Media Kit for Impunity Campaign 2011
**SEAPA** (http://www.seapabkk.org/) is the only regional organization with the specific mandate of promoting and protecting press freedom in Southeast Asia. It is composed of the Jakarta-based Alliance of Independent Journalists (AJI) and the Institute for Studies on the Free Flow of Information (ISAI); the Manila-based Center for Media Freedom and Responsibility (CMFR) and Philippine Center for Investigative Journalism (PCIJ); the Bangkok-based Thai Journalists Association (TJA); and the network’s Kuala Lumpur-based associate member, the Centre for Independent Journalism (CIJ). SEAPA also has partners in Cambodia, East Timor, and exiled Burmese media, and undertakes projects and programs for press freedom throughout the region.

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International Day to End Impunity: 23 November 2011

Dear editors and journalist friends,

The Southeast Asian Press Alliance (SEAPA) invites the media community in Southeast Asia to join us and national and international groups in inaugurating International Day to End Impunity on 23 November.

On 23 November 2009, a group of Filipinos and media workers were travelling in the convoy of a gubernatorial candidate in Maguindanao province in Southern Philippines. An armed group attacked the convoy in broad daylight. Fifty-eight Filipinos, 32 of them media workers were killed.

International media advocates said this is the single deadliest incident for journalists in recent history. Almost two years later, the perpetrators have yet to be brought to justice. This is precisely why media advocates around the world have unanimously agreed to designate 23 November as the International Day to End Impunity.

This global campaign aims to raise public awareness of threats of impunity against journalists and human rights defenders on duty around the world. Impunity is a chronic failure by states, judiciary and law enforcement agencies to bring perpetrators to justice. Impunity is perceived to be even more damaging than the deaths themselves since it encourages more killing when perpetrators are neither arrested nor prosecuted.

In the last few years violence against media workers in Southeast Asia has worsened global impunity trend. This is largely due to the dysfunctional democracies, the existence of repressive laws, failure by regional governments to uphold the rule of law and weak judiciary.

The continuing use of stifling censorship laws throughout the region, as well as politically-motivated prosecutions designed to curb dissenting speech in countries such as Thailand and Burma further exacerbate the impact of impunity on the media and freedom of expression.

SEAPA appeals to interested parties to write about these issues in solidarity with journalists facing threats and difficulties in their daily work and to offer moral support for families of those killed journalists.

The more the media is able to provide articulate and widespread coverage of impunity, the better the public will understand and appreciate the need to defend the media and to end impunity.

As part of the global campaign, SEAPA is pleased to share with you a media kit with information about two cases of deadly violence and impunity from Southeast Asia and contacts for interviews (please see the following pages).

We hope you will find this useful in possibly preparing stories to be published in your media outlets to coincide with the International Day to End Impunity.

We look forward to you joining us on 23 November in commemorating the deaths of journalists and working towards a freer and safer media environment in the future.

Gayathry Venkiteswaran, Executive Director

Useful Links:

For more details of the global campaign, please visit http://daytoendimpunity.org/

To access the Global Impunity Index, visit the Committee to Protect Journalists website at http://www.cpj.org.

For more information, please contact the SEAPA office at +66 2 2435579 or email seapa@seapa.org. You can contact Ms. Gayathry Venkiteswaran, SEAPA’s Executive Director at +66 880 174 810 (for interview in English/Bahasa) or Ms. Kulachada Chaipipat, SEAPA Campaigns Coordinator at +66813734202 (for interview in English/Thai).
The Maguindanao (Ampatuan) Massacre

On 23 November 2009, around 200 men stopped a convoy carrying family members and supporters of a local vice mayor on the island of Mindanao in the southern Philippines, on their way to register his candidacy in upcoming gubernatorial elections. The men, armed with M-16s and machetes forced the group of 58 people—which included 32 media workers and six passersby, to drive to a remote hillside in the town of Ampatuan, ordered them from their vehicles, and executed them all. A search team found their bodies in mass graves not far from where they were killed on 24 November. Witnesses alleged that the armed men raped the women before killing them.

One of the main perpetrators of the atrocity is alleged to be the then Mayor of Mindanao municipality, Datu Unsay, Andal Ampatuan Jr. His father, Andal Sr, was the incumbent Mindanao Governor and his brother Zaldy was the governor of the Autonomous Region in Muslim Mindanao (all three of them were subsequently removed from their posts and expelled from the then ruling party of President Arroyo). Andal Jr. turned himself in to his brother and presidential adviser Jesus Dureza, who negotiated for three days with the Ampatuan family members before Andal Jr. agreed to be flown to Manila, where he was charged with the murder of the 57 people.

To date, close to two years after the worst incident of extrajudicial killings in the Philippines’ history, 196 people have been charged. Out of these, only 93 including several members of the Ampatuan family are currently detained and 64 on trial—which have been marred by delays, the deaths of witnesses, alleged bribes and threats to the plaintiffs in a bid to have them drop their charges withdrawn (see The Trial).

The Ampatuan clan and the culture of impunity in the southern Philippines

Besides being the name of the town where the massacre occurred, “Ampatuan” is also the feared name of an entrenched “warlord” clan of Mindanao, a region blighted by fighting between the Philippines government forces and the Muslim separatist Moro National Liberation Front and its splinter group Moro Islamic Liberation Front (MILF). The Ampatuans, with paramilitary units created and supported by the national government, fought the Moro rebels during the latter part of the Marcos regime. However, with the strengthening of political power under successive Presidents and governments’ failure to dismantle or rein in the paramilitary, the Ampatuan family, under its patriarch, Andal Sr, has been implicated in many human rights abuses and extrajudicial killings.

The massacre represents only the most extreme of a widespread malaise caused by the paramilitary. Human Rights Watch (HRW)’s investigation into the aftermath of the massacre:

“The private army of the Ampatuan family may be among the most abusive in the Philippines, but it is just one among many. More than 100 private armies, large and small, are estimated to be operating throughout the Philippines, primarily but not exclusively in rural areas, and often but not always where there is an active insurgency. The level of direct government support for these militias varies, but if the Ampatuan example is any indication, a history of abuses is no disqualifier. So long as such official support continues, so will these forces and the atrocities for which they have been responsible.”

Resource persons

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1 GMA News Online (2 May 2010) Arroyo, Ampatuans mocked agencies in crafty power play
http://www.hrw.org/reports/2010/11/16/they-own-people-0
HRW also noted that the Ampatuan family is linked to the killings of 56 people, including relatives of opposition politicians, landowners who resisted forced acquisition of their property, eyewitnesses to Ampatuan crimes, including their own militia members, and even children. Police, being fearful of the family-controlled and powerfully armed paramilitary, did not pursue investigations. Higher authorities such as the military or the Justice Department were either powerless or lacked willingness to take action.

The vice mayor of the Buluan town, who escaped the massacre of those filing his candidacy, Esmael Mangudadatu, is himself from the powerful Mangudadatu clan and has been implicated in serious human rights abuses.

AndalSr, who won the post in allegedly fraudulent elections from 2001 to 2009 and wanted AndalJr to succeed him, strongly opposed Buluan’s plan to challenge him for governor. According to correspondent of the Philippine Daily Inquirer, Ryan Rosauro:

“When he knew that then Buluan town vice-mayor Esmael Mangudadatu was planning to put up an electoral fight with his clan for the governorship, AndalSr. did everything to dissuade the would-be rival. AndalSr. even had then President Arroyo’s party (Lakas-Kampi-CMD), of which he is a member and with whom he closely allied convince Mangudadatu with various offers of national government posts or directorship in key government-owned corporations just to stop his gubernatorial bid. When the challenge against the Ampatuans seemed unstoppable, no less than then Defense Sec. Gilbert Teodoro, the administration party’s presidential bet, warned Mangudadatu to look after his safety.”

As a precaution, Esmael arranged for a convoy to file his candidacy that included his wife, relatives and a throng of journalists to cover what could have been an “historic” moment for politics in Maguindanao. Esmael thought that, that the sheer number of women and news people would make his convoy safe. It proved to be a tragically fatal decision.

IMPACT ON FAMILY MEMBERS OF SLAIN MEDIA WORKERS

Among the 58 people who died, 32 were media workers. The body of one of the journalists, Reynaldo “Bebot” Momay remains undiscovered, resulting in 57 cases filed although 58 people died.

Family members of the slain journalists now face financial difficulties after losing their provider.

They now receive financial assistance from journalists and broadcasters associations such as Freedom Fund for Filipino Journalists (FFJ), National Union of Journalists of the Philippines (NUJP), Association of the Broadcasters of the Philippines, Child Watch (Bantay Bata), Good Filipinos (Mabuting Pilipino) and potentially The Rory Peck Trust, according to spokesperson from the Center for Media Freedom and Responsibility (CMFR), a founding member of the FFFJ.

Recently, the NUJP is reported to be trying to set up a business of farming dragon fruit as a joint venture involving the families’ members, in a bid to lessen their financial vulnerability. See Minda News (10 October 2010) Dragon fruit venture http://www.mindanews.com/top-stories/2011/10/10/dragon-fruit-venture-eyed-for-kin-of-ampatuan-massacre-victims/

http://www.guardian.co.uk/world/2009/nov/26/philippines-massacre-politician-charged
The Trial

The trial began in September 2010 and has proceeded slowly. Thus far 196 people have been charged with multiple murders and six members of the Ampatuan clan have been detained. The principal accused are: Andal Ampatuan, his father Andal Sr., and Andal Jr.’s brother Zaldy. All three have pleaded not guilty. The trial was moved from Maguindanao to Manila for fear of political interference on the local level.

The State Prosecutor has accused the defense of deliberately trying to delay the trial. The defense has attempted to stop suspects from being arraigned, witnesses from testifying and filed seven different motions to prevent the Judge Jocelyn Soli-Reyes from trying the case. Families of the victims have been offered bribes by people who claim to represent the Ampatuans in exchange for dropping their charges.

Many of those who have spoken out against the Ampatuans have faced harm. The day after the Vice Mayor of Maguindanao testified in court that he saw Mayor Andal Ampatuan Jr. shot the first victim, unknown assailants attacked his house with mortars. His lawyer was shot in the neck a couple days later while leaving the office. In June 2010, an ex-member of the Ampatuan militia who had turned prosecution witness in the case and had spoken publicly about his role as a gunman in the massacre was killed in unclear circumstances.

In the interest of speeding up the trial, on 28 June 2011 the court handling the Ampatuan case was declared a “special court” with no other duties but the trial of the Maguindanao massacre cases.

Justice system on trial

“The slow grind of prosecuting the case due to dilatory technicalities raised by the defense inside the courtroom sends the signal to ordinary folks that people with wealth and power can pay to delay justice.”

Inquirer questioning the seemingly inconsistency of Associate Justices Banton Bueser and Marlene Gonzales-Sison. The court’s resolution prompted rebuke from the International Freedom of Expression Exchange (IFEX)³.

Rosauro said that the massacre had a chilling effect to even the most veteran journalists who have covered war and conflict in Mindanao. “Its plain message was that death is certain for those who dare come in the way of people as powerful as the Ampatuan clan.

The slow grind of prosecuting the case due to dilatory technicalities raised by the defense inside the courtroom sends the signal to ordinary folks that people with wealth and power can pay to delay justice.

This is why journalists and human rights activists in the Philippines consider the trial of the massacre case as also a trial for the country’s justice system.”

### List of names of media workers killed in the massacre and their organizations

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
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<tbody>
<tr>
<td>Benjie Aldolfo</td>
<td>Gold Star Daily</td>
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<td>Henry Araneta</td>
<td>Radio DZRH</td>
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<td>Mark Gilbert</td>
<td>“Mac-Mac” Arriola- UNTV</td>
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<tr>
<td>Rubello Bataluna</td>
<td>Gold Star Daily</td>
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<td>Arturo Betia</td>
<td>Periodico Ini</td>
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<td>Romeo Jimmy Cabillo</td>
<td>Midland Review</td>
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<td>Marites Cabilitas</td>
<td>News Focus</td>
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<td>Hannibal Cachuela</td>
<td>Punto News</td>
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<td>John Caniban</td>
<td>Periodico Ini</td>
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<tr>
<td>Lea Dalmacio</td>
<td>Socsargen News</td>
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<td>Noel Decina</td>
<td>Periodico Ini</td>
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<td>Gina Dela Cruz</td>
<td>Saksi News</td>
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<td>Eugene Dohillo</td>
<td>UNTV</td>
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<td>Jhoy Duhay</td>
<td>Gold Star Daily</td>
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<td>Santos Gatchalian</td>
<td>Mindanao Daily Gazette</td>
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<td>Bienvenido Legarte</td>
<td>Jr- Prontiera News</td>
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<td>Lindo Lupogan</td>
<td>Mindanao Daily Gazette</td>
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<tr>
<td>Ernesto “Bart”</td>
<td>Maravilla- Bombo Radyo</td>
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<th>Name</th>
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<tr>
<td>Rey Merisco</td>
<td>Periodico Ini</td>
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<td>Reynaldo “Bebot”</td>
<td>Momay- Midland Review</td>
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<td>(Body not found)</td>
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<tr>
<td>Marife “Neneng”</td>
<td>Montano- Saksi News</td>
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<td>Rosell Morales</td>
<td>News Focus</td>
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<td>Victor Nunez</td>
<td>UNTV</td>
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<td>Ronnie Perante</td>
<td>Gold Star Daily</td>
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<td>Joel Parcon</td>
<td>Prontiera News</td>
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<tr>
<td>Fernando “Rani”</td>
<td>Razon- Periodico Ini</td>
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<tr>
<td>Alejandro “Bong”</td>
<td>Reblando- Manila Bulletin,</td>
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<td>Reuters</td>
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<td>Napoleon Salasay</td>
<td>Clear View Gazette</td>
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<td>Ian Subang</td>
<td>Socsargen News</td>
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<td>Andres “Andy”</td>
<td>Teodoro- Central Mindanao</td>
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<td>Inquirer</td>
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<td>Daniel Tiamzon</td>
<td>UNTV</td>
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<td>Jephon Cadagdagon</td>
<td>Saksi News</td>
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**Total: 32. Source: CMFR**
Journalists killed during Thailand’s political clash

Hiro Muramoto and Fabio Polenghi, two foreign journalists, were both shot dead while covering the political protests in the streets of Bangkok in early 2010. Both killings occurred during the violent clashes between Thai military forces and supporters of pro-Thaksin United Front for Democracy against Dictatorship (UDD) known as the Red-Shirts, after attempts to end an initially peaceful demonstration against the Abhisit government, which came to power in 2008.

The protests lasted four months, from February to May, and largely took place at the heavily populated and commercial Ratchaprasong intersection in central Bangkok. 90 people were killed and more than 1800 were injured in one of the worst cases of civil strife since military action against the 1992 pro-democracy demonstrations.

A year after the end of the protests, neither the military nor individuals has been held responsible for the unprecedented scale of violence and human rights abuses. Differing versions of truth from either side complicate the question of accountability, with the military claiming that it acted in self-defense, and that the protesters were armed and instigated the violence. The Thai military was largely condemned for what was internationally perceived as an excessive use of force against protesters. The UDD has also been accused of using hate speech via its propaganda media to vilify its opponents and incite angry protesters to violence.

Prior to this, the number of journalists killed in the line of duty had decreased in the last decade from approximately two cases per year to zero in some years. This was thanks to a decentralization of political and civil administration, which encouraged better governance and transparency in the provinces where most of the killings took place. In recent years, the killings have largely occurred in the South where armed Muslim insurgency operates. However, in none of these cases have the perpetrators and masterminds been brought to justice.

The absence of a thorough, systematic and just investigation in these two cases, as well as a clear attempt to misrepresent the violent actions of the military against protesters and observers, represents a dangerous level of impunity, which impedes justice and infringes upon human rights and freedom of expression in Thailand.

Fabio Polenghi, Italian national and freelance photographer, was shot dead on 19 May 2010.

- The 19 May was the final stage of the military crackdown on the Ratchaprasong occupation.
- The then Deputy Prime Minister, Suthep Thaugsuban, claimed that Polenghi had been killed by an M-79 grenade launched by protesters, and had died side-by-side with Thai soldiers.
- An eyewitness account was later given by Bradley Cox, a fellow journalist, who was with Polenghi at the time of the shooting and was also injured by gunfire. Cox said the two had moved beyond the Red Shirts barricade at the time of the shooting to investigate a commotion, that there was no one around them, and that the military were firing indiscriminately at civilians.
- At the time of Polenghi’s death he was wearing a blue helmet with the word ‘Press’ clearly marked on front and back, and a green armband, signifying that he was a working journalist.
- Video footage later surfaced showing a man in a silver helmet moving or removing Polenghi’s camera whilst another man in a yellow helmet knelt and took a photograph. The identities of both men remain a mystery, but both Polenghi’s camera and mobile phone were discovered missing from the body.
- The DSI (Department of Special Investigations) has not publicly disclosed the results of the 21 May autopsy, but did share them privately with Elisabetta Polenghi, the younger sister of the deceased, two months after his death.

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The Aftermath

In the wake of the events surrounding the 2010 protests, the lack of information on the violence and political unrest, and the continuing divisions in society, led the Abhisit government to establish an independent Truth for Reconciliation Commission.

The commission was set up in July 2010 and made up of academics, journalists, and other independent experts, to investigate the truth behind events, particularly with regard to violations of rights and the deaths and injuries of civilians. It released an interim report in April 2011, which cited a lack of power to subpoena witnesses or evidence as one of many obstacles to the process.

After the PheuThai party, led by former Prime Minister Thaksin Shinawatra’s sister, Yingluck, came into power in July this year, the investigation took on a new urgency. Elisabetta Polenghi expressed her “hope that from today, a new era of justice and respect will arise and that all those victims who believed in a better country and contributed to the change with the ultimate sacrifice will now receive the respect and truth that they truly deserve”.

In September of 2011, the DSI Director-General Tharit Pengdit said that his agency was committed to the process of justice, and would submit its findings to police so that they could ultimately be prosecuted through Thailand’s Criminal Court.

Local and international rights groups have called for a thorough, systematic, and just investigation into the death. The success of the investigation is particularly important with regard to the actions of the military during the conflict. Thailand's military is historically a powerful political institution in its own right and has been opaque with regard to decision-making and individual culpability.

Critics said the unrestricted use of emergency and martial laws to quell the demonstration in Thailand, in this conflict and previously, have caused impunity to persist. 

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**Hiroyuki Muramoto** Japanese national and Reuters cameraman and journalist, was shot dead on 10 April 2010.

- At the time of his death, Muramoto was filming violent altercations between soldiers and civilians at Kok Wua intersection on Ratchadamnoen Road.
- The government initially asserted that Muramoto was killed by a UDD rooftop sniper.
- In 2010, a leaked excerpt of a DSI preliminary report said that “there is a reasonable amount of facts and evidence to believe that the death of Hiro was due to an act of the security forces” leading to calls from Reuters and the Japanese government for the report to be made public.
- In late February 2011, the DSI contradicted both the leaked excerpt of its preliminary report and the indications of eyewitness accounts by concluding that Muramoto could not have been shot by security forces. The bullet that killed him came from a Russian-made AK47, said the report, which DSI director-general Tharit Pengdit said was not a weapon in use by the military.
- The Bangkok Post subsequently reported "claims that the army chief of staff paid the DSI head a visit to complain about an initial department finding" that blamed the military for the journalist’s death. "The DSI is likely to face questions about why it changed its stance," it said, adding that the head of the DSI had denied any such meeting took place. The daily also quoted an unnamed army source as saying that the army had imported 20,000 AK-47s twenty years ago, which were distributed for nationwide use.
- Army spokesman Sansern Kaewkamnerd stated that the weapons in use on April 10 were M-16s and Tavor rifles. He denied any negotiations took place between the army and the DSI, stating that "We never have any thought of intervening in the (judicial) system."
- Thida Tojirakarn, speaking on behalf of the UDD, said that the investigation relied on fabricated testimony in an attempt to divert responsibility away from the military and toward the 'black shirts', which the previous administration claimed were the military arm of the protest movement.
CREDIT

Cover Photo:

GENERAL SANTOS CITY- A candle and a picture lay on top of a casket of one of the victims of the Ampatuan massacre. Thirty two journalists including one still unaccounted for and 25 civilians were killed in the hills of Masalay on Nov. 23, 2009. By Froilan Gallardo