

On the Handling of Lifeless Bodies of Victims During and/or After a Non-International Armed Conflict

Tri-media reports on the alleged encounter on 15 March 2000 in Tabaco, Albay, between the Philippine Army (PA) and the New People's Army (NPA) and, in particular, the manner of handling the cadavers of the six (6) insurgents who died in the process, prompted the Commission on Human Rights to look into the incident and to determine whether there is any violation to the Philippines' commitment on standing international human rights obligations.

The act of wrapping the corpses of the six (6) NPA members killed during the encounter in worn out sacks and tying each with abaca fibers to a bamboo pole like roasted pigs (lechon), and then carried by two (2) people to military truck at Barangay Oras, is repugnant to the principle of a civilized and democratic society. The mortal remains of a person, lifeless though they be, still deserves respect.

In this vein, the Commission on Human Rights, as an independent national human rights institution, with advisory authority to the government on human rights concerns hereby reminds government authorities, particularly the members of the Armed Forces of the Philippines and those acting under their directives, as well as those within the armed movement, of their obligations under the Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) to which the Philippines is a party.

Article 7 of Protocol II reads:

"1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected."

Further, Article 8 of Protocol II reads:

"Whenever circumstances permit, and particularly after an engagement, all possible measures shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them."

Respect for human rights and human dignity, as the foundation of freedom, justice and peace, are not shed off nor is to be disregarded even in the midst of armed conflict. Along this line, even the lifeless body of a person retrieved after an encounter, be he/she a combatant or not, deserves due respect from the living regardless of the varied ideologies of the parties to the conflict.

Quezon City, 23 May 2000