



## The Unspeakable Agony of Inflicted Pain: Torture, Betrayal, Redress

*Robert Francis Garcia*

*Writer, teacher, and human rights activist Robert Francis (Bobby) Garcia bases his essay on his experience of torture as a member of an insurgent guerrilla group fighting the martial law rule of Ferdinand Marcos in the Philippines, as well as subsequently. Whereas most torture narratives focus on the abuses of the state, Garcia's essay addresses the underrepresented issue of torture committed by a political movement against its own members, highlighting issues of personal and political betrayal as well as the difficulty of seeking redress against non-state actors. As a young man, Garcia joined the militarized insurgency led by the Communist Party (CPP) in the Philippines and its armed wing, the New People's Army (NPA). When the CPP–NPA initiated an anti-infiltration operation in Southern Tagalog (similar intra-Party campaigns took place in other regions of the Philippines) in 1988, the danger that members faced in their insurgency against the government suddenly came from within the insurgency itself. Because torture yields false intelligence, the campaign was self-promoting, in that its interrogations produced “information” that increased the number of targeted suspects and the use of torture throughout the Party.*

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*One of 55 survivors of the 121 targeted in that particular operation (all of whom were cleared in a later internal investigation), Garcia unsurprisingly left the Party and later told his story in his testimonial To Suffer Thy Comrades: How the Revolution Decimated Its Own (2001). Its publication led to his work with other survivors nationwide, who allied to form Peace Advocates for Truth, Healing and Justice (PATH) in 2003. Garcia describes here the challenges PATH faced: the reopening of traumatic pasts; an elusive search for justice from a non-state entity; and the difficulty of confronting atrocities within a movement to which survivors had dedicated themselves. The aftermath of the CPP operation has left survivors with deep feelings of betrayal and few avenues for redress, especially as the militarized insurgency against the government and a climate of fear fanned by both sides in the conflict continue. These difficulties, combined with the lack of anti-torture legislation in the Philippines (the Anti-Torture Act, or Republic Act 9745, was only enacted in 2009, and is not retroactive), underscore the ways in which politics and the law can foreclose avenues for justice that survivors seek. Garcia looks internationally for examples of how survivors in other contexts have campaigned for a public accounting of torture and for various forms of redress. He recognizes the survivor-driven work of Torture Abolition and Survivors Support Coalition International (TASSC) as a site where such solidarities may be forged.*

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## PAIN REVISITED

The year was 1979. I was a high school freshman in Manila, a puny boy of twelve, thin and frail but too active and restless for my own good. I still remember how excruciating it was.

Saturday was basketball day. My brother Tony Boy and I were, as usual, back in the cement court, trying to out-dribble, out-pass, and out-shoot our opponents in their home court. It was still sunny and we were sweating, and I somehow believed that the girth I lacked was compensated for by my speed. It was one of those fun days where the boundless energies of youth were spent.

I think our team was slightly ahead on points and the game was proceeding with mid-level intensity. Tony Boy, who had the ball, saw me signaling for an assist and made a quick throw. The bigger boy who was guarding me was reasonably fast, or devious—I couldn't really tell with

how quickly it all happened. All I remember is that my legs tangled with his (or he tripped me with extreme prejudice) and I came down hard on the cement. My right arm jerked forward by reflex to deflect the fall, hitting the ground first. The snap was unmistakable and the pain instantaneous. I looked at my right forearm—it was at a strange angle, with a slight bleeding on the underside. My brother looked at it and, horrors, tried to give it a first-aid massage!

For obvious reasons, we cut the game short: dribbling with a broken arm is unheard of in basketball, much less shooting or shaking the hands of the winners. We walked the three blocks back to our house, my twisted arm hanging limply beside me while Jayvee the “tripper” kept saying, “Sorry, Bobby.” I barely paid attention to him, as my mind was focused on the stabbing pain that shot up my arm whenever I tried to wiggle my fingers.

When we reached home, my panicked mother quickly brought me to the orthopedic hospital where the doctor, upon inspection, said with complete nonchalance, “*Bali ang buto.*” (“The bone is broken.”) After some wait, I was guided to a hospital bed where the medics started working on the injury. I’m still not sure if what they did was standard medical procedure then. While I was lying down, they tied my right fingers with gauze bandage to a horizontal rod above, such that my injured forearm was hung vertically and perpendicular to the upper arm—which was weighted down with a pail of water. This contraption gave the initial “stretch”—apparently to facilitate the setting back of the two fractured bones (the “radius” and the “ulna”).

From there the medics started manually pulling my forearm at either end in order to put it back to shape, and... well, no words can describe the pain it delivered. It was so maddeningly severe I wished I would pass out. My screams echoed all over the hospital as I held the hand of my father, who had arrived sometime later. Alas, the procedure was to no avail and the ordeal amounted to nothing, as a piece of flesh was trapped between the breaking points, preventing the alignment of the bones.

It was only much, much later that it occurred to me: couldn’t they have used anesthesia? A week later, I went through surgery. My bones were mended and metal implants were screwed into both bones for added strength, and this time, the doctors used anesthesia. I was henceforth called the “bionic man” at school. This injury occurred almost four decades ago, but the memory remains quite vivid. Indeed, certain things in life can never really be forgotten, such as another experience—which happened in

totally different circumstances and surpassed the agony of fracture—that came a decade later.

This time, I found myself shackled not with medical gauze but rather with metal chains. The physical pain was not as horrific as extracting your teeth with ineffectual painkillers (another incident I went through as a young adult), but the psychic agony was infinitely worse; indeed, I do not believe I have ever completely recovered. Furthermore, the pain was inflicted not for the purpose of healing a broken bone, but for breaking the will. This intention—the intention behind torture itself—renders all manner of pain nearly unimaginable.

## THE HORRORS OF TORTURE

### *Let Me Rewind a Bit*

I was what we in the Philippines called a “martial law baby.” We were the generation who spent our growing-up years under the iron rule of former president Ferdinand Marcos. The martial law Marcos imposed in 1972 drove many youths and students out into the streets and behind the barricades. These so-called “first-quarter storm” activists defied Marcos by the hundreds of thousands, challenging his rule and, for those particularly inclined, waging a revolution against the “US–Marcos dictatorship.” We, the martial law babies, followed in their footsteps—waving placards, shouting ourselves hoarse, and meeting in whispers.

My initiation into the world of the underground was not particularly unusual. Like any typical freshie, I entered college wild-eyed and raring for novelty and thrill. That was 1983—a period of political ferment. Opposition leader Benigno “Ninoy” Aquino was assassinated, spontaneous mass movements erupted all over the country, and I found myself in the center of radical political activity. The call to change society was compelling, and the notion of being a “revolutionary” also had its intrinsic romantic appeal. I was still a freshman when I embraced that role. One of revolution’s distinguishing characteristics is the level of conviction and commitment it engenders among its followers, and its sense of certainty and the predictability of the future.

Human society, however, evolves in mysterious ways. History did not turn in the way we predicted or for which we worked. Marcos did not fall as a direct result of our armed revolution (though we can take credit for chipping away at his fortified institutions). He was instead deposed

through a mass uprising that was led by the most unlikely personalities and forces, of which our movement was a reluctant part. The Marcos aftermath was not exactly the future the movement envisioned; thus, the revolution continued. This explains why, in 1988, I was still a gun-toting guerrilla waging war against the establishment, rather than a college graduate easing his way into a promising future.

Injustice and inequality are the *raison d'être* of dissent. Revolution offers a new order: the antithesis of wrong. But opposites do attract; and if not, they sometimes follow the same direction. One of the most popular activist slogans during our time was: "Those who seek the light must endure the burning." This held a lot of meaning for us because the risks were so real. The threat of being tortured and killed by state forces was always there, and we never lacked for accounts of how comrades suffered various forms of torture or were killed by the military or police.

A guerrilla comrade narrated how his penis was burned by cigarettes when he was in detention. He managed to escape, however, by executing what we called a "tiger jump" (a kind of maneuver where one jumps over an obstacle, lands hands first, rolls forward, and runs) when he got the chance. Unfortunately, much later he was captured again, and this time the military did not give him a second chance: they punctured his back with a soil pick and buried him alive. Such accounts abound in the context of dissent and counter-insurgency. It was not uncommon to read stories of severe beating, water cure, electrocution, sexual abuse, and rape. We had to steel our nerves for such an eventuality, not discounting the possibility that it could happen to us.

And happen to us it did, but with a twist; in fact, my experience of torture, when it was my turn, did not come from the enemy, but rather from closer to home. It happened under the so-called Operation Plan Missing Link (OPML), the anti-infiltration operation launched by the Communist Party of the Philippines (CPP) in Southern Tagalog in 1988, in which a task force was created to lead the arrest of "enemy spies" within the party. The task force arrested a few Party members and even allies of the revolution and began interrogating them. When they got no satisfactory information, they employed torture.

That was when the bodies started to roll. Under pain and terror, the initial suspects were forced to own up to the accusations and say whatever the interrogators wanted to hear. They invented stories and, worse, were compelled to name other comrades. This created a domino effect: more torture bred more victims, spreading like a contagion throughout the

movement. It became a vicious cycle that threatened to raze the entire Party machinery, including its top leadership. Worse, the operations included village folk who just happened to be at the wrong place at the wrong time. It was November 1988, at the tail end of the OPML, when I was swept into the whirlpool of violence along with six other guerrillas. By now, OPML officials seemed to have already developed a standard format for interrogation and torture.

One of the worst punishments we endured was the denial of food. We were fed just enough to keep us alive: no more than a teaspoonful of rice at mealtimes; sometimes nothing at all. The rain was partly a blessing, as we could drink from pools of collected water. We became skin and bones in a matter of no time. Some begged the guards for their leftover fish tails and bones. Apart from the starvation, I also suffered a dislocated jaw, head concussions from club beatings, and wounds where the chains rubbed on the skin. In between interrogation and torture sessions, we were chained on makeshift stretchers where our mobility was limited to lying down and sitting up.

Others endured more severe forms of torture: from slapping and punching to the more imaginative “flag ceremony,” in which the victim was hung by her wrists for a few hours to a few days. The strain ripped the skin of some, exposing the wrist bones; others’ hands became grotesquely swollen and their movement paralyzed. The tormentors slit the skin with a knife or shaved off the captives’ eyebrows for fun. They forced the victims’ legs apart and sat on their thighs. They seared the skin of their victims with a gas lamp. Some victims were made to witness the execution of their co-detainees, magnifying the terror effect.

The list is long. I could go on and narrate other details, but I guess you now get the picture. The Party leadership—which gave its full blessing to the OPML—finally realized the folly of this exercise, probably because the contagion was reaching the highest levels of the organization. They finally put it to a stop, albeit belatedly: sixty-six comrades had already been killed and only fifty-five of us remained alive. CPP officials’ individual review of the cases cleared all victims from the utterly false charges of espionage. A handful of the surviving victims remained active and committed, but most of us left the Party for good—living with the trauma and trying to live down the horrors of being tortured by one’s own.

## THE AFTERMATH

“At the time of the ordeal, I told myself that should I ever come out of it alive, I should write.” This is a passage in my book, *To Suffer Thy Comrades*, which came out thirteen years after the OPML. It was in the process of writing this book that I began to understand the full depth and breadth of the internal “purge” of the Party. That what happened to us in Southern Tagalog was by no means isolated, but a systematic and continuous Communist Party practice all over the Philippines throughout the 1980s. That the casualty figures in OPML represented but a fraction of the total number of victims of the purges, still now being counted. It cannot be fewer than 2000 dead, and most likely far higher. That there was something fundamentally flawed in the movement to which we had committed our lives.

After the book’s publication in 2001, many other survivors and families and friends of those killed during the purges started coming out. More stories were shared. Hope was renewed for those with missing kin. We decided to do our work related to the CPP’s anti-infiltration campaign more systematically, and formed Peace Advocates for Truth, Healing and Justice (PATH) in 2003.

Negotiating the path back to a difficult past engenders real challenges. We had to take extreme care in reopening old wounds with an eye to closing them properly. Also, the CPP has fragmented into many smaller factions, with Party leaders and operatives found in all these groups; as such, culpability for the crimes has been reduced to finger-pointing.

The justice question is even more circuitous. As I wrote in a previous article:

All of our members are involved in various other advocacies and campaigns, but find this particular one far harder and fraught with obstacles. Many of us are human rights workers who never tire of hollering against the State’s abuses—work that is by no means easy, but pretty much cut and dried. It enjoys the luxury of certitude and ‘political correctness.’ Furthermore, legal remedies addressing State-perpetrated violations of human rights and international humanitarian law are very much in place. The issue of non-State-perpetrated violations, however, such as the Philippine communist purges, is much more complex and uncertain. For one, we are hard-put to carry this issue to a government audience, knowing full well that the latter has to equally answer for much atrocity in the same vein.<sup>1</sup>

<sup>1</sup>Robert Francis B. Garcia, “Not Only the State: Torture by Non-State Actors: Towards Enhanced Protection, Accountability and Effective Remedies,” The Redress Trust (May

What adds to the complexity of this issue is that the war is still raging. Given that the end to the violent conflict between the government and the CPP–NPA is nowhere in sight, addressing the issue of past violations inevitably gets mired in political maneuverings. The government uses it as effective propaganda ammunition against the rebels, while dispensing its own counterinsurgency measures that fall way below human rights and international humanitarian law (IHL) standards. Presently, left-wing activists are being summarily executed, while the government in effect is mouthing, “They had it coming,” or, “Just like in the past, they are killing their own comrades.” In such a situation, the truth suffers, along with justice and accountability.

Bringing up the purge issue remains a dangerous undertaking, simply because the CPP–NPA and other left-wing groups are still armed and active. They have also categorically dismissed any possibility of reopening the issue, claiming that it is already a closed book. The scores of victims’ families who do not know what really happened, and the thousands of dead and disappeared, point to the contrary.

Having formed PATH, we have explored various legal options, including the filing of criminal cases against identified lead perpetrators, such as those involved in the OPML. As expected, when faced with uncomfortable truths, the wheels of justice grind to almost a standstill. Gathering evidence of a crime that happened more than a decade back poses a terrible challenge, including the lack of witnesses willing to testify and the blurring of memory through time. The absence of an anti-torture law in the Philippines also poses a limitation; thus, the charges filed are limited to serious physical injuries and illegal detention.

Jesse Marlow Libre is a particular case in point. In November 2005, we at PATH, with the help of forensic scientists and volunteer experts, were able to exhume the remains of Libre’s parents, revolutionary couple Jesse and Nida Libre. They were falsely suspected of being spies and killed by the CPP–NPA in Cebu in September 1985. The truth behind the disappearance of the young orphan Libre’s parents was withheld from him by the movement (it claimed the military killed them). It was only in 2005 that he learned the disconcerting reality, upon seeing his parents’ skeletons buried together in a mountain gravesite, their bodies bearing tell-tale signs of severe torture and violent death. For Libre then, as for many, with the exhumation of truth comes the cry for justice.

What are the legal options available to him? We can barely find witnesses willing to testify. Who is responsible? A whole Party organization was involved. What are the levels of accountability? It was a complex hierarchical setup: there were onlookers, guards, interrogators, torturers, executioners, decision-makers, and Party directives. Truth and justice are simply lost in the labyrinth.

Another quasi-legal option is our call for the creation of a Truth and Justice Commission. Even as we are aware of the extreme difficulty of filing individual court cases, we also know that such commissions have been undertaken successfully in post-conflict situations involving countries in transition to new governments after hostilities have ended (e.g., Chile, South Africa, and Rwanda). We find no precedent of a Truth Commission set up in any country with ongoing conflict, although we are open to setting such a precedent back home.

These are the challenges we continue to face. Through painstaking work, we have been able to exhume a total of nine remains, but that is a minuscule number compared to the thousands of families still looking for their loved ones. It is in the middle of these undertakings that we echo our appeal to the Communist Party of the Philippines, as well as the other armed left-wing groups, to face up to this issue once and for all. If justice for survivors and accountability for perpetrators would prove to be too tedious, the least they can do for now is to make a full accounting of all the nameless victims of the anti-infiltration campaigns, to exert all efforts to find them, and to return the remains to their families for a proper burial.

It is a task that we at PATH have taken on for the moment, while maintaining that such a responsibility rests on the Party that has wreaked the havoc. Other countries have shown that it can be done. The African National Congress (ANC) in South Africa demonstrated that it is possible to make a full accounting of a grievous wrong when it set up the Skweyiya Commission to settle the injustices the Party had done to its own members.<sup>2</sup>

Indeed, international experience shows that there are many ways to deal with torture and its aftermaths in ways befitting human beings.

<sup>2</sup> See “Skweyiye Commission Report: Report of the Commission of Enquiry into Complaints by Former African National Congress Prisoners and Detainees,” The African National Congress, 1992. <http://www.anc.org.za/content/skweyiya-commission-report>.

## OUR TASSC

What is comforting is that our issues and undertakings in the Philippines find resonance in other countries. This is particularly illuminated by our involvement with the Torture Abolition and Survivors Support Coalition International (TASSC), the only international organization with a mission of addressing torture that is also founded and run by survivors, where the broad array of the torture phenomenon is completely evidenced. At TASSC we can see how various abominable acts have been inflicted by repressive governments and violent movements the world over: the death squads of El Salvador, the military regime of Guatemala, the Fujimori government as well as the Sendero Luminoso of Peru, the severing of civilians' limbs by the Revolutionary United Front (RUF) in Sierra Leone, the extrajudicial killings in the Philippines, the waterboarding of the US military, the political persecution and genocide committed by the Saddam Hussein government in Iraq, and so on and so forth.

At TASSC, we campaign from the perspective of those who know by personal experience what it is like to be deliberately hurt. What it is like to have information pried from you by brute force. What it is like to be physically punished, either for what you believe in or for what you are accused of. What it is like to have your will demolished, and to experience the lingering agony of trauma for the rest of your life.

More importantly, at TASSC we fully understand the meaning of solidarity. There is nothing more powerful than a pain that has been shared by all. The collective experience of having survived torture is TASSC's powerful weapon in its battle to end a practice that benefits no one and dehumanizes everyone.

With this struggle, we can ultimately regain our complete humanity.