

## **Letter to UN Secretary General Kofi Annan re alleged child abuse in situations of armed conflict**

TO Secretary-General Kofi Annan  
United Nations  
UN Headquarters, New York, USA

Through: Under Secretary General Olara A. Otunnu  
Special Representative of the Secretary-General  
for Children and Armed Conflict

Fax Number: +1(212)9630807

Dear Sir:

In your action plan report to the UN Security Council on 16 February 2005 for the systematic monitoring and reporting of child abuse in situations of armed conflict, you listed the Philippines as one of the 54 offending parties, with unnamed armed opposition groups as violators.

The National Democratic Front of the Philippines (NDFP), the revolutionary movement fighting for the national and social liberation of the Filipino people, wishes to inform you of the following:

1. The NDFP has been engaged in peace negotiations with the Government of the Republic of the Philippines (GRP) since 1986, with the Royal Norwegian Government acting as Third Party Facilitator since April 2001. It has signed no less than ten agreements with the GRP, the most important of which are The Hague Joint Declaration of 1 September 1992, setting the objective, framework, agenda and modalities of the peace negotiations, the Joint Agreement on Safety and Immunity Guarantees (JASIG) of 24 February 1995, and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) of 16 March 1998, requiring both parties to respect human rights and international humanitarian law in the conduct of the armed conflict, and providing for a mechanism, the Joint Monitoring Committee (JMC), to monitor the implementation of the agreement. The parties are now negotiating an agreement on social and economic reforms, after which they shall negotiate an agreement on political and constitutional reforms, and finally an agreement on the disposition of forces and end to hostilities. The peace negotiations have been supported with two unanimous resolutions by the European Parliament. We are attaching hereto a booklet containing the ten agreements and the two European Parliament resolutions.
2. As a revolutionary movement, the NDFP is guided by principles and has its own program, constitution, guides and policies that conform with the international conventions on civil and political rights, and on economic, social and cultural rights.

Some of these documents were included as attachments to the NDFP's Declaration of Undertaking to Apply the Geneva Conventions of 1949 and Protocol I of 1977 submitted on 5 July 1996 to the Swiss Federal Council as the official depository of the conventions and to the International Committee of the Red Cross (ICRC). We are attaching hereto a copy of the aforesaid NDFP Declaration and attachments.

3. On the issue of child soldiers, we are attaching hereto two documents issued by the Military Commission and the Executive Committee of the Communist Party of the Philippines (CPP) dated 30 August 1999 and 15 October 1999, respectively. We are also attaching hereto my 17 February 2005 statement on the violations of children rights by the GRP's Armed Forces of the Philippines (AFP) and Philippine National Police (PNP).

We strongly deny the false testimony of Ms. Merceditas Gutierrez, the GRP head of delegation before the UN Human Rights Committee on 21 October 2003, accusing the New People's Army (NPA) of allegedly recruiting minors and deploying them in combat operations. Ms. Gutierrez mentioned 210 so-called cases of alleged NPA recruitment of child soldiers. We ask that we be provided with evidence of these.

We ask the UN Secretary-General through the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara A. Otunnu, to respect our right to be heard. It is bad enough that the NDFP is denied due process. Worse, the GRP is allowed to cover up its blatant and multiple violations of children rights, such as the following:

1. the indiscriminate bombardment of villages and strafing of houses by the armed forces of the GRP have resulted in the death of children, including infants;
2. when the military and police forces of the GRP raid communities, they arrest nursing mothers as well as the children from 10 to 15 years for indefinite detention and misrepresentation to the press as child recruits of the NPA;
3. the children thus illegally arrested and detained are intimidated, humiliated and are often used as servants or child prostitutes in military camps or sometimes turned over to the Department Social Welfare and Development (DSWD) of the GRP for prolonged detention and propaganda under the pretext of reeducating them;
4. when the children are detained in military camps or in the compounds of the DSWD, they are deprived of access to their parents and other close relatives and these relatives are barred for indefinite periods from taking custody over them despite orders by GRP courts;
5. when entire communities are uprooted and forced to evacuate, as a result of bombardments, strafing, ground assaults and wanton emplacements of landmines by the armed forces of the GRP, the children, nursing mothers and elderly are the most vulnerable to disease due to lack of food and shelter and due to malnutrition, unsanitary conditions and lack of medicine and medical care;
6. the children are deprived of education when they are among those forced to evacuate from their homes or when they are illegally arrested and detained in either military camps or compounds of the DSWD;

7. children detained in military camps and used as servants are subjected to beatings in order to force them to work and are threatened with death to discourage them from escaping; and
8. children detained in military, police and paramilitary encampments or stations and even the children of the armed personnel of the GRP who stay in such places due to lack of proper housing are exposed to dangers in the armed conflict.

We have evidence of the foregoing violations of children's rights by the GRP. In due time, we can present this to you through the NDFP Human Rights Committee. There are also independent organizations concerned with human rights in general and children's rights in particular that are knowledgeable about the aforesaid violations.

For your information, we have engaged the office of the UNICEF in the Philippines in discussions and planned joint activities. But we deem as baseless, biased and prejudicial the inclusion of "unnamed armed opposition groups," presumably the NPA included, in the report of the Secretary-General to the UN Security Council. We hope to be able to present our policy and the facts about our respect for children's rights against the misrepresentations and multiple violations of such rights by the GRP.

Very truly yours,

LUIS G. JALANDONI  
Chairperson, NDFP Negotiating Panel  
Member, NDFP National Executive Committee