

## Letter of the NDFP-NEC to UN Secretary General Ban Ki-moon



Luis Jalandoni  
Chief International Representative  
NDF-National Executive Committee  
*November 24, 2008*

Secretary General Ban Ki-moon  
United Nations  
UN Headquarters, New York  
New York, USA

Through:  
Ms. Radhika Coomaraswamy  
UN\_Special Representative of the Secretary General  
Working Group on Children and Armed Conflict

Dear Sir:

We, from the National Democratic Front of the Philippines (NDFP), read your 24 April 2008 report on children and armed conflict in the Philippines at the website of the United Nations Security Council.

We presume that the report is based on research undertaken by personnel in the office of the UN Secretary General (UNSG) Working Group on Children and Armed Conflict. While seeming to be objective, the report shows unmistakable bias in favor of the Government of the Republic of the Philippines (GRP) and is dismissive of the revolutionary struggle of the NDFP, a legitimate national liberation movement and a co-belligerent in the civil war within the purview of international law and international humanitarian law and not just a non-state actor.

As a belligerent force in the armed conflict in the Philippines, the NDFP represents 17 allied revolutionary organizations and local organs of political power that are present throughout the country in urban and rural areas and in more than 120 guerrilla fronts, with a mass base running into millions and an armed force operating nationwide under the guidance of a central political authority established in accordance with the NDFP's Guide for Establishing the People's Democratic Government.

The NDFP has also been engaged in formal peace negotiations with the GRP since 1992 facilitated at different times by the governments of Belgium, The Netherlands and Norway and supported by two European Parliament resolutions. The NDFP has declared on 15 August 1991 its adherence to Common Article 3 and Protocol II of the Geneva Conventions and has submitted on 5 July 1996 its unilateral Declaration of Undertaking to Apply the Geneva Conventions of 1949 and Protocol I of 1977 to the Swiss Federal Council as official

depository and the International Committee of the Red Cross (ICRC) as guardian of international humanitarian law.

Your report has relied one-sidedly on allegations by agencies of the GRP, especially the notoriously corrupt, vicious and inept Armed Forces of the Philippines (AFP), without hearing the side of the NDFP as required by standards and fundamental rules of fairness and due process. And it has sought to apply on the New People's Army (NPA) standards that are not even made absolutely applicable to States and are way beyond the scope of the UN Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict.

Your report seeks to impose on the NPA adherence to the so-called Paris Principles which, by broadening the definition of child soldier, practically demand that children be separated from parents, families and the community under military attack by the reactionary armed forces in gross violation of the human rights and fundamental freedoms of the children. May we further point out that the children have the same right as any Filipino to aspire for a free, democratic and just society against an oppressive and exploitative social system, as well as the right to take part voluntarily in various unarmed ways in the overall struggle of the Filipino people for national and social liberation. We view the so-called Paris Principles to be lopsidedly in favor of the reactionary status quo and the counterrevolutionary state against a principled national liberation movement.

In case you have not been informed, may we reiterate that on 7 March 2005, we wrote a letter to your predecessor, Mr. Kofi Annan, asking that we be accorded the right to be heard in accordance with the essential requisites of fairness and due process on accusations by the GRP against the NPA for alleged violations of the rights of children in the armed conflict. We also provided him with a copy of the memorandum by the Executive Committee of the Communist Party of the Philippines (CPP), setting the minimum age of 18 for recruitment to the NPA, issued on 15 October 1999, more than two years before the Optional Protocol on the involvement of children in armed conflict came into force on 12 February 2002 and better upholds the rights of children than the minimum age of 16 for recruitment to the armed forces of the United States.

Despite the evidence provided by the UNICEF-commissioned study on how the CPP memorandum is being strictly implemented on the ground, your report unfairly highlighted and exaggerated the exception stated in the CPP memorandum of extending voluntary training to children 15 and above for the purpose of public safety and other non-combat functions, to impute so-called violations of children's rights to the NPA. It makes the unfounded claim that such children are "in practice...trainees or apprentices of the New People's Army" and that this supposed "NPA practice of inculcating children into its units" contradicts its own declared policy. Such prejudgment based on unsubstantiated reports is not only unfair but also a gross distortion of the truth. It reveals a clear bias by your office against the Filipino people's legitimate armed and political resistance to an oppressive and exploitative social system and malice in the false labeling and criminalization of the national liberation movement in the country.

We do consider it positive that your report acknowledges "the existing line of communication between the UNICEF and the NDFP", as well as the initiative taken by the

NDFP in proposing to the GRP the participation of “representatives from UNICEF, the International Committee of the Red Cross (ICRC) and the Government of Norway as international observers in an investigation of 12 cases of children’s deaths that had been filed with the Joint Monitoring Committee (JMC)”. As you know, the JMC is the body mandated under the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the GRP and the NDFP, to receive and investigate complaints of alleged violations of human rights and international humanitarian law by the armed forces of the two co-belligerent Parties.

We also consider it positive that you have recommended to the UN Country Team in the Philippines to engage the NDFP in earnest dialogue on the issue of children’s rights in a situation of armed conflict.

But for the sake of truth and fairness, we must point out the glaring errors of fact in your report. These could have been avoided had the researchers in the office of the UNSG Working Group on Children and Armed Conflict taken the time to dialogue with and hear the side of the NDFP to ascertain the truth before making their “findings.”

The claim of the GRP negotiating panel that the NDFP had refused its attempts to place in the agenda of the peace negotiations the issue of recruitment and use of children in combat is a blatant lie. The fact that we have proposed to the GRP the above-cited joint investigation on the death of 12 children within the frame and concrete provisions of CARHRIHL and with the participation of international observers shows that the NDFP is deeply committed to protect and uphold the rights of children in armed conflict under international law.

Under The Hague Joint Declaration, the CARHRIHL is the first item in the four-point substantive agenda in the peace negotiations between the GRP and the NDFP. It contains two provisions that pertain to the rights of children. Under No. 24 of Article 2 of Part III (Respect for Human Rights), children are protected against physical and mental abuse, prostitution, drugs, forced labor, homelessness and other forms of oppression and exploitation. Under Article 10 of Part IV (Respect for International Humanitarian Law) children are not allowed to take part in hostilities.

In the presence of officials of the Royal Norwegian Government, the current Third Party Facilitator in the peace negotiations, we have frequently called the attention of the GRP to the daily suffering and gross violations of the human rights of 90 percent of Filipino children, together with their worker and peasant parents, under the exploitative and oppressive rule of foreign monopolies and such local reactionaries as the big compradors, landlords and corrupt bureaucrats. We cited the use of child labor in sweatshops and agricultural plantations, the plight of street children and children in prison, the summary killing of children on mere suspicion of theft and drug use in several cities of the country, and the absolute failure of the GRP to provide for the health, educational and social needs of Filipino children. We consider these continuing violations of the human rights of children by the ruling classes, as represented by the GRP, as one of the just causes of the revolutionary struggle of the Filipino people.

In the situation of armed conflict, we have exposed the malicious and baseless accusations and consistently lambasted the GRP in the course of the peace negotiations for

manufacturing so-called cases of alleged use of child soldiers by the NPA in order to cover-up and condone the rampant violations of the human rights of children by the reactionary armed forces and police and provide them the license to kill, arrest, torture, detain and wantonly abuse the rights of children in military operations against communities suspected to be influenced or under the control of the NPA. We cited the killing of 9-year old Grecil Buya in Compostela Valley on 31 March 2007, as well as the illegal arrest and detention, physical abuse and involuntary servitude of Edfu de la Cruz and Levi Mabanán, whose parents (in the case of Edfu) and surrogate father (in the case of Levi) were summarily killed by the GRP military in their respective houses as suspected NPA members.

Even your own report states that out of the purported “31 children allegedly associated with the NPA (who) were taken into custody by the AFP in combat operations” at least 10 reported being beaten or subjected to other physical violence while in custody, with some being exposed to media and presented as ‘NPA child combatants’. Indeed, children have become special targets in GRP military operations under the Gloria Macapagal-Arroyo regime. And this is in the agenda of the peace negotiations between the GRP and the NDFP.

We notice that your report does not contain enough details on alleged violations of the rights of children by the NPA. We are therefore asking for a bill of particulars on these allegations to enable us to look into and investigate the cases through the NDFP-section in the JMC and Joint Secretariat (JS). For your information, the Royal Norwegian Government has recently extended support to the NDFP-JS for conducting on-the-spot investigation and fact-finding missions of reported violations of human rights filed with the JMC.

We take this opportunity to share with you a list of some pertinent update on the violations of the rights of children by the reactionary armed forces based on complaints and documents received by the JMC. It might include some of the cases covered by the researchers in the office of the UNSG Working Group on Children and Armed Conflict.

Finally, we wish that your office would take a more comprehensive and balanced view of the situation of Filipino children to have a full understanding and consideration of the following points:

First, more than 90 per cent of children in the country, together with their parents, are exploited and oppressed and subjected to gross and systematic violations of civil, political, social, economic and cultural rights by foreign monopoly interests and their local reactionary agents.

Second, the aforesaid rampant violations of the rights of children are a *casus belli*, a cause for the Filipino people and revolutionary forces to wage a revolutionary struggle for national and social liberation.

Third, as noted in your own report, whenever the counterrevolutionary state unleashes its military, police and irregular forces in campaigns of suppression under Oplan Bantay Laya against the people in certain regions, provinces, areas or communities, the children suffer most from aerial and artillery bombardments and indiscriminate gunfire, the occupation of schoolhouses as barracks, the food blockades and the forced evacuation of the people.

Fourth, the military and police forces of the counterrevolutionary state have directly victimized children by misrepresenting them as NPA soldiers and subjecting them to arbitrary arrest and detention, torture, involuntary servitude in military camps, extrajudicial killings and other human rights violations.

Fifth, the so-called Paris Principles are slanted against the national liberation movement and gives a vague and overbroad definition of child soldier (misrepresenting children as spies, couriers, porters and so on) which gives the reactionary military, police and irregular forces of the counterrevolutionary state the license to make the children in communities an open prey or fair game for armed assault and other barbarities.

Thank you very much for your kind attention.

Very truly yours,  
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Chairperson, NDFP Negotiating Panel

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