

# **Pernicious Martial Law Imprints Still Palpable**

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## **ABSTRACT**

The article highlights the premise that human rights violations and martial law abuses are still at the fore in today's context. The author, a political prisoner during martial law regime, and a victim of torture himself, provides somewhat an insider's account and discusses impunity as one of the reasons why there is still markings and shadow military rule, also why such conditions prevailed up to now, and as well as why military police abuses have not been stopped despite the new administrations effort.

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This week in September 2012, and the next, various groups have organized activities to "commemorate" the 40th year since President Marcos declared martial law on September 21, 1972. The dominant theme is . "Never again to martial law!" Last Thursday the Rotary Club of Manila Bay asked me to speak on the topic "Martial law 40 years after." Let me share some points I cited in that speech on this question. Why have the pernicious imprints of martial law remained palpable 40 years after Marcos imposed one man rule and 26 years after a popular uprising ended his dictatorship?

I pointed out that under martial law 70,000 citizens were arrested and detained several thousands of them tortured. Thousands others were either extra-judicially executed ("salvage") or abducted and "disappeared" presumably by state security forces. Hundreds of thousands more were displaced from their communities by counter insurgency operations driven to hunger and sickness for months or years.

Till the present time the victims of these martial law abuses and human rights violations have not been accorded the justice that they deserve. Not only that several thousands more have been similarly

victimized -- also without any redress -- under ALL of the succeeding post martial law governments.

None of the key martial law authors and implementers have been called to account and appropriately penalized for his or her crimes against the people. Some of them have even cunningly transitioned to power in the post Marcos governments including the Marcos widow Imelda and children Imee and Bongbong.

Why have such conditions prevailed after martial law officially ended? Why have military police abuses and human rights violations not been effectively curbed despite every new administration's vow to stop them? Why did Gloria Arroyo dare to try approximating what Marcos did, when she proclaimed a state of national emergency in 2006?

Let me count the reasons why:

1. Foremost is IMPUNITY

This is understood as the inability of those in authority, since the martial law era, to identify, arrest, prosecute and penalize the perpetrators of such criminal acts as killings, plunder of state coffers, abuse of power by circumventing the Constitution and other laws, and human rights violations.

Although the Presidential Commission on Good Government filed more than 100 cases against Imelda Marcos, the Ombudsman appointed by President Ramos dismissed, on technical grounds, almost all of the cases. In one fund misuse charge wherein Imelda was adjudged guilty, she appealed to the Supreme Court and secured an acquittal.

2. All the governments after Marcos have recognized his actions as legally binding except those that were nullified either by President Cory Aquino's executive fiat early in her administration or by the Supreme Court.

3. President Cory, who vowed to make her government the exact opposite of the dictatorship retained certain Marcos repressive decrees, against the strong recommendation of Jose W. Diokno, then chair of the Presidential Human Rights Committee.

Among these are General Order 66 (authorizing military police checkpoints), GO 67 (authorizing warrantless arrest); PD 1866 (penalizing illegal possession of firearms in relation to rebellion); BP 880 (restricting the right to public assembly); and Executive Order 129 (authorizing demolitions of urban poor communities).

4. Cory adopted en masse the Marcos era AFP, without ordering a top-down roster review to identify and prosecute or weed out the corrupt officers and those involved in gross human rights violations.

She may have wanted to retain the “integrity” of the AFP by putting, it in the hands of the two key martial law implementers, who turned “balimbing” only when Marcos’ political isolation worsened after the Ninoy assassination, Juan Ponce Enrile, as defense secretary, and Fidel Ramos, as chief of staff.

5. When Juan Ponce Enrile was arrested and detained for alleged complicity in the late 1980s coup attempts the Cory government charged him with “rebellion complex with murder.” That allowed Enrile to question the charge before the Supreme Court on solid ground: in 1956 the SC had ruled in the Amado V. Hernandez case that such a charge wouldn’t hold water, since the political offense of rebellion subsumes all other crimes, however serious committed in its pursuance.

Sure enough, the SC dismissed the case, Enrile should have been charged with simple rebellion, for which he could have been convicted and penalized with imprisonment.

In this regard, note that the P-noy government filed a weak case for electoral sabotage, a non bailable offense, against Gloria Arroyo. Because

it was weak, the trial court allowed bail and freed Arroyo from detention. She may end up acquitted if the prosecution fails to prove her guilt beyond reasonable doubt.

6. Against strong public demand to dismantle the Marcos paramilitary forces. Cory issued EO 264 legitimizing the CAFGU (Civilian Armed Forces Geographical Units) by placing them under AFP supervision. These groups are notorious for being major human rights violators -- under Marcos, Cory, and all succeeding administrations.

Pressured like his mother to dismantle the CAFGUS and other paramilitary groups. P-noy has decided to retain them claiming they are needed to augment the AFP troops confronting "threats to national security."

Reports consistently show that AFP PNP actions in the field -- notwithstanding their "respect for human rights" orientation and their "peace and development" counterinsurgency mode -- have basically, or largely, sustained their martial law mindset.