27, calling their execution “revolutionary justice.” NPA fighters, posing as law enforcement agents, raided the Otaza home in nearby Butuan City on October 19. Authorities found the two men's bodies the next day with multiple gunshot wounds.

“The killing of the Otazas – like other NPA executions – is just plain murder,” said _____, deputy Asia director at Human Rights Watch. “The NPA's actions and claims of revolutionary justice handed down by people's courts are flagrant violations of international law.”

The NPA accused the Otazas of working for the Philippine armed forces and masterminding the killing of at least three people. They also accused the victims of taking part in attacks on and the

forced displacement of indigenous peoples in the province, torturing children, attempted murders, and arson, among other crimes.

As a party to an internal armed conflict, the NPA is obligated to abide by international humanitarian law, including common article 3 to the Geneva Conventions of 1949 and its Second Additional Protocol of 1977 (Protocol II), to which the Philippines is party. International humanitarian law prohibits killing civilians, mistreating anyone in custody, and convicting anyone in proceedings that do not meet international fair trial standards. Article 6 of Protocol II specifies that criminal courts must be independent and impartial, and the accused shall have “all necessary rights and means of defense,” among other guarantees. Those tried by people’s courts are typically convicted in absentia, thus denied the right to be tried in one’s presence before an impartial court.

Claims by the NPA that defendants receive a fair hearing during its people’s court proceedings are not supported by the facts, Human Rights Watch said. Philip Alston, the former United Nations special rapporteur on extrajudicial, summary, or arbitrary executions who investigated extrajudicial killings in the Philippines in 2007, described the people’s courts as “either deeply flawed or simply a sham.”

The NPA has long admitted to killing government officials and civilians whom the NPA deems to have engaged in acts “against the people.” They have also killed allegedly traitorous NPA or Communist Party members.

On April 21, 2014, NPA rebels shot and killed Mayor Carlito Pentecostes Jr. of Gonzaga town, Cagayan province. On July 27, 2012, they killed Datu Causing Ogao, a leader of an indigenous people’s group, in Davao City. On February 28, 2011, they killed Jeffrey Nerveza, a civilian, in Albay, Bicol. On August 19, 2011, the NPA killed Raymundo “Monding” Agaze in Kabankalan City, Negros Occidental. On July 13, 2010, NPA members shot and killed Mateo Biong, Jr., a former mayor of Giporlos town, Eastern Samar. That same month, they shot and killed Sergio Villadar, a sugar cane farmer, in Escalante City, Negros Occidental. All of these people, the NPA claimed, had been found guilty by its people’s courts.

In its October 25, 2015 statement announcing the deaths of the Otazas, the NPA said it is waging a “people’s war” and it “has been pursuing revolutionary justice by meting appropriate capital punishment against war criminals to remove the continuation of the human rights violations and render justice.”

The NPA killings may worsen the human rights situation in Agusan del Sur and other provinces in the southern Philippines, where the military and its paramilitary forces have been implicated in extrajudicial killings and forced displacement, particularly against indigenous peoples, Human Rights Watch said. Human Rights Watch has [documented](#) several of these abuses and has called on the Philippine government to bring perpetrators to justice.

“By resorting to vigilantism in the name of justice, the NPA is only serving to harm its own demands for justice for victims of military human rights violations,” Robertson said. “The NPA should end this charade of unjust ‘people’s courts’ and cease all executions.”

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