

Trumped-up charges: Just another means of political repression

The Philippine state attempts to silence leftist political activists and human rights defenders by means of fabricated charges and illegal arrests.

By Hannah Wolf and Maike Grabowski

Human Rights (are not) for everybody

“We will protect everybody’s rights, even of those who oppose us”, Philippine President Benigno C. Aquino promised in 2012. Although a welcomed pledge, it stands in sharp contrast to statistics of human rights violations and accounts from victims and their relatives that expose a mere lack of the promised protection.

Since Aquino assumed his presidency in 2010 human rights alliance KARAPATAN documented 129 politically motivated killings, 12 Enforced Disappearances, and 239 illegal arrests with detentions.¹

Most victims are those who oppose the incumbent government, as they demand for the realization and protection of basic human right. They are politically active people who fight for just wages, for their right to own land, against transnational corporations and their disastrous mining activities or they oppose the state because they believe that only comprehensive political change can foster justice. Especially affected are political activists of leftist political parties and organizations.

Demonizing political activists

The political repression of these state opponents and activists follows a long established and systematic pattern in which only the mode and intensity of harassment varies.

Embedded in the situation of armed conflicts and a broad military counter-insurgency campaign (currently: Oplan Bayanihan), state actors publicly demonize political activists as enemies of the state, and as communist terrorists while critical and outspoken non-governmental organizations as well as churches are labeled as front organizations of the communist insurgency (red-baiting²).

This practice of red-baiting makes a bogeyman out of activists and suggests a state of emergency in which national security is equally threatened by armed guerillas and peaceful activists. The demonization allows the state to place activists outside the law area and creates a certain “state of exception” that legitimizes all possible variations of repressions and illegal measures against these supposed enemies.

As part of the reigning system powerful clans, the military, the police and last but not least the judiciary avail themselves of this exceptional space where they remain immune from prosecution.

However, measures of repression often go beyond verbal vilification. Once an activist has become a target of the state and its military he or she has to fear different forms of physical repression. Activists are disappeared, illegally arrested, detained, tortured or killed.

¹ KARAPATAN: 2012 Year-End Report on the human rights situation in the Philippines, p. 7

² Red-Baiting describes a practice of state actors to publicly brand and label government-critical individuals and organizations as enemies of the state, terrorists or members of communist front organizations with the purpose to overthrow the incumbent government. The term “red-baiting” stems from the early phases of the Cold War. See also: Stoltenberg-Lerche, Holger and Hamman, Dominik: “Red-Baiting in the Philippines – Civil Society under General Suspicion.”, Observer, Volume 3, Number 2, 2011

Trumped-up charges, illegal arrests and detentions are therefore understood to be part of a broader vilification strategy framed by the military anti-insurgency campaign. They are classic examples for a Strategic Legal Action against Public Participation (SLAPP). SLAPPs are lawsuits used by powerful (judicial) persons against financially less able critics and activists intended to censor, intimidate, and silence them by burdening them with costly and long lasting legal defenses. Therefore, SLAPPs have an alarming impact on the public participation by civil society and the exercise of civil and political rights, such as freedom of expression, of assembly and of association to name but a few.

They obstruct the work of NGOs and people's organizations and serve as a threat to anyone committed to human rights and social justice to refrain from getting involved with any state opposition.

According to statistics of Philippine human rights organizations about 140 political activists have become victims of illegal arrests and detentions since Benigno C. Aquino III assumed his presidency in 2010. Taking into account the political prisoners from past administrations Philippine human rights groups count between 300³ to 400⁴ political prisoners detained in prisons all over the archipelago. Many of them languish in jail for years enduring a slow and long legal struggle with little hope for genuine justice.

The illegal arrest and detention of Zara Alvarez

One of the more recent victims of fabricated charges is Zara Reboton Alvarez, a political and human rights activist from Negros Island. She was arrested on October 30, 2012 in her hometown Cadiz City on the Island of Negros. At around 6pm Alvarez was waiting for a Tricycle at the public market when about 30 soldiers surrounded her. Alvarez shouted for help but the soldiers warned bystanders not to intervene. Later the Philippine National Police of Cadiz City joined the military and Alvarez was brought to the PNP Headquarters in Cadiz City.

Only at the time of her arrest she found out that she was accused of being a member of the communist New People's Army and as such to have participated in the murder of 1.Lt. Archie Polenzo of the Philippine Army on March 7, 2010 in Cadiz City.

Already during her school years Alvarez became a known activist. She was the chair and national council member of the leftist youth organization ANAK BAYAN-Negros, deputy general secretary of the umbrella organization BAYAN-Negros as well as campaign and education director for the human rights organization KARAPATAN-Negros. Being a single mother of a three-year-old child last she worked for the alliance of human rights defenders in North Negros (NNAHRA).

Her case lists dozens of other accused, many of whom are members or leading activists of local human rights and political organizations.

Alvarez case is exemplary for many others. According the National Union of People's Lawyers (NUPL) activists are often neither informed about the charges against them nor are they granted the right to respond accordingly. The charges include certain "John/Jane Does", placeholder names, which are issued when the identity of the perpetrator(s) is unknown and

³ Task Force Detainees of the Philippines: "Rights groups commemorate Political Prisoner's Day", December 7, 2012, <http://hronlineph.com/2012/12/07/press-release-rights-groups-commemorate-political-prisoners-day-tfdp/>

⁴ KARAPATAN Press Release: "Political Prisoners now more than 400, Daughter of a desaparecido latest victim", October 10, 2012, <http://www.karapatan.org/node/618>

must be amended only when there is a certainty as to the names. This leaves room to continually replace the “John/Jane Does” by more names.

During the presidency of Macapagal-Arroyo (2001-2010) officials already used “John Doe” charges for arbitrary arrests and detentions of activists. In less than four weeks (December 2012 – January 2013) 28 activists were arrested in the Philippines, 21 alone on the island of Negros. As alleged members of the NPA they are accused of crimes such as murder and arson, which generally don’t allow for release on bail.

Once the warrant of arrest was issued – with or without defect - the military and police do not hesitate to arrest activists like Alvarez at once. In other cases they arrested activists without warrants of arrest. Anecita Rojo, activist and church employee in the province of Negros Occidental was arrested on December 7, 2012 inside a catholic convent. The arresting soldiers were not wearing their uniforms and did not present any warrant of arrest.

While the police and military are fast in arresting political and human rights activists, victims of human rights violations and their relatives normally have to wait for a long time until suspects are arrested, if at all. In the murder case of political leftist activist Rene Quirante on October 1, 2010, in Negros Oriental, the suspects have been identified but, according to the Asian Human Rights Commission (AHRC), the warrant of arrest, which was issued in 2011 has not been carried out until today. Meanwhile, the suspect has been seen in company of soldiers of the Philippine army without fear of arrest.

As this example shows, whether or not the judiciary and police perform their given responsibilities in a speedy and upright manner clearly depends on the target subject and whose political purpose is pursued. Ironically, while impunity prevails for perpetrators of (massive) human rights violations, human rights defenders exposing this injustice are harassed, jailed, disappeared or killed.

Too often the judiciary that is mandated to correct this wrong and to deliver due process to the victims, actively participates in this systematic crackdown on activists through the “subversion of court procedures and rules on evidence”⁵, according to Asian Legal Resource Center (ALRC).

In cases where the warrant of arrest does not indicate the true name or address of the arrested, documents are being amended or the true identity is being ignored.

The AHRC therefore concludes that the prosecution no longer regards merit in evidence but presently exists more for the purpose of expediency.

Instead the lawsuits are often based on dubious if not coerced witness accounts.

Whilst these practices disregard even rudimentary forms of protection of the affected activists, judges and prosecutors routinely get away with it.

Local activist Romulo Bito-on is no longer willing to silently endure this system. With the support of local and national human rights organization Bito-on filed an administrative complaint against the prosecutor and judge involved in his arrest and three-month

⁵Asian Legal Resource Center: “PHILIPPINES: Court rules subverted in filing criminal charges against activist”, February 28, 2009, http://www.alrc.net/doc/mainfile.php/alrc_st2009/541/

detention. Bito-on, local coordinator of the leftist party Makabayan, was also charged to be a member of the NPA and as such for the alleged participation in an arson case.

It will take many more of these counter charges from the side of the political activists to break the impunity persisting within the judiciary. Meanwhile and particularly in view of the nearing elections this coming May 2013, political participation and peaceful activism for human rights remain a dangerous commitment.

Further readings:

Asian Human Rights Commission: The State of Human Rights in the Philippines in 2012
Observer, Vol. 3, No. 2, Red-Baiting, International Peace Observers Network
KARAPATAN: Year-end Report 2012

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