

Philippines: Looking for the 'disappeared'

Tuesday 23 June 2020, by [BELLO Walden](#), [DIEZ-BACALSO Mary Aileen](#) (Date first published: 7 March 2020).

'What I can't get is why the so-called college-educated middle class are so approving of Duterte's mass killings,' says Aileen Diez-Bacalso in an interview with former congressman Walden Bello. Bacalso is the recipient of the prestigious Franco-German Ministerial Prize for Human Rights and the Rule of Law.

Mary Aileen Diez-Bacalso is an unassuming personality. Yet she has been for decades engaged in very important work: tracking down the disappeared and serving as an advocate for their families. She is one of the country's outstanding women, but that is not recognized universally since her profession is not a popular one, especially in a country where human rights is not a popular issue and people would prefer not to be reminded of atrocities that have taken place or are taking place in their midst.

Bacalso's work is not limited to the Philippines. She also played a leading role in advocating for the disappeared in other countries in Asia and internationally as Secretary General of the Asian Federation against Enforced Disappearances (AFAD [\[1\]](#)), with some public statements involving on the ground investigation on the phenomenon of mass graves in Kashmir.

While, like other human rights workers, her local profile is low, her contributions have been greatly appreciated internationally. On December 12, 2019, she was bestowed the prestigious Franco-German Ministerial Prize for Human Rights and the Rule of Law at the Embassy of France in Manila. Earlier, in 2013, she received the Emilio F. Mignone International Human Rights Prize, Latin America's premiere human rights prize awarded by the government of Argentina.

1. Walden Bello: How did you arrive at your profession of tracking down the disappeared? Was there a personal element in your decision to pursue this work?

Mary Aileen Diez-Bacalso: While I was working with the Promotion of Church People's Rights in Cebu in 1988, my husband disappeared. This was exactly two months after our wedding. We searched for him for exactly a week, until he was released at a cemetery near his parents' house. His release only came about after we confronted the military with the news that someone who had been in custody with him but escaped brought us the news that he was alive. The story my husband told us about his abduction was frightening. He had been tortured psychologically into admitting that he was the treasurer of the National Democratic Front in Central Visayas. He and another abducted person had been ordered to dig their own graves so they could be buried alive. Our confronting the military with the news that he was still alive apparently saved him and contributed to his release. But the military told us they would kill us if we continued with our human rights work, so we moved to Manila, where we believed we were unknown. We were lucky, unlike many others. Out of a sense of gratitude for his escape from death, I decided to devote my life to working for the disappeared.

2. Can you compare the situation of the disappeared and the work for the disappeared under the various administrations, beginning with the Marcos regime?

I would say the situation under Marcos was the worst, followed by that under Duterte. But let me go

administration by administration.

During the Marcos period, there was intense repression. There was no space for civil society organizations to exist. Documentation was a problem because there are victims that did not have access to documentation; they lived in far-flung areas and had a literacy problem. There was an atmosphere of fear. Documenting these cases and reporting them to proper authorities was difficult or even impossible.

During the Corason Aquino administration, yes, there was democratic space. That was the time of the sprouting of cause-oriented groups. The Task Force for Detainees (TFD) was able to document cases of enforced disappearances (ED) with information from many sectoral organizations. President Aquino invited the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID) to visit the country in 1990. That was the first and only visit of the UNWGEID to the Philippines. This body reported that disappearances occurred not only during the time of Marcos but also under the new Aquino administration. When their report came out, the administration unfortunately wanted some portions of the report to be deleted.

The succeeding president, Fidel Ramos issued a memorandum order creating an investigative body called the Fact Finding Committee on Involuntary Missing Persons under Memo Order No. 88 dated Feb. 8, 1993. Expectations were doused, however, as the committee was defunded after two meetings without any report. Records, however, show that the Ramos administration did relatively well in bringing down cases of enforced disappearance.

The next administration of Estrada was short-lived with cases of ED not as many as during the Marcos and Aquino administrations.

The Gloria Macapagal-Arroyo administration had the biggest number of cases in such a short period. This was so disappointing since at the beginning of her administration she had promised, in a meeting with the Families of Victims of Involuntary Disappearance (FIND) and Asian Federation against Involuntary Disappearances (AFAD) on August 30, 2001, that no single case would be registered under her administration.

Despite its human rights rhetoric, the PNoy administration had 30 or so cases of ED. We were also disappointed by the refusal of PNoy to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance after initially promising to do so. The Convention, had it been ratified, could have been an additional tool for protection. But our efforts till his last day in office did not garner positive results. The only country with a law against disappearance in Asia, the Philippines could have ratified the Convention. The provisions of the Convention are largely compatible with those of [RA 10353 or the Anti-Enforced or Involuntary Disappearance Act of 2012](#). The fear of international scrutiny was quite obvious.

The Duterte administration is worst after Marcos. Necessarily, we are focused on EJKs, but we must also raise the issue of ED's. While there are not many cases documented, there are many cases of ED - innumerable. But due to the atmosphere of fear, adequate documentation is not possible. Early last year, the Permanent Mission of the Philippines to the UN in Geneva wanted to delist the 625 cases submitted to the United Nations.

3. What causes people to be indifferent to the plight of the disappeared and their families? Do they just want to forget an unpleasant episode in the history of the country?

In general, Filipinos have low level of consciousness in terms of human rights. This, I think is due partly to a failure of human rights organizations in raising people's consciousness on the principles

and value of human rights. This is unlike in South America - Argentina, Chile, Uruguay, Bolivia - where most people know what enforced disappearance is and who a desaparecido is, in the Philippines, most people do not know. Sad to say, enforced disappearance is a parochial issue in the Philippines. It is a parochial concern of families of victims and a number of human rights advocates. It is a challenge to turn it into a social issue. But it is a long process - along with the whole process of social transformation. The families of the disappeared and human rights organizations have a significant role to play to make this issue a social one.

4. What are the obstacles in the way of institutionalizing the remembrance of the atrocities of a certain period like the Marcos period?

Good question. I think I can answer this best by comparing the situation in the Philippines and Latin America.

Let me first of all say that the educational system in the Philippines does not help in remembering the atrocities of the past. Non-recognition of the atrocities of the past creates a culture of forgetfulness, impunity, repetition of the same violations in the succeeding administrations. Elements of transitional justice, e.g. truth, justice, reparation and guarantees of non-recurrence, are very important so as to improve the human rights situation of the Philippines or any country for that matter. Information from the media is not enough as compared with misinformation, for example, from the Marcos family and its supporters.

Then there's the question of impunity. Perpetrators roam free. They are not punished. Worse, some of them are promoted to higher ranks. In Argentina, the victims have never forgotten the atrocities of the past. I really envy them. Trials against perpetrators of enforced disappearances during the dictatorship continue on a daily basis, so that never again (*nunca mas*) will these violations happen. Absence of punishment results in the proliferation of younger generations of perpetrators, thus promoting the cycle of impunity.

Then there's the class question. To a certain extent, poverty could be a cause of "forgetting" about what happened in the past. With due respect to families of the disappeared in the Philippines, my observation is that many families of victims of enforced disappearances are engrossed with their daily struggle for survival. They have to earn a living for the family members left behind by the disappeared, most of whom were men and were the breadwinners.

The situation in the southern part of Latin America is different. A significant number of the families come from the middle class. They received a pension from the government which officially admitted the dark history of enforced disappearance in the country. Thus, victims they have possibility to sustain the struggle. The Mothers and Grandmothers of the Plaza de Mayo are now in their 80s and 90s. Yet they are still visible in the Plaza de Mayo every Thursday shouting: "Vivos, los llevaron. Vivos, los queremos," or "Alive, they were taken away from us, alive, we want them to be returned to us."

5. Have you done work on the cases of the disappeared in other countries? How were those experiences similar or different to what you encountered in the Philippines?

I've been engaged in work on the disappeared in Latin America, Africa, and even Europe, but most of my direct work has been in Asia, as secretary general of the Asian Federation against Involuntary Disappearances.

Probably the worst is Sri Lanka, where some 60,000 people were disappeared, most of them owing to the government's draconian effort to subdue the Tamil Tigers.

In Kashmir, there are about 8,000 documented cases, many of which are of people reported to have been thrown into mass graves.

In Pakistan, there is a phenomenon of “surfaced disappeared.” The victims disappeared and after many years, returned alive – but heavily tortured and their minds permanently damaged.

In Bangladesh, we have people disappearing owing to the government’s “war on drugs,” following Duterte’s example.

6. Children are said to be “collateral damage” in the case of disappearances. Can you speak about that?

In Timor-Leste, our local member-organization of AFAD found more than 70 “stolen children” – now adults – taken from Timor-Leste and brought to Indonesia by soldiers during the Indonesian occupation. The governments of both countries are currently trying to facilitate their reunification with their biological families, but it is a very trying process.

In Central America, organizations working on disappearances found more than 400 or 500 children who were taken by soldiers during the civil wars in El Salvador and Guatemala. They were taken by soldiers with the justification that their parents were labelled as rebels and that these children should not follow in the footsteps of their parents. They were taken and sold for adoption to childless couples in the US and in Europe. Through DNA technology and the investigation of the organizations, they were traced, but only after two decades or so.

Of course, there is the case of Argentina during the “dirty war” in the 1970s, where babies were taken from women once they were born and were adopted and raised by military families, with their real parents disappeared, with many of them thrown from helicopters into the sea. The process of discovery that one’s supposed parents are, in fact, not your real parents has often been a traumatic one. In one case, one sister, who sued a false parent, was disowned by the other sister, who sided with the false parent, who was actually an uncle who had killed his own brother, “for the sake of the fatherland,” as he claimed.

However they decide to deal with what happened to them, I think that what is important is that these children – now adults – know their true historical identity.

7. I noticed that Kashmir has been one of the areas you worked in. For many people, they only come into contact with the terrible situation there in the pages of Arundhati Roy’s novel *The Ministry of Utmost Happiness*. How difficult was it to work there?

Very. I went to Kashmir 3 times, dressed in a sari and under the pretext that I was doing research on marriages. We had to keep moving while I was there doing interviews because the militarization was intense and fighting was, in fact, taking place very close to us. The fourth time, I tried to go there, I was stopped in Mumbai. When I asked the immigration officer, he told me, “You know why.” My passport was confiscated and I was bundled into a flight for Bangkok and deported. I guess the Indian security services finally figured out what I was doing, and they made it a point to make my deportation public since my contacts there read about it in the Indian press.

8. What about the Church? Do you think it has done enough when it comes to human rights and the disappeared?

If you ask me, not really. Certainly, in the case of the Philippines under Duterte, there’s been no equivalent of Cardinal Sin. I really don’t know why the Church is so meek when thousands have been killed and disappeared. It may well be because our bishops may be protecting their own interests. It

may well be because if they take a strong stand, they're afraid Duterte may expose all the scandals that many of the clergy are involved in

But when it comes to the disappeared, the problem goes right up to the top. couple of members of the Mothers of the Plaza de Mayo have said what while the current Pope has been outspoken when it comes to LGBT rights and social justice and the climate, he did not come to the aid of two disappeared Jesuit priests under his jurisdiction as then head of the Jesuit order in Argentina. Some others in Argentina may have an ambivalent opinion about the Pope.

9. What about the case of non-state actors? Should they not be prosecuted, too?

In the case of the Philippines, the families of the disappeared can use the Anti-Kidnapping Law against non-state actors. But I admit that I have not really looked into the provisions of the latter. There was, however, strong opposition both at the international level and the local level when we were working on the International Convention on the Disappeared and the Anti-Enforced or Involuntary Disappearance Act, respectively. One of the concerns was that making the convention and the law also cover non-state actors would detract from the effort to rein in governments.

But that is not the whole story. Let me be frank. There have been supposedly progressive forces that have had their share of responsibility for disappearances by non state actors. Here and in other countries in general, owing to a lack of a firm foundation of respect for human rights and due process, in moments of panic, people could killed their own comrades indiscriminately. I do not remember them admitting their guilt in public. Sometimes, I find myself saying thank God, the Left did not win in 1986.

10. There are those who say that Filipinos are becoming insensitive to human rights and in fact support violations of due process and even EJK's. Do you agree? Why or why not?

I agree. It is because of the present government's anti-human rights position. Unfortunately, we have an anti-human rights popular president who gives pronouncements that influence the minds of people. The low level of human rights consciousness, the distorted sense of human rights of many people because of the influence of the president and his controlled media, including the social media - all these contribute to the insensitivity of many Filipinos to human rights. Insensitivity in fact is an understatement.

But that is not the whole story. I can understand why the poor, being caught up in the daily struggle for existence, would not have the time to pay attention to human rights violations. But what I can't get is why the so-called college-educated middle class are so approving of Duterte's mass killings. It's come to the point where I've stopped talking to some of my relatives who can't seem to understand the value of life and the importance of due process.

11. A final question: Do you think establishing a Truth Commission, as in South Africa, is a way that the country can bring a closure to the issue of the disappeared during the Marcos period in the Philippines?

I think a Truth Commission as in South Africa could have been established right after the EDSA Revolution. It did not happen. The Commission on Human Rights was established but that is but a small part of what should have been done. Disappearances in the Philippines were prevalent during the Marcos regime, but as I said earlier, cases continued in the succeeding administrations, too. It is important to facilitate trials - at least on some possibly emblematic cases in order to encourage other families to speak up and continue the search for truth and justice. In so doing, the cycle of impunity can gradually end. This won't, of course, happen under Duterte, but we have to keep

trying.

[Click here](#) to subscribe to our weekly newsletters in English and or French. You will receive one email every Monday containing links to all articles published in the last 7 days.

P.S.

Rappler. Published 2:00 PM, March 07, 2020. Updated 2:00 PM, March 07, 2020:

<https://www.rappler.com/thought-leaders/253587-looking-for-the-disappeared-aileen-bacalso>

- Walden Bello is a former member of Congress who co-authored several human rights-related laws and is currently a member of the Free Leila de Lima Committee.
-

Footnotes

[1] <https://afad-online.org/>