



STATE TERROR & TYRANNY IN THE PHILIPPINES

US-BACKED OPLAN KAPAYAPAAN
& DUTERTE'S ATTACKS ON PEOPLE'S RIGHTS

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2018
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US-backed *Oplan Kapayapaan* and Duterte's Attacks on People's Rights

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IBON International responds to international demands to provide support in research and education to people's movements and grassroots empowerment and advocacy and links these to international initiatives and networks. It is a member of the International Coalition for Human Rights in the Philippines.



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INTRODUCTION

This new book that delves deeper on the continuing state violence and tyranny in the Philippines complements the collection of cases on killings and human rights abuses that we published in a handy booklet early this year. It provides greater scrutiny on Pres. Rodrigo Duterte's fascist and neoliberal economic policies as well as the United States-indoctrinated counterinsurgency program *Oplan Kapayapaan*, robustly at play in the ongoing martial law in Mindanao (with threat of possible extension nationwide).

The articles cover the unabated extrajudicial killings of activists, as well as Duterte's so-called war on drugs; the anti-poor crackdown on both urban and rural communities, and the tax reform program that has caused steep inflation; counterinsurgency and US involvement in military operations, including in Marawi; martial rule and the new Bangsamoro Organic Law; the red-baiting, persecution and vicious attacks against members of people's organizations, indigenous peoples, women, media, and church workers; and the prospects for peace and resolving the social, economic and political roots of insurgency in the country.

International organizations, United Nations (UN) offices and governments of other countries have already expressed concern on the murderous 'drug war', the terrorist-tagging of rights defenders and activists, and the crackdown on any form of dissent or criticism against Duterte's policies. As with past regimes, international solidarity has an important role in exposing atrocious crimes and violations of people's rights in the country. The Filipino people's struggle against the Marcos dictatorship, for example, was supported by solidarity from abroad. Likewise, the Arroyo regime's reign of terror, bared by people's resistance, faltered with increased international attention.

The untiring campaign of people's organizations to expose and resist various attacks on people's rights and calls for international solidarity have been gaining ground, prompting the Duterte regime to expand its repressive acts through criminalizing solidarity and lashing out on UN

officials, missionaries, and rights defenders. With intensified militarization in the countryside that displace communities and families, the arrest and persecution of social activists, the brazen disregard for lives and rights, and the prevailing atmosphere of impunity giving the police and armed forces the license to attack urban poor communities, indigenous peoples, peasants, among others – the world’s solidarity with the Filipino people’s fight against tyranny and oppression is all the more critical in holding the Duterte regime accountable.

One significant occasion is the 2018 International Peoples’ Tribunal on the Philippines (IPT 2018), which seeks to help raise the visibility of the worsening rights violation, exercise moral suasion, and help generate further political pressure on the Philippine government to cease the ruthless attacks on the civil, political, social, economic and collective rights of Filipinos. IBON International hopes this book will contribute to the IPT 2018 and beyond as we continue to struggle for justice. We thank the contributors and all those who gave their time and effort for this book; and dedicate this to the toiling masses of workers, farmers and peasants, women and youth who remain steadfast in struggle, and the martyrs to whom we owe the resolve to persevere.

Amy Padilla

Director, IBON International

CRIMINALISING POVERTY AND THE POOR: UNMASKING DUTERTE'S ANTI-PEOPLE REGIME

Jodel Dacara & Danielle Templonuevo

The past two years under the administration of President Rodrigo Roa Duterte had been difficult for Filipinos. The candidate who promised to bring change into the nation has only dragged the country, especially the poor, deeper into oppression and marginalisation. Human rights violations have become more rampant and targeted, and the Filipinos have become more divided than ever.

This is the 'culture' created by the Duterte administration.

Three years into the office, President Duterte has already made a full swing in terms of 'reforms' he introduced to the country. Apart from his push for a shift to federal form of government, he further strengthened his policy on 'violence, crime, and lawlessness' to curb criminality, with specific focus on drugs. He also introduced a tax reform package to 'address inequalities and deficiencies' in the country's tax system.

Killings continue, reloaded

While quality of life has been suffering drastically and economic indicators are on a downhill, the cornerstone of the administration's policy remains to be the President's promise to fix the country's drug problem. His fixation with the country's drug problem stems from the government's hasty analysis that drugs and criminality are the causes, rather than manifestations and consequences, of widespread poverty.

According to KARAPATAN, a human rights non-governmental organization in the Philippines, the government's drug war has created more problems than it has solved. Since July 2016, the group reported around 20,000 drug-related killings in the country. Official figures from the PNP are pegged at 4,500 deaths of suspected drug personalities in legitimate police operations by June 2018. However, the Philippine Commission on Human Rights doubts the validity of government estimates.

During the president's State of the Nation Address in July 2018, he reiterated his administration's resolve in continuing the drug war, now called Oplan Double Barrel, which includes additional intelligence and operations funds.

Most of these killings, abuses, and widespread human rights violations happen in poor communities in both urban centers and rural areas. The war has ushered in the criminalization of poverty in the country. KARAPATAN reported that the poor, including cases of mistaken identity, comprise the majority of the drug-related killings of the administration. The group has earlier denounced the Duterte administration for purportedly developing 'a policy devoid of respect for human dignity' and creating a war that has 'insidiously spiraled into a war against the poor, and with the administration's drive to eradicate criminality seemingly tantamount to eradicating the poor.' While the government was quick to bring down poor drug users, it failed miserably in cracking down on bigtime drug operations.

Police state and common crimes

It is as if the widely criticized drug war was not enough, President Duterte ordered the arrest of *tambays* or loiterers at wee hours of the evening to 'keep them safe from common and petty crimes.' According to the President, it is also a way to protect loiterers, most of whom are found in urban poor communities, from falling into the drug trap or posing threat to the public. This was done after a survey reveals that more than a million Filipinos fell victim to common crimes early this year.

However, the campaign was criticized especially following the death of 25-year-old Genesis Argoncillo after he was arrested for 'allegedly causing alarm and scandal'. Criticisms, however, fell on deaf ears since the President himself threatened critics of his policies and assured the police that he will not let them be jailed for doing their 'job'.

In a display of both arrogance and power, he invoked the State's police power in order to 'establish order (and) safety that is not subject to legislation.' This posed a risk of concentrating power at the hands of the police, without proper mechanisms for accountability.

Such blanket authorization – resembling that of the Martial Law period – gives both the police and the military unnecessary justification to continue their abuse of power and disregard for human rights. This creates an atmosphere of impunity and endorses a reign of terror, especially in urban poor communities.

Militant labor group Kilusang Mayo Uno (KMU) protested this policy and called it anti-poor. Instead of focusing on arresting *tambays*, the government should address the issue of unemployment and the lack of decent jobs. Data from the Philippine Statistics Authority shows that unemployment in the country has risen by 145,000 in 2017 compared to the previous year. This is despite the fact that the government has boasted job creation due to the ambitious infrastructure program and the administration's supposed fight against contractualization.

Crackdown on human rights

Common among these policies of the Duterte administration is the blatant attack and disrespect for human rights.

In fact, according to a 2018 global report on human rights, the Philippines is now at its worst human rights crisis since the dictatorship of Ferdinand Marcos back in the 1970s and 1980s. Three years into his term and it seems like Duterte has no plans of abolishing his infamous war on drugs. Duterte has even vowed to continue this atrocity until his term ends in 2022. Access to justice has also been more challenging than in past administrations. While drug lords and big-time drug peddlers can invoke their right to due process, a poor suspected drug abuser and *tambay* could be easily harassed or killed.

The rights of the alleged small-time drug pushers and users are not the sole target of the administration. Even children's rights, journalists and media, and human rights defenders themselves are also part of Duterte's 'dartboard'. His presidency seems to be revolving around the premise of eradicating the poor and pro-poor rather than poverty itself.

President Duterte's presidential stint has undoubtedly started out strong in terms of the amount of support he gained from different groups of people, but three years after his landslide win, the people realize that he is just the same as his predecessors – worse even. All the killings, his blatant disrespect for human rights and his anti-people policies have easily shown his colors as a true anti-people president.

Tax reform for whom?

The government's main economic program is the Comprehensive Tax Reform Program (CTRP), otherwise known as Tax Reform for Acceleration and Inclusion (TRAIN), a multi-tier program that comes in 'Packages.' In early 2018, the government started implementing the first Package of the program that aims to 'create a **simpler, fair, and more efficient system**, as per the constitution.' The program, according to the Department of Finance, will require those who earn more to contribute bigger in the country's purse. The poor, according to the administration, will benefit more while contributing lesser than before.

Part of the package is the readjustment of personal income tax (PIT) wherein middle-income earners (those with annual taxable income of PhP 250,000.00) will be exempted to the PIT. Minimum wage earners and those receiving below minimum wage will continuously be exempted. PIT for the rest of taxpayers (except for those earning more than PhP 8 million) will also be adjusted from 30% to 15 percent. The government envisions this package as an equalizer for taxes and benefits. Despite this, the Philippines remains to be one of the countries with the highest income tax in Asia.

Months after the package was introduced, it became clearer from figures that the rich are the ones benefitting from this reform. Estimates of IBON Foundation points that the highest earning 40% will still take home more than previously estimated by the government. The group claims that the richest 10% earning individuals (earning at an average of 105,000.00 monthly) will take home an additional PhP 90,793.00 annually. A chief executive officer (CEO) earning around PhP 495,000.00 monthly will have additional PhP 88,568.90 annually.

This is far from what middle and lower middle-income individuals will be taking home by end of the year, which ranges from PhP 7,880 to PhP 24,343.00 only (*see Box 1*). IBON Foundation also claims that the poorest

Box I. Losses of basic sector workers after TRAIN

- Rice farmer (first and lowest income decile) will lose Php646 annually
- Farm worker (second income decile) will lose Php937
- Construction worker (third income decile) will lose Php1,141
- Private school teacher (fourth income decile) will lose Php1,363
- Bookkeeper (fifth income decile) will lose Php1,591
- Machine tool operator (sixth income decile) will lose Php1,887

Source: IBON Foundation, 2018

sections of the society will continue to earn less money after the tax reform package. Majority of the Filipinos do not pay income tax because they are either minimum wage earners or from the informal sector whose income is not fixed.

Who wins, who loses?

The tax reform program was envisioned to fund Duterte's ambitious Build, Build, Build infrastructure program, which only favors big construction firms and foreign investors.

TRAIN only resulted to rising consumer taxes with high inflation rate. Higher excise taxes on oil and other consumer products imposed by TRAIN result to rising prices in basic commodities, which burdens the poor more than the rich. By June 2018, prices of basic commodities have risen by about 4.6% compared to the same period of the previous year.

While the government attributes such price increases to external forces like global oil prices and foreign exchange, IBON says that the TRAIN caused the sharp increase in inflation since global oil prices have been steadily increasing since 2013. The government's provision of the unconditional cash transfer (UCT), or cash subsidy to the poorest families, does not really make a dent in helping families get by due to high prices. This provision, according to IBON, is just an admission on the part of the government that the reform program will really hit the poor. As this is a temporary provision, the government will end its subsidy by 2020, while high prices will stay beyond that.

The second package of the reform program which will be called TRAIN 2 or Tax Reform for Attracting Better and High-quality Opportunities (TRABAHO) is already at the Congress for discussions. It will create a regressive tax system that will reduce corporate income tax and modernize incentives for new industries. However, different groups, such as private schools associations, have raised alarm on the possible increase in the preferential tax rate that they are paying. According to a Congressman, the 10% rate being paid by schools might be increased to 30%, which will be passed on to students, making access to education even more difficult.

Isolation of the poor and systematic criminalisation of poverty and hunger

The government's policies on violence, crime, and lawlessness, and regressive taxation isolate the poor both politically and economically.

Early on this presidency, several human rights organizations and people's movements have already warned the administration of the repercussions of such policies, particularly to the poor and disenfranchised. Progressive organisations such as KARAPATAN and BAYAN have denounced the administration's drug war as it only resulted to extrajudicial killings against the poor. The administration's 'encouragement' of drug-related killings and arrests of *tambays* build an impression and environment where abuse of power and lack of state accountability become the rule rather than the exception.

Research think-tank IBON Foundation, for its part, has also raised the fact that it is the poor who will be adversely affected by the government's tax reform policy, particularly with the rise in prices of basic commodities. Many of the poor in the country do not actually benefit from such tax reform since they earn below the country's minimum wage.

In introducing TRAIN and now the impending TRABAHO package, the administration has only shown its insensitivity to the poor. The call for higher minimum wage is still ignored despite figures and statistics showing that poor families are already hard-pressed in making ends meet amidst soaring prices of goods and services.

With such policies and implications, Duterte has brazenly unmasked himself as a servant of big businesses and an enemy of the people. Three

years into the presidency, the country is still far from achieving genuine change and social justice.

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CURRENT US SECURITY STRATEGY AND OPLAN KAPAYAPAAN: “DEVELOPMENT” SUBSUMED TO COUNTER-TERROR

Rodolfo Lahoy Jr.

The Trump administration’s National Security Strategy (NSS), released December 2017, reveals the reality of multipolarity in international relations. There is a more striking focus on great power politics, given that “[t]oday, the United States [US] must compete”¹ against “China and Russia [which] aspire to project power worldwide,” and are exporting capital as investments “in the developing world to expand influence and gain competitive advantages against the United States.”²

In this NSS, Asia appears as the “Indo-Pacific” region, ranging from the “west coast of India to the Western shores of the United States.” This remains an important theatre for US agenda, at a time of Chinese military modernisation “designed to limit US access to the region” and what the US calls the “threat” of North Korea. Recently the US Pacific Command (PACOM), the military detachment tasked to cover the region, has been renamed the US Indo-Pacific Command (INDOPACOM).

Specific US military goals in the region are oriented towards presence for “detering and, if necessary, defeating *any adversary* [emphasis added].” This includes not only other states but “terrorist threats,” which will require “improve[d] law enforcement, defense, and intelligence cooperation with Southeast Asian partners.”

1 <https://www.state.gov/documents/organization/63562.pdf>

2 Ibid.

“Counter-terror” and USAID

The NSS is also frank about the general goals of United States’ aid, which shows that US interests are primary even in its so-called assistance. The NSS reveals that “US development assistance must support America’s national interests,” and sets as priority the use of “development finance tools so that US companies have incentives to capitalise opportunities in developing countries.” Meanwhile, US “partners” in Asia, Africa and Latin America, “can become trading partners that buy more American-made goods and create more predictable business environments that benefit American companies.”

Aside from its military component of US “counterinsurgency” (COIN) strategy, development, humanitarian and even good governance programs are subsumed to security interests towards increasing government legitimacy and negating support for those considered insurgent groups.³ These set the important role of the US Agency for International Development (USAID), as the primary institution tasked with facilitating US assistance. USAID performs the work of supporting US goals by supposedly countering political, economic and other “drivers of violence and instability” while at the same time “help[ing] create markets” through promotion of US models of economic growth.⁴

Indeed, the “development” component of US counter-insurgency – and counter-terror – emerges through active, explicit USAID linkages with the US Department of State (US DoS) to “implement the President’s foreign policy” and with the US Department of Defense (US DoD) “to ensure that diplomatic, development and defense efforts are mutually reinforcing.”⁵

The “development-security nexus” that ensures US national security and economic interests is seen in the tight coordination between the USAID and the US DoD. This includes DoD input on USAID Country Development Cooperation Strategies – the main US assistance plans for other countries (e.g., the Philippines). This is complemented by USAID input on DoD campaign planning.⁶

3 http://www.realityofaid.org/wp-content/uploads/2017/06/RealityCheck_2017_final_ebook.pdf

4 <https://www.state.gov/documents/organization/277156.pdf>

5 <https://www.usaid.gov/partnership-opportunities/us-government-and-military-old>

6 <https://www.usaid.gov/policy/dod-cooperation>

Figure 1. PACOM and USAID



Source: <https://www.usaid.gov/policy/dod-cooperation>

There is also “robust personnel exchange” between DoD and USAID, with the latter hosting military officers at their headquarters and with USAID officers and “civilian Humanitarian Assistance Advisors” present in US commands around the world.⁷ The USAID-DoS joint strategic plan describes “project[ing] American values” through US “responding to humanitarian crises.”⁸

Setting the stage for greater US roles in the Philippines

The NSS document is explicit on which states the US considers its current “allies.” The Philippines enters the picture in the NSS as an “all[y] and market” for the United States, and mentions the US’ need to “re-energise” the US-Philippines alliance in military and security affairs.

The continuation of the US-Philippines’ Enhanced Defense Cooperation Agreement (EDCA) is one aspect of this contemporary military “alliance.” This agreement arguably circumvents the Philippine constitutional ban on foreign basing in the country, through constructing US facilities *within* existing Philippine bases – *de facto* giving more room for US infrastructure and possible personnel deployment.

⁷ <https://www.usaid.gov/partnership-opportunities/us-government-and-military-old>

⁸ <https://www.state.gov/documents/organization/277156.pdf>

On January 2017, Philippine Defense Secretary Delfin Lorenzana hinted the level of coordination between the United States and the Philippine defence department. “According to the Pentagon, they [the US] will start constructing some facilities in the EDCA chosen camps [starting in 2017],” he said.⁹ On November 2017, during US President Trump’s visit to the Philippines for the ASEAN summit, Philippine President Duterte and Trump affirmed their commitment to the controversial EDCA as well as older agreements such as the 1952 Mutual Defense Treaty.¹⁰

The first of the five US facilities within Philippine bases was started in April 2017. Strengthened US-Philippine links are continued by the 34th *Balikatan* (“*shoulder-to-shoulder*”) military exercises in 2017, which had 60% higher troop participation from the previous year.¹¹ With the recent conflict in Marawi City in Lanao del Sur, the *Balikatan* focused on both counter-terror training as well as military roles in “humanitarian assistance and disaster relief.”¹²

With the stage set for ever-increasing openings for the US, the Operation Pacific Eagle-Philippines (OPE-P) was publicly revealed on January 2018. This was after its secret designation as an “overseas contingency operation” (OCO) in September 2017. Spending for OCOs is exempt from US budgetary controls, and was previously known as the “Global War on Terror” (GWOT) in budget documents.¹³

OPE-P is the latest operation specifically for the Philippines, after ending Operation Enduring Freedom-Philippines which lasted from 2002 to 2015. According to the first US lead inspector general (IG) report on OPE-P, it is a “comprehensive counterterrorism campaign” aimed to “support” Philippine state actors against the “affiliates of the Islamic State of Iraq and Syria (ISIS) and *other terrorist organizations in the Philippines*” (emphasis added).¹⁴

9 <https://www.rappler.com/nation/159611-edca-american-facilities-philippines-bases>

10 <https://www.rappler.com/nation/188459-duterte-trump-edca-military-ties-asean-summit-2017-philippines>

11 https://media.defense.gov/2018/Aug/15/2001954780/-1/-1/1/FY2018_LIG_OCO_OIR3_JUN2018_508.PDF

12 *Ibid.*

13 <https://fas.org/sgp/crs/natsec/R44519.pdf>

14 https://media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018_LIG_OCO_OIR_Q1_12222017_2.PDF

Box I. Operation Pacific Eagle-Philippines

Brief background:

Designated as “overseas contingency operation” (OCO) in September 2017; US support for Philippine “counter-terror” operations

Funding support from US:

Defense department -- approx. USD 31 million since start in 2017; USD 15 million from DoD so far for 2018; budget request of USD 108.2 million for 2019

State department – 2019 budget request of USD 30 million for OCO funding for foreign military financing

USAID – approx. USD 31.9 million (as of mid-2018)

US troops involved:

200-300 special operations forces, varying according to “demand” from AFP

Sources: First lead IG quarterly report on OIR and OPE-P. https://media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018_LIG_OCO_OIR_Q1_12222017_2.PDF

Second lead IG quarterly report on OIR and OPE-P. https://media.defense.gov/2018/May/14/2001916692/-1/-1/1/FY2018_LIG_OCO_OIR2_Q2_MAR2018.PDF

The Eagle in the Philippines: The thin line between US and Philippine military roles

The US Department of Defence denies that OPE-P increases US military presence in the country, and claims that OPE-P operations “are conducted by, with and through the Philippine forces.” The issue of where US role ends is an open question; aside from field advisors, US “advis[e] and assist[ance]” to the Armed Forces of the Philippines (AFP) includes activities such as “logistical support; intelligence sharing; *operational planning*; and intelligence, surveillance, and reconnaissance” (emphasis added).¹⁵

As early as October 2017, with OPE-P still secret, the US ambassador to the Philippines admitted that the US had a “very important role” in AFP operations against the Maute group in Marawi – through surveillance support and so-called “technical advice”.¹⁶ As of January 2018, there are

¹⁵ Ibid.

¹⁶ <http://news.abs-cbn.com/news/10/26/17/us-played-key-role-in-helping-afp-retake-marawi-envoy>

between 200 and 300 US soldiers–advisors in the Philippines, supposedly changing according to demand from the AFP.¹⁷

USAID in Operation Pacific Eagle-Philippines

In line with US strategy, the USAID also plays roles in the OPE-P, reflecting how “development” and “humanitarian” concerns are packaged within a counter-terror paradigm. Indeed, reports on Operation Pacific Eagle-Philippines are endorsed by the IGs of the interagency triad of the DoS, DoD and USAID. In these lead IG reports, which are essentially security documents, there are sections dedicated to humanitarian and longer-term development assistance given the situation in Marawi. In these, the goals of disaster relief and long-term rehabilitation are done to mitigate drivers of “extremism.”

As such, USAID assistance under OPE-P are reported and are evaluated as “stabilisation activities.” In US counter-insurgency strategy, stabilisation refers to making a country less susceptible to conflict through dealing with conditions that drive insurgency. These are usually part of a “consolidation” phase in operations, where the objective is to render insurgents irrelevant.¹⁸

The first lead IG report on OPE-P claims that it was established upon the request of Philippine actors, but facilitated by how “US and Philippine military leaders meet annually at the 4-star [general] level“ to discuss bilateral military operations. That these meetings favour the creation of OPE-P and other linked plans on counter-terror, is not altogether surprising. The same document admits that “most AFP officers received training either in the United States or by US forces in the Philippines,” solidifying not only institutional links but also “personal bonds between senior military leaders from both countries.”¹⁹

The interplay between US strategy and “Oplan Kapayapaan”

This paradigm that packages “development” and “humanitarian” agenda within a larger counter-insurgency and counter-terror framework, thus militarising civil government tasks, is seen even in current AFP strategy.

17 https://media.defense.gov/2018/May/14/2001916692/-1/-1/1/FY2018_LIG_OCO_OIR2_Q2_MAR2018.PDF

18 http://www.realityofaid.org/wp-content/uploads/2017/06/RealityCheck_2017_final_ebook.pdf

19 https://media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018_LIG_OCO_OIR_Q1_12222017_2.PDF

Table I. Violations of Civil & Political Rights under the Rodrigo Duterte Government (July 2016 to March 2018)

Violation	Number of victims
Extrajudicial Killing	141
Frustrated Extrajudicial Killing	242
Enforced Disappearance	5
Torture	91
Illegal Arrest without Detention	968
Illegal Arrest and Detention	297
Illegal Search and Seizure	214
Physical Assault and Injury	175
Demolition	6,114
Violation of Domicile	434
Destruction of Property	4,148
Divestment of Property	174
Forced Evacuation	427,232
Threat/Harassment/Intimidation	54,799
Indiscriminate Firing	6,055
Bombing	356,304
Forced/Fake Surrender	661
Forced Labor/Involuntary Servitude	23
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	104
Use of Schools, Medical, Religious and Other Public Places for Military Purpose Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	40,089
	1,871

Source: [http://karapatan.org/files/Karapatan%20Monitor%202018%20Jan-Mar%20\[web\].pdf](http://karapatan.org/files/Karapatan%20Monitor%202018%20Jan-Mar%20[web].pdf)

Figure 2. Rights violations under Oplan Kapayapaan, Jan-March 2018



Source: [http://karapatan.org/files/Karapatan%20Monitor%202018%20Jan-Mar%20\[web\].pdf](http://karapatan.org/files/Karapatan%20Monitor%202018%20Jan-Mar%20[web].pdf)

The said strategy is aptly named Development Support and Security Plan (DSSP) Kapayapaan 2017-2022 or simply *Oplan Kapayapaan* (“kapayapaan” means peace).

Although *Oplan Kapayapaan* has been in operation since January 2017, before the public announcement of the US OPE-P, there are reasons to expect the US and Philippine plans to be mutually reinforcing. This would be attributable to how the primary aim of the OPE-P is to support the Philippine military; the tight relations between US and Philippine military institutions (and even top ranking personnel); and the coordination between the same officers on bilateral military operations – which would include the common OPE-P and *Kapayapaan* agenda of “counter-terrorism.”

It is not also surprising that the Philippine counter-insurgency plan closely resembles US models, while without explicit reference to US plans. This characteristic is just in line with US counter-insurgency strategy, which favours “the most indirect and least intrusive form of intervention”

given that “too high a US profile may be counter-productive.”²⁰ The Philippines has already seen a previous counter-insurgency plan that militarises the development agenda, in the past administration’s 2011–2016 *Oplan Bayanihan*, released just two years after the 2009 US Counter-insurgency (COIN) Guide. The current *Oplan Kapayapaan* strategy is an explicit continuation of *Bayanihan*.

What is called the “whole of society” approach in US counterinsurgency appears as the “whole of nation” approach in *Kapayapaan*. In this, the importance of development stakeholders, such as the Filipino people themselves, are limited; their economic development is not seen as their right, but rather as a means to the military goal of “internal stability.”

For *Oplan Kapayapaan*, “development support” includes activities done to “promote and sustain internal stability,” which is a supposed condition for the Philippine government’s smooth implementation of its “development plan.” Thus development support ranges from military operations against considered terror groups, as well as civil-military operations, providing “security” to “critical investments and development projects,” and military roles in support of local governments’ basic service delivery and even in disaster response.

Continuations

AFP claims that its counter-terror with “development” aspects is a “new approach.” However, this is belied by how this has been the explicit US strategy, such as in its 2009 COIN guide and until today.²¹

Oplan Kapayapaan as a continuation of *Oplan Bayanihan* means, unfortunately, the continuation of rights violations despite AFP rhetoric of adhering to rule of law or even international humanitarian law.

On the other hand, continuation of US counter-terror in the Philippines through OPE-P also marks further US involvement in Philippine security affairs. The first US lead inspector general (IG) report on OPE-P reveals that US officers are aware that they are launching the new military operation amidst extended Martial Law in the country, and are aware of its extension on Philippine military justifications of fighting so-called “communist terrorists

20 <https://www.state.gov/documents/organization/119629.pdf>

21 <http://www.afp.mil.ph/images/AFP-Development-Support-and--Security-Plan-Kapayapaan-2017-2022.pdf>

and their coddlers” as well as for Marawi “rehabilitation.”²² Another lead IG report on OPE-P shows that they are aware of AFP looting in Marawi households, albeit involving only a “small number of soldiers” according to the US report.²³

Anything but peace amidst expanding "terror" tag

Under Oplan Kapayapaan, “security challenges” are classified as either terrorist groups or peace-inclined armed groups. The former includes those that state forces aim to defeat militarily, such as the Abu Sayaff Group (ASG), the Bangsamoro Islamic Freedom Fighters (BIFF) and the ISIS-inspired Maute group.

The latter, meanwhile, includes groups which are to an extent integrated to the AFP, such as the Cordillera People’s Liberation Army (CPLA) and groups which are or have been involved in formal peace negotiations such as the Moro National Liberation Front (MNLF), the Moro Islamic Liberation Front (MILF) and the Communist Party of the Philippines–New People’s Army–National Democratic Front (CPP–NPA–NDF). Government action for these stresses the primacy of peace negotiations.

In the case of CPP–NPA–NDF, which Oplan Kapayapaan called “a primary security challenge,” the Armed Forces of the Philippines and the Philippine government later proceeded to publicly call them “terrorists.” After his unilateral declaration to indefinitely cancel the peace negotiations in November 2017, Philippine President Duterte also led the classification of the CPP and the NPA as “terrorists” in his Proclamation No. 374.²⁴ Philippine attempts to legally classify the said groups are akin to their US designation as “foreign terrorist organisations” in 2002,²⁵ during the war on terror. Indeed, Duterte claimed that he “will follow America” as he unilaterally classified CPP and NPA as “terrorists.”²⁶

22 https://media.defense.gov/2018/Feb/02/2001872555/-1/-1/1/FY2018_LIG_OCO_OIR_Q1_12222017_2.PDF

23 https://media.defense.gov/2018/May/14/2001916692/-1/-1/1/FY2018_LIG_OCO_OIR2_Q2_MAR2018.PDF

24 <https://www.philstar.com/other-sections/news-feature/2017/12/06/1765881/explainer-what-happens-if-cpp-npa-declared-terrorists>

25 <https://www.state.gov/j/ct/rls/other/des/123085.htm>

26 <https://www.philstar.com/headlines/2017/11/21/1761141/duterte-douses-fears-revolutionary-government>

Figure 3. Rights violations under Oplan Kapayapaan, Jan-March 2018



The Eastern Mindanao Command of the AFP deploys an additional peacekeeping battalion in an effort to allay fears posed by the terrorists New People's Army (NPA). (Philippine Information Agency photo)

Source: https://media.defense.gov/2018/May/14/2001916692/-1/-1/1/FY2018_LIG_OCO_OIR2_Q2_MAR2018.PDF

Under Philippine law, the official “terror” designation would only have legal force when a petition is filed and affirmed by a Regional Trial Court (RTC). Towards this, in February 2018 the Philippine justice department filed a petition in the Manila RTC which maliciously tagged a list of over 600 names as “terrorists.” A human rights lawyer called the list an “odd concoction” of named rights defenders, members of legitimate indigenous people’s organisations, a Filipino UN official, and even aliases. Clamour to withdraw the petition continues in 2018, amidst a court order to remove four individuals from the list and the justice department’s admission that they had not verified the names listed.²⁷

The Philippines’ 2007 Human Security Act, under which the petition was filed, was critiqued in 2007 by a human rights lawyer (who is now the presidential spokesman) as dangerous due to the vagueness of “terrorism.” Despite all these, this discourse is used in security forces’ rhetoric. For instance, the Defense department argued for the need to extend Martial

27 <http://bulatlat.com/main/2018/08/09/withdraw-terror-listing-petition-doj-urged/>

Law in Mindanao due to Islamist groups and the “communist terrorists and their coddlers.”²⁸ This is even used in a lead IG report on the OPE-P.

This parroting even in security releases subjects the falsely tagged rights defenders to risks; potentially violating international humanitarian law with threats of treating unarmed civilians as “terrorists” – which are considered military targets in operations such as *Oplan Kapayapaan*.

This terror tagging, the continued *Oplan Kapayapaan* and Martial Law in Mindanao, have also led to the cases of civilians and groups of residents being allegedly compelled to surrender as fake members of the NPA.^{29 30} Attacks on indigenous peoples’ rights also continue, such as the military killing of eight *Lumad* farmers in December 2017,³¹ and thousands of *Lumad* were forced to evacuate their communities due to military harassment and presence in their communities.³² In late August 2018, just half a year since the defeat of ISIS-inspired groups in Marawi, Duterte claimed that he is ready to “use all the jets to bomb [rebels]” and that “if [he] hurt[s] civilians, then it’s part of the territory.”³³

The scramble over Marawi assistance and rehabilitation

Meanwhile, 65,000 Marawi residents will not be able to return to their homes in the next 2–3 years, given the destruction of 24 out of 96 of Marawi’s neighbourhoods – according to the International Committee of the Red Cross and USAID, respectively.³⁴ Given the destruction of Marawi, and despite military rule in Mindanao, international actors such as USAID, multilateral development banks, as well as China’s corporations have stepped forward to be involved in Marawi rehabilitation and recovery.

Multilateral development banks with strong US influence jumped into the matter with loans and pledges. The World Bank Group, wherein the US has the largest capital shares and voting power, had expressed

28 <https://www.philstar.com/headlines/2017/12/13/1768028/congress-approves-one-year-martial-law-extension-mindanao>

29 <http://bulatlat.com/main/2018/03/27/cost-counterinsurgency-eastern-visayas/>

30 <http://bulatlat.com/main/2018/05/25/rights-group-calls-un-investigate-violations-martial-law-mindanao/>

31 <http://bulatlat.com/main/2017/12/06/terrorism-soldiers-kill-8-lumad-south-cotabato/>

32 <https://www.philstar.com/nation/2018/07/19/1834918/troops-sent-lianga-evacuation-site-standard-procedure-military-says>

33 <https://news.mb.com.ph/2018/08/22/duterte-ready-to-bomb-rebels-in-mindanao/>

34 https://media.defense.gov/2018/Aug/15/2001954780/-1/-1/1/FY2018_LIG_OCO_OIR3_JUN2018_508.PDF

commitment for “technical assistance” for “early recovery, rehabilitation and reconstruction planning” as early as August 2017. As of May 2018, The World Bank also declared their plan to draw up financial assistance with the Asian Development Bank (ADB).³⁵

At the recent Annual Meeting of the ADB Board of Governors in Manila, the bank said that they are committing a grant of USD 5-million as well as “technical assistance” through their staff involvement in “needs assessment” and for “inputs” for Marawi rehabilitation. These are also framed towards bringing “peace and prosperity” in Mindanao.³⁶ The United States and Japan both have the highest capital shares and largest individual vote shares within the ADB.³⁷ Japan has already committed 2 billion yen (Php 970 million) as well.³⁸

In mid-December 2017, the ADB also announced a USD 380 million loan for the 280-kilometre Mindanao Road Project.³⁹ All these are matched by ADB programs at national level to “reform” the country’s policy on public-private partnerships to further encourage private sector investments in infrastructure.⁴⁰

As of June 2018, the US government through USAID has already released USD 31.9 million (Php 1.7 billion) for humanitarian and longer-term development/recovery in Marawi. These are explicitly oriented with security goals in mind. For instance, the USAID/Philippines Bangon Marawi Response Project, with both humanitarian assistance and “development” components, is oriented not for the people’s right to development but to the objective in the USAID/Philippines Country Development Plan of “improved peace and stability in conflict-affected areas.”⁴¹

Among other programs, Enhancing Governance, Accountability, Engagement Project (ENGAGE) also continues in Lanao del Norte and Sur until 2019, following the Marawi conflict. Commentators have pointed out that this USAID program orients good governance as a “stabilisation” effort,

35 <http://www.worldbank.org/en/news/press-release/2017/08/31/philippines-world-bank-group-to-scale-up-support-for-peace-building-and-development-in-mindanao>

36 <http://www.bworldonline.com/adb-provide-technical-aid-5-m-marawi-rehabilitation/>

37 <http://www.iboninternational.org/policy-brief/adb-strategy-2030-repackaging-neolib>

38 <http://www.pna.gov.ph/articles/1035922>

39 <http://news.abs-cbn.com/business/12/15/17/adb-oks-380-million-loan-for-mindanao-rehab-amid-martial-law-extension>

40 <https://www.philstar.com/business/2018/05/25/1818287/marawi-rehab-ppp-projects-lined-adb-funding>

41 https://www.usaid.gov/sites/default/files/documents/1861/Marawi_Response_Project_RFI.pdf

which appears in US counter-insurgency strategy as part of “consolidation” phase of rendering insurgents irrelevant.⁴²

The USAID also convened a business forum in late November 2017 on the rehabilitation of Marawi city and Lanao del Sur province, attended by business interest groups.⁴³ During the forum, the USAID mission director articulated the link between economic and security interests as he encouraged the “vital role” of the private sector and an “enabling environment for business” which could “reduce opportunities for violent extremism.”⁴⁴

Such US moves on these fronts are ever more pertinent for its interests to defeat groups its considers “terrorists” for the purposes of markets and good investment climates. This is the case given that China’s corporations are ahead in the race to capture major contracts in the estimated Php 17-billion worth of “reconstruction” projects for the most affected areas of Marawi city. The Bangon Marawi Consortium, composed of five China firms and four Filipino firms, was initially the major player but was considered to be ineligible due to “legal and financial” reasons.⁴⁵ The Philippine government is on negotiations with a new Chinese contractor, the state-owned Power Construction Corporation of China (PowerChina).⁴⁶ China had also 150 million yuan (Php 1.2 billion) in official development assistance.⁴⁷

According to retired General Eduardo del Rosario, the chairperson of Task Force Bangon Marawi (TFBM), eight of the 22 Marawi development projects are presumed to be “profit-generating.” These include a convention center and alarmingly, a hospital. These would be under joint-venture contracts with the private sector counterpart, who would share in eventual profits;⁴⁸ indeed, to “encourage the participation of PSE [private sector entities]” is part of purposes of the joint ventures.⁴⁹

42 http://www.realityofaid.org/wp-content/uploads/2017/06/RealityCheck_2017_final_ebook.pdf

43 <https://news.mb.com.ph/2017/12/03/usaid-convenes-business-forum-for-marawi-rehab/>

44 <https://www.usaid.gov/philippines/speeches/nov-28-2017-lawrence-hardy-ii-mission-director-forum-rehabilitating-marawi-and>

45 <http://news.abs-cbn.com/focus/06/26/18/marawi-rehab-bagong-marawi-consortium-is-out>

46 <http://pcij.org/stories/china-states-marawi-consortium-out-powerchinas-consortium-next-in-line/>

47 <http://www.pna.gov.ph/articles/1035922>

48 <https://news.mb.com.ph/2018/08/17/groundbreaking-of-devt-of-war-torn-marawi-city-moved-to-september/>

49 <http://bangonmarawi.com/2018/02/11/guidelines-on-joint-venture-agreements-jva-to-expedite-the-implementation-of-recovery-reconstruction-and-rehabilitation-projects-in-the-most-affected-areas-of-marawi-city/>

Building just and lasting peace starts from the grassroots

Under the TFBM, the AFP is part of subcommittees on peace and order; on reconstruction; and as well as on land resource management. These concretise the Oplan Kapayapaan discourse on “development support” roles of the AFP, borrowed from the US “development-security” approach in counter-terror. However, the clamour of grassroots organisations indicate that “development support” has led to rights violations and the exclusion of those most affected.

Groups such as the Ranaw Multi-sectoral Movement, made up of internally displaced Marawi residents, have decried proposals for an ecozone and a military camp within Marawi City and belied government claims of inclusivity under the plans of Task Force Bangon Marawi. “One thing is clear: the people of Marawi are largely left out,” they said in a statement. They added: “Those who came to present the plan dismissed our comments, recommendations, and protestations as though we knew nothing and have no business getting involved in rebuilding our very own city.”⁵⁰

They held a protest march to “ground zero” in late March 2018 to assert their demands to return home.⁵¹ Tindeg Ranao (“rise up, Ranao”), also made up of displaced Meranao people, held an earlier protest in March 2018 in Marawi city against the planned military camp and called for the end of Martial Law. Under military rule, they said, there have been cases of rights violations and even infringements on Moro practices such as disruptions of traditional Friday congregation prayer.⁵²

For Jerome Aba of Suara Bangsamoro, both the Philippine and US governments should be held responsible. “The US government and Duterte’s incessant accusation against the Moro people as harboring terrorists gave a go-signal for the military and the police to openly attack Moro civilians and communities,” he said.⁵³

In commemoration of the first year of the Marawi siege, Tindeg Ranao continued the calls to end Martial Law and their return to the most affected

50 <http://davaotoday.com/main/stand-point/statement-listen-to-the-cry-of-the-meranaw/>

51 <http://davaotoday.com/main/human-rights/displaced-marano-folks-want-to-return-to-marawi-for-good-not-just-visit-their-homes/>

52 <http://davaotoday.com/main/human-rights/marawi-evacuees-protest-vs-military-camp-continuing-rights-violations/>

53 <http://bulatlat.com/main/2017/10/26/moro-group-ph-us-govts-accountable-rights-abuses-marawi/>

areas of the city.⁵⁴ For the group, current rehabilitation plans for Marawi “will only bring sustained and massive displacement of the Meranao people, and the exploitation of our resources.” They said that “the government has offered Marawi to foreign capitalists such as US and China.”⁵⁵

Related to these concerns and the government’s so-called “terrorist hysteria,” the Rural Missionaries of the Philippines-Northern Mindanao Region (RMP-NMR) raised in a report the need to end government tagging of groups of indigenous peoples and other marginalised as “terrorists” just because they do not consent to economic models based on corporate plunder.⁵⁶ As such, RMP recommended that the government conduct “immediate, thorough and impartial investigation” on cases of rights violations.

Moreover, the RMP-NMR report also called for respect towards development that is “according to the ways of life and self-determination” of Moro and indigenous communities. Indeed, there is a need to affirm that people’s development should be led by active assertions of people’s organisations to claim their rights.

Instead of terror-tagging the CPP, the report encouraged the resumption of peace negotiations with the NDF, especially since “both parties — before the termination of the talks — had already crafted the draft agreement on socio-economic reforms.” According to the same report, these socio-economic reforms could have “address[ed] the root cause of poverty, underdevelopment and armed conflict in Mindanao and the rest of the country.”⁵⁷

All these point to peace based on social justice – a notable alternative to both the AFP rhetoric of “internal stability before development” and US strategy of using “development” for counter-terror, both of which have come at immense costs.

54 <http://www.mindanews.com/photo-of-the-day/2018/05/stop-martial-law/>

55 <https://www.sunstar.com.ph/article/1746044>

56 <http://www.rmp-nmr.org/sites/default/files/downloads/The%20Red%20Hunt.pdf>

57 *ibid*

USING THE “MORO TERRORIST” HYSTERIA TO JUSTIFY NATIONWIDE MARTIAL RULE

Amirah Ali Lidasan, Moro-Christian Peoples Alliance

The campaign to crush terrorists and extremists in the Philippines has been conveniently used by the Philippine government to justify every president’s unrelenting issuance of repressive measures and implementation of counter-insurgency operations.

The US-led “war on terror” running for already two decades now has led to several cases of human rights violations: massive arrests of innocent civilians paraded as terrorists, physical and mental torture, forcible signing of documents alleging those arrested as terrorists and institutionalized discrimination against Muslims in general and Moro people in particular.

In the near future, with the implementation of the Philippine Identification System Act, a law signed by President Rodrigo Duterte together with the Bangsamoro Organic Law (BOL) on August 6, and the amended Human Security Act (called Prevention of Terrorism Act of 2018), practically all Moro men and women tagged as terrorists are facing the risks of illegal arrest and detention.

The Moro people always bear the brunt of Philippine government’s all-out wars and large-scale military operations under the guise of catching terrorists purportedly to suppress rebellion and secession.

On May 23, 2017, President Rodrigo Duterte declared Martial Law in Mindanao (Proclamation 216) in response to the siege of Marawi City by Moro men who identified themselves as Dawlah Islamiya or more popularly known as the Maute group who were aided by the Abu Sayaff group led by

Isnilon Hapilon, a self-declared leader of the ISIS in Southeast Asia with a US\$5 million bounty put up by the US State Department.

The whole Marawi City was placed under military rule and under lockdown. Around 17,494 military checkpoints were set-up and curfew was imposed in 129 cities of Mindanao.¹ Davao City also declared a lockdown and raided Moro communities with at least 125 residents, mostly youth without IDs were arrested.

On May 26, the Armed Forces of the Philippines (AFP) conducted aerial assaults and bombardment at areas believed to be rebel positions including civilian houses, schools and mosques. During the Marawi Siege, 12,186 AFP troops were deployed to Marawi City, with an undeclared number of US and Australian soldiers with their spy planes and arsenal.

The military airstrikes assisted by US soldiers, which lasted for five months, prompted the evacuation of more than 400,000 individuals and several civilians were killed. According to the Internally Displaced People (IDP) Assessment Report of the United Nations High Commissioner for Refugees (UNHCR), the number of IDPs reached 359,680 individuals by July 22 alone, with 94% of the IDPs staying with host families in nine (9) regions, and approximately 21,000 individuals sought shelter in 78 evacuation centers in Lanao del Sur, Lanao del Norte and cities of Marawi, Iligan and Cagayan de Oro.

Amnesty International said that the military air strikes killed non-combatants, and may have been used in excess during the five-month operations, and called for an investigation on the reported violations. The Philippine government reports at least 1,200 killed during the five months of battle including civilians and more than 100 individuals are missing.²

Human rights violations and abuses by the military and police documented in two National Interfaith Humanitarian Missions conducted on June 13-16 and July 26-28 last year in Lanao del Sur, Marawi and Iligan City included extrajudicial killings, indiscriminate arrest, destruction of properties due to aerial bombardment and burning of houses, divestment

1 Philstar Global. (2017, May 26). *Davao City rounds up at least 250 for having no ID*. Retrieved from <https://beta.philstar.com/nation/2017/05/26/1703803/davao-city-rounds-least-250-having-no-id>. Accessed on 10 August 2018

2 Baron, Laignee. (2018, May 23). *One Year After the Deadly Siege, Thousands of Filipinos Remain Displaced From Marawi*. Retrieved from <http://time.com/5288210/one-year-marawi-siege-displacement/>. Accessed on 10 August 2018.

of properties or looting, violation of domicile, use of civilian facilities for military purposes, threat, harassment, intimidation, and death in evacuation centers.

The AFP released two general arrest orders with a list of 186 individuals believed to be belonging to Moro armed groups behind the attack in Marawi City, namely the Abu Sayyaf, Maute group, Bangsamoro Islamic Freedom Fighters (BIFF), Maguid group and a vague category of “known as perpetrators/supporters/couriers.”³ This prompted a series of arrests of individuals with Maute surnames, relatives or families affiliated through blood and marriage ties, as well as a host of innocent individuals apprehended at checkpoints and in various evacuation centers.

Moro civil society groups also issued reports of civilians being tortured by the military and police during interrogation, forcing some of them to admit they are terrorists. Some were made to strip their clothes at the military checkpoint and inside evacuation centers during search operations.⁴ During the first few days of their evacuation from the Islamic City of Marawi, Meranao women were also subjected to sexual harassment by some elements of the military following President Duterte’s jokes on rape as he rallied his soldiers to battle the Maute group.⁵

According to Mindanao rights group Barug Katungod, at least 75% of the combat forces of the Philippines were deployed in Mindanao (Eastern and Western Commands) during the declaration of Martial Law – that translates to 71 AFP battalions with 21 Army battalions and 5 marine battalions deployed mostly to the Moro and Lumad areas.⁶

Outside of Marawi City, the AFP conducted aerial bombardment in known Moro and Lumad areas such as the provinces of North Cotabato, Bukidnon, Compostela Valley, Agusan del Sur, Maguindanao, South Cotabato and Sultan Kudarat, which resulted to forcible evacuation of

3 ABS-CBN News. (2017, June 9). *DND chief orders arrest of Abu Sayyaf, Maute, BIFF members, spies*.

Retrieved from <http://news.abs-cbn.com/news/06/09/17/dnd-chief-orders-arrest-of-abu-sayyaf-maute-bi-members-spies>. Accessed 12 October 2017

4 Tan, Lara. (2017, July 22). “*Maranao turns emotional as she cites human rights violations in Marawi*.” Retrieved from <http://cnnphilippines.com/news/2017/07/22/Martial-law-Mindanao-Marawi-human-rights-violations.html>. Accessed 10 August 2017.

5 Esguerra, Christian. (2017, June 22). *Mission ends Marawi women scared of rape by soldiers; military questions report*. Retrieved from <http://news.abs-cbn.com/focus/06/22/17/mission-ends-marawi-women-scared-of-rape-by-soldiers-military-questions-report>. Accessed 10 August 2018

6 Manilakbayan ng Mindanao. (2017, December 10). Statement on the 69th International Human Rights Day. Retrieved from <https://www.facebook.com/Manilakbayan.mindanao/posts/statement-on-the-69th-international/946701795492462/>

hundreds of individuals.⁷ President Duterte also threatened to bomb Lumad schools, which he tagged as schools of the New People's Army (NPA). Activists and leaders of Lumad and farmers' organizations were also arrested on trumped-up charges or killed.

Despite several reports of human rights violations, the extension of Martial Law declaration was twice approved by the Senate and House of Representatives on July 22 (for another four months) and on December 13, 2017 (for a whole year). On December 5, the Supreme Court also upheld its ruling in favor of President Duterte's Martial Law declaration.

Since then, airstrikes and mortar shelling have barefacedly become the norm in military operations in Moro area. The recent airstrikes against the Bangsamoro Islamic Freedom Fighters, a breakaway group from the Moro Islamic Liberation Front (MILF), in Liguasan Marsh (a MILF-influenced area in the boundaries of North Cotabato, Maguindanao and Sultan Kudarat provinces) during the fasting month of Ramadan resulted to the forcible evacuation of more than 20,000 families.

A year after the bombing of Marawi City into destruction, at least 230,000 individuals are still displaced with 65,000 residents barred from going back to what was called the "ground zero" in Marawi City.⁸ Residents of 24 villages were not only barred to go back to rebuilt their houses, they were also not included in the rehabilitation efforts which was led by the Task Force Bangon Marawi (TFBM) that prioritized a new military camp and an economic zone or infrastructures for commercial purposes.⁹

A year after the declaration of Martial Law in Mindanao, human rights group Karapatan documented at least 46 victims of extrajudicial killings in Mindanao; 22 cases of torture; 112 victims of frustrated extrajudicial killings; 71 victims of illegal arrest and detention; 336,123 victims of indiscriminate gunfire and aerial bombings.¹⁰ Many of the victims were indigenous

7 Lumibao, Ruth. (2017, December 20). *Rights abuses on the rise after Mindanao martial law extension*. Retrieved from <http://bulatlat.com/main/2017/12/20/rights-abuses-rise-mindanao-martial-law-extension/>. Accessed on 10 August 2018.

8 Baron, Laignee. (2018, May 23). *One Year After the Deadly Siege, Thousands of Filipinos Remain Displaced From Marawi*. Retrieved from <http://time.com/5288210/one-year-marawi-siege-displacement/>. Accessed on 10 August 2018.

9 Bondoc, Marly Rom. 2018, March 30. *Maranaos appeal to Duterte: Stop proposed ecozone, military camp in Marawi*. Retrieved from <http://www.gmanetwork.com/news/news/nation/648331/maranaos-appeal-to-duterte-stop-proposed-ecozone-military-camp-in-marawi/story/>. Accessed on 10 August 2018.

10 Bagong Alyansang Makabayan. (May 23, 2018). *Martial Law in Mindanao: Year One*. Retrieved from <https://medium.com/paninindigan/martial-law-in-mindanao-year-one-d3be1e282657>. Accessed on 10 August 2018.

peoples and members of local peasant organizations, targeted for their local campaigns for genuine agrarian reform and against militarization.

The declaration of Martial Law in Mindanao also set a precedent to sign into law repressive measures such as the Philippine Identification System Act that if implemented could put every Filipino in danger of manipulation of personal information as well as vulnerable to abuses such as filing of trumped-up charges. President Duterte's Congress also amended the Human Security Act (called Prevention of Terrorism Act of 2018), which could practically tag all individuals, organizations, and even humanitarian actions as acts of terrorism.

Historical Injustice to the Moro people

The Moro people are the 13 Islamized ethnolinguistic groups of Mindanao, Sulu and Palawan – namely Maguindanaoan, Tausug, Meranao, Iranon, Sama, Yakan, Kalagan, Sangir, Molboganon, Palawanis, Jama Mapun, Kalbogon, and Badjao – who were known historically as the first nation to have reached a feudal monarchy – the Sultanate, and waged resistance against colonization.

Under the US colonial government, land ownership and registration were systematized, led to the institutional land grabbing of Moro lands and offered to large US agricultural companies and Christian Filipino settlers.¹¹ Moro people were categorized with other national minorities as second-class citizens, limiting their ownership of land. The Bureau of Non-Christian Tribes was created, discrimination further institutionalized and landgrabbing and repression justified.

Like the rest of the indigenous people in the country, their assertion of their inalienable right to ancestral land and self-determination gave rise to Moro consciousness and political movements including the Moro National Liberation Front (MNLF) and later the Moro Islamic Liberation Front (MILF) with the aim of establishing an independent Moro Nation or the Bangsa Moro.

However, as these movements have forged a peace deal with the Philippine government, the aspirations of the right to self-determination

11 Kamlian, Jamail A. (2012, October 20). *Who are the Moro people?* Retrieved from <http://opinion.inquirer.net/39098/who-are-the-moro-people>. Accessed on 08 August 2018.

was limited to establishing a regional autonomy, the only allowed form of self-governance in the Philippine Constitution. The aim of the MNLF's Final Peace Agreement and the MILF's Comprehensive Agreement on Bangsamoro (CAB) was to create laws that would enhance the existing Autonomous Region in Muslim Mindanao (ARMM), a product of the 1987 Philippine Constitution and which the former President BS Aquino described as a "failed experiment" to resolve the conflict with the Moro people.¹²

BOL: Duterte's deceptive peace

The Moro people, especially the Meranao people who were victims of aerial bombardment in last year's Martial Law in Mindanao, also doubt President Duterte's offer of peace. The Bangsamoro Organic Law (BOL) or House Bill 11054 otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (OLBARMM) was heavily promoted by the government as the final solution to the conflict in Mindanao.

BOL is the latest law that will define the form of regional autonomy for the Moro people in Mindanao. It will revise RA6734 or the law that created the ARMM and RA9054, the law that amended the ARMM law to incorporate the 1996 Final Peace Agreement between the Government of the Philippines and the MNLF.

The BOL will pave the way for the creation of the new Bangsamoro political entity, Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) which Senator Miguel Zubiri, one of the authors of the law, referred to as "ARMM plus," meaning a supposedly 10-fold improved ARMM in terms of self-governance, self-determination such as giving the BARMM a block grant and fiscal autonomy. Unlike the ARMM, BARMM does not have to ask Congress for its budget but instead will receive an automatic appropriation of at least five percent annually.

The BARMM is also the only political entity that will take a parliamentary form of government and will implement Shariah laws through its local

12 Legaspi, Amita O. (2011, February 15). *Palace calls ARMM a 'failed experiment'*. Retrieved from <http://www.gmanetwork.com/news/news/nation/213067/palace-calls-armm-a-failed-experiment/story/>. Accessed on 8 August 2018.

courts though applicable only to civil and family lawsuits – matters which are already in the current set-up in the ARMM.

However, most of the Moro people are not that jubilant with the signing because they felt the BOL is another watered-down version of the Comprehensive Agreement on the Bangsamoro (CAB). Moreover, we should take into consideration that the Philippine government’s framework for peace negotiation is within the concept of disarmament, demobilization and reintegration/rehabilitation (DDRR) renamed during the process of the GRP-MILF peace negotiations into “normalization” and aimed at transforming MILF combatants into civilians by decommissioning their firearms.

Step by step, the MILF is being stripped of its capacity to defend the Bangsamoro communities from military operations, starting from a prolonged ceasefire to surrendering their firearms – essentially rendering futile their armed struggle for self-determination that has been waged for decades. They will soon be trained as the military and police force of the region and part of the security personnel of the Philippine government through joint normalization teams that seek to suppress possible reaction and rebellion, which are categorized as acts of terrorism, in anticipation of the Moro people’s discontent with the peace deal.

With the government retaining the state of emergency, and lawlessness and lawless violence still prevailing in Mindanao, members of the MNLF and MILF – the government’s partner for two peace agreements – find themselves among the victims of illegal arrests and detention as they are falsely accused as terrorists and charged with rebellion and common crimes.

The Moro people’s fight for justice and self-determination continues

The Moro people remain poor, landless and homeless. In the name of “national development,” and through incessant military assaults, terrorist hysteria and Islamophobia, the Duterte government, as in previous governments, has railroaded the rights of the Moro people to their ancestral domain and territories and openly sold to foreign corporations the resources in these areas. Mineral-rich bodies of water, vast plantation lands, and areas having oil and natural gas reserves and even the former MILF camps were

grabbed by Chinese, Malaysian and American corporations and turned into fruit and palm plantations. Diaspora and ethnocide have ensued.

The Moro people's struggle for the right to self-determination is their defense against these assaults. However, the struggle for the right to self-determination should not be confined to governance alone – the very important lesson learned with the creation of the “failed experiment” of the ARMM which was used to facilitate the wholesale selling of Moro lands and enriched its leaders through concessions and commissions.

The process in which the MILF proceeded with the struggle for the right to self-determination is clearly disadvantageous for the Moro people and concocted by the government as a rather deceptive tool to undermine the Moro people's resistance. The Philippine Constitution only allows the formation of a regional autonomy, hence all formulations of the right to self-determination will be considered unconstitutional. The bicameral committee even removed those words in the BOL-BARMM and stressed the need for territorial integrity and sovereignty.

Until the root causes of the conflict is resolved, peace in the Bangsamoro is a far-fetched thing. The Moro people continue to fight for their rights because these are not recognized in Philippine governance as with the rest of the marginalized people.

The Moro Resistance and Liberation Organization (MRLO) and its allied organization, the National Democratic Front of the Philippines (NDFP), call on the Moro people to continue the fight for the right to self-determination through armed resistance as the only defense against the intensifying attacks on their economic and political rights and the government's rising tyranny against its people.

UNMASKING DUTERTE'S MARTIAL LAW IN MINDANAO

Ivan Enrile, Asia Pacific Research Network

It has been a year since the Marawi Crisis, and President Rodrigo Duterte's government claimed success in curbing the threat of a motley crew of Islamic fundamentalists that ran amok in the capital of Lanao del Sur. And yet, Martial Law remains in place in the entire southern Philippines, and the target has now shifted to the communist rebels.

The extension of Martial Law in Mindanao is seen by many as a prologue to nationwide military rule, with Duterte setting the legal precedence that will allow the state to conveniently conjure a communist rebellion for a perpetual martial law and perpetual violation of human rights.

Was Martial Law in Mindanao a sly move all along for Duterte to train its gun at its real target?

Setting the house on fire to get rid of the mice

On May 23, 2017, Philippine government security forces in a hot pursuit operation against former Abu Sayaf chief Isnilon Hapilon engaged a motley crew of militants of Dawlah Islamiya (Maute Group) in a gunbattle in Marawi City, Lanao del Sur. The crisis that ensued from a botched operation escalated to Maute Group overrunning the city, destroying homes of civilians and killing residents, burning down places of worship and the city jail, and holding hospital patients hostage.

President Duterte, then on a state visit in Moscow to request a soft loan to purchase modern weapons to fight fundamentalist groups supposedly linked

with the Islamic State of Iraq and Syria, issued Presidential Proclamation Number 216 placing the whole Mindanao island under Martial Law, and suspended the writ of habeas corpus.

Duterte's instructions were clear: "I am not ordering you to take an ordinary police action. I am ordering you to crush our enemy. When I say crush them, you have to destroy everything, including lives."

Around 4,000 armed troops from the Philippine Army, Marines, Air Force, and Special Action Force of the Philippine National Police were deployed against Maute Group (whose numbers varied from 20 at the least and 500 at the most, depending on the narrative). Armored personnel carriers, 30 helicopters and planes were used in bombing raids.

In a month's span, the conflict displaced around 400,000 people, including all of the city's residents and adjacent municipalities. Around 95% of these internally displaced persons (IDPs) took shelter with family and friends, while around five percent sought refuge at 79 evacuation centres in Lanao del Sur, Lanao del Norte, and Misamis Oriental provinces of Mindanao.

Such arrangements created difficulties in tracking IDPs and for providing immediate relief and psychosocial help to families since the Philippine social welfare department only reached out to the five percent housed in evacuation centers. This created an oversupply of relief in evacuation centers, even as majority of victims in home-based evacuation areas were in dire need of assistance. It did not help that the AFP on a number of occasions prevented humanitarian actors from conducting relief missions among evacuees.

The city's commercial center as well as residential area in the trading center have been destroyed and virtually all buildings flattened to the ground owing to artillery fires, air strikes, and surgical bombings by the AFP.

On October 17, 2017, the government announced Marawi City's "liberation" and on October 23, declared an end to the fighting. According to official government data, at least 920 militants, 165 soldiers, and 47 civilians were killed. However, human rights and media organizations fear that actual casualties from among civilians could be significantly higher than official count.

The lack of access to basic resources and dilapidated condition of evacuation centers caused ill effects to the lives and safety of the IDPs. From May to July 2017, local health officials of Marawi noted that at least 32 people died in evacuation centers because of diarrhea, severe dehydration, pneumonia and stroke, while at least 40,000 evacuees got sick.

A one-year old girl died at the evacuation center in Pantao Raya days after they evacuated from Bgy. Raya Saduc in Marawi City. After five days of getting sick, she was brought to the health center and was given some hydration solution. The medical personnel at the health center recommended that the child be brought to Iligan City because of continuing dehydration, but they were not allowed to leave the area because they did not have IDs. The child soon expired without receiving proper treatment.

A pregnant housewife from Bgy. Lilod Tulali in Marawi City gave birth prematurely during evacuation. Along with her family, she walked from their home towards the municipality of Kapai in Lanao del Sur. They also walked through the mountains just to reach an evacuation center in Bgy. Bobong, Saguiaran municipality where she gave birth prematurely due to stress. Though the child survived for more than a month, he eventually died after several emergency visits to the doctor. The doctor said that the baby had weak resistance and had an infection due to exposure in the evacuation center.

Kalinaw Mindanao, *The Long Road to Justice: Report of the International Interfaith Humanitarian Mission 3.0* (2017).

Operation Pacific Eagle: Philippines

Following the Marawi Crisis, and within the period of the imposition of Martial Law in Mindanao, in September 2017, the United States Secretary of Defense designated the Operation Pacific Eagle: Philippines as a contingency operation to support the Philippine government and military's terror war. This is the first named-operation since 2002 to supposedly counter terrorist groups in Mindanao. The OPE-P is an open-ended operation for US troop deployment and direct combat involvement in Mindanao, and the provision of technical and logistical support to the AFP.

Curiously, despite tensions in Philippine-US relations owing to Duterte's new alliance with China and Russia, the US remained in active circulation in the Philippine security sector and has played a vital role in AFP's operation in Marawi. US technicians lent the AFP unmanned drones and the US Navy P3 Orion surveillance plane to guide the Air Force bombers for so-called surgical strikes. It proved to be strategic for the US to seize the moment just in time when Duterte's new allies in China and Russia have yet to plant their war boots on Philippine soil.

The next target

Notwithstanding successfully crushing the Maute Group and rebuffing its advances, Duterte has refused to heed calls to lift Martial Law in Mindanao and instead sought Congressional approval for its extension until the end of 2018. He also intimated expanding Martial Law to Visayas and Luzon as a preemptive measure against the spread of the influence of the ISIS-inspired group.

In his surprise visit to government troops in Marawi City on July 20, 2017, Duterte revealed that the next target of the extended Martial Law was the armed wing of the Communist Party of the Philippines (CPP), the New People's Army, which has been gaining strong foothold in the region.

Upon assuming power, the president from Mindanao prioritised pursuing peace with the National Democratic Front of the Philippines, the negotiating arm of the CPP. Peace talks between the CPP-NPA-NDFP quickly collapsed amid renewed armed hostilities between the rebels and government soldiers.

Duterte dropped the peace effort in 2017 and branded the CPP-NPA-NDFP as "terrorist organisations", a punitive upgrade from their previous classification as "illegal organisations." The Marawi Crisis gave the regime a pretext to ratchet up the harassment campaign against the country's leftists, using Martial Law as his legal cover.

In fact, the wanton targeting of members and leaders of peoples' organizations in Mindanao had been happening even before the declaration of Martial Law. The human rights organization Karapatan documented cases of killings of civilians considered "enemies of the state" (*see box on next page*).

Days before the first year of the declaration of Martial Law in Mindanao on May 23, 2018, Karapatan received reports on the killing of an industrial worker of a banana plantation and the arbitrary arrest of a trade union organizer, both in the Southern Mindanao region.

Bayan Muna member Ariel Maquiran, 33, an industrial worker of the Continental farm in Panabo City, Davao del Norte was shot dead by suspected agents of 16th Infantry Battalion-Philippine Army on May 17, 2018. According to initial reports received by Karapatan Southern Mindanao, Maquiran was driving his motorcycle on his way home to Brgy. Maduaw, Panabo City at around 9:30 a.m. of May 17, after his morning shift in the plantation when a man onboard a motorcycle followed and shot him multiple times.

On May 21, at 7 p.m., Kilusang Mayo Uno organizer Daniel Remeticado was arbitrarily arrested by elements of the 71st Infantry Battalion-Philippine Army while inside his house. He was brought to the military camp in Nueva Visayas, Mawab, Compostela Valley.

Karapatan, Mindanao Under Martial Law, A Year of State Terror (2018).

Since May 23, 2017, Karapatan documented at least 49 victims of extrajudicial killings in Mindanao, with an average of one victim killed every week. Karapatan also documented 22 cases of torture; 116 victims of frustrated extrajudicial killings; 89 victims of illegal arrest and detention; 336,124 victims of indiscriminate gunfire and aerial bombings; and 404,654 victims of forced evacuation.

Most of the victims are indigenous peoples and members of local peasant organizations targeted for their local campaigns for genuine agrarian reform and against militarization.

On July 16, 2018, after more than a month of military presence in several Lumad communities in Surigao del Sur, Caraga, around 1,607 individuals from 15 communities evacuated out of their ancestral lands. Karapatan Caraga reports that around 100 soldiers have been encamping in several areas in Brgy. Diatagon, Lianga, Surigao del Sur.

Residents were forced to evacuate after a series of abuses perpetrated by the 75th Infantry Battalion, including sexual harassment against women and children. Community leaders were also threatened with imprisonment

and trumped-up charges. Teachers and students in the Lumad schools in the area were also constrained from continuing with their classes. Evacuees include 568 students and 48 teachers from the said schools.

Red-tagging of Lumad has also worsened. The attacks against Lumad reached its height in 2015 when Sitio Han-Ayan in Barangay Diatagon was raided by the paramilitary group Magahat-Bagani, killing Lumad alternative school director Emerito Samarca, and Manobo leaders Dionel Campos and Juvello Sinzo. The attack prompted the year-long exodus of residents from their homes.

In the first year of the Duterte administration, especially since the President declared Martial Law in Mindanao, the red-tagging had gotten worse. Cases of trafficking and child abuse were filed against Lumad schools' teachers, claims denied by Lumad students themselves. One Lumad said in an interview that residents were being asked for IDs at military checkpoints, evacuees were taken photos of everytime they came down from the evacuation site, and donations to evacuees were blocked by the military because they said they were given by the NPA.

In February 2018, the government filed a petition seeking to declare around 600 personalities as associates of the CPP-NPA-NDFP. Included in the proscription list are at least 10 Lumad datu from Northern and Southern Mindanao.

To the victor go the spoils

The declaration of Martial Law and its extension have been welcomed by domestic and foreign business interests, including international financial institutions. Like hungry vultures circling over their dead prey, they salivate over the multibillion contracts for the rehabilitation of Marawi's ground zero and a period of industrial peace for business at the price of human rights violations and impunity.

The Philippine Chamber of Commerce, Management Association of the Philippines, and the Makati Business Club agreed that the declaration and its extension will create a favorable environment for business to thrive. Indeed, the Mindanao Business Council attributed to Martial Law the boom in investments in construction, agriculture, and real estate in the region.

Similar views were echoed by the Canadian Chamber of Commerce of the Philippines Incorporated (CanCham).

"Foreign investors like and look for peace and order, security, and stability in a country in which they invest as this generally reduces the risk of the unexpected," said Julian Payn, CanCham president.

Indeed Martial Law in Mindanao has given investors some comfort and allowed them to operate with disregard for the negative social and environmental consequences of their business. For instance, the Canadian mining company TVI Resources Development has been under fire for conducting a mining operation that resulted in the displacement of indigenous peoples. Within its area of operation nearly 100 extrajudicial killings have been recorded.

On June 2, 2017, armed elements of the 66th Infantry Battalion-Philippine Army, Philippine National Police, and company guards violently dispersed twelve striking workers of the Shin Sun Tropical Fruits Inc. in Compostela Valley. Workers, led by their union Shin Sun Workers Union (SSWU), an affiliate of National Federation Labor Union - Kilusang Mayo Uno (NAFLU-KMU), launched a strike last April 2017 over the illegal dismissal of 53 workers and to demand the regularization of 287 agency-hired workers of the manpower agency ECQ Human Resources Corp.

The expansion of agri-business in the island was directly proportional to the rising repression of agricultural workers' union and killing of peasant and Lumad leaders under Martial Law. Such was the case of the intensified militarization of Compostela Valley and the trade union repression of banana workers of Sumifru. In December 2017, Sumifru management collaborated with state forces in red-tagging, harassing, and forcing members of the trade union in Sumifru to surrender as NPA rebels. In the same period, in Lake Sebu in Cotabato, the military massacred eight T-boli-Dulangan Manobo who were resisting the land grabbing of their ancestral lands by a Consunji coffee company.

Duterte's pronouncement in February 2018 to find investors for Lumad's lands and allocate PhP 100 million to fund agricultural development in Lumad areas reveals the other sinister dimension of Martial Law in Mindanao.

International financial institutions were quick to latch on to Duterte's promise, pushing their public-private partnership (PPP) agenda for the

rehabilitation of the battle-scarred city. Currently in the pipeline is Asian Development Bank's Expanding Private Participation in Infrastructure Program which seeks to strengthen the country's PPP policy to increase investments in infrastructure, particularly by the private sector.

The Marawi rehabilitation program is increasingly becoming a hotbed of corruption, with Duterte's cronies sitting at the bids and awards committee that will approve the P17 to 20 billion rehabilitation project by a consortium of five Chinese and three Filipino companies. The catch is that the two firms tapped for the rehab, China State Construction Engineering Corp. and China Geo-Engineering Corp. have been blacklisted by World Bank for their record of rigging projects.

A prologue to full scale tyranny?

As his credibility erodes and his popularity sinks, Duterte increasingly unleashes in full scale his real tyrannical nature to secure power. The threat of a nationwide Martial Law is being surfaced no less than by Duterte himself.

Like Oplan Tokhang, Duterte's notorious anti-drug war, the ordinary civilians are the ones paying a hefty price for the Martial Law in Mindanao. Using his trademark tack and populist braggadocio, he has fed on the public's fear and crafted a scapegoat to distract the public from seeing through the real motives and targets of his brutal war.

ON THE ATTACKS AGAINST RIGHTS DEFENDERS

*Paul Belisario, International Indigenous Peoples Movement
for Self-Determination and Liberation*

In an article published last May 2018 by Andrew Gilmour, UN assistant secretary-general for human rights, the Philippines is highlighted as one of the countries with alarming record of attacks against human rights defenders and civil society workers. The trend, symptomatic of a disturbing phenomenon in Asia, seems to give the world a peek on the bloody tip of a larger human rights conundrum.

One of the many manifestations of this incessant targeting of human rights defenders in the Philippines, according to Gilmour, is the labelling of hundreds of Filipino participants in the peace process and environmental activists as “terrorists” last February 2018. The list includes UN independent expert on the rights of indigenous peoples – Victoria Tauli-Corpuz. This terrorist tagging came a few months after Philippine President Rodrigo Duterte vilified and threatened UN independent expert on extra-judicial killings Agnes Callamard, saying he will slap and throw her to be fed to the crocodiles.

Thus, questions are raised by Gilmour: “If governments in the region can target high profile human rights defenders and those associated with the UN with impunity, what is the message to others at community level who are not afforded the same visibility?”¹

1 <https://www.theguardian.com/commentisfree/2018/may/18/imprisoned-threatened-silenced-human-rights-workers-across-asia-are-in-danger>

Impunity Accelerates Killings

The picture on the ground and in communities depicts a dire situation for Filipino rights defenders, plummeting from bad to worst since President Duterte's term. A report from UK-based Global Witness this July 2018 shows that 48 land and environmental defenders were killed in the Philippines in 2017, second to Brazil (57 murders) in a survey of 22 countries.

Karapatan, a Philippine human rights group, corroborates that the number of deaths could be higher. Karapatan documented² 63 killings of land and environmental activists in 2017, more than double than in 2016. The escalating number of murders is caused by “a president who is brazenly anti-human rights, the militarization of communities, and the failure of government bodies to provide protection for at-risk activists,” according to Global Witness.

The peasant and Indigenous Peoples (IPs) sectors, their advocates and rights defenders receive the strongest blows in numbers of killings, according to Karapatan's monitoring. “Right now, the Philippines is set to break that already high record. There had been 21 farmers killed... and we haven't even reached the half of the year. What's alarming is the rate it's accelerating – seven farmers were murdered just this [July] month alone,” exclaimed Zenaida Soriano, Asian Peasant Coalition vice chairperson and national chairperson of Amihan, a rural women's organization in the Philippines.³

From July 2016 to March 2018, Karapatan documented 123 peasants and 37 IPs killed, mostly community leaders, head of people's organizations or members of progressive formations in the provinces.

But the killings of rights defenders indiscriminately target all sectors and peoples organizations, multifacetedly endangering the lives and rights of those vocal on its criticisms against the anti-people policies of the government or big businesses and corporations violating human rights. Several rights defenders have to face criminal cases and trumped-up charges, harassments, and intimidations from the government, its military and police forces, or paramilitary and hired gunmen. Here, we will try to zoom into the forms of attacks rights defenders and activist leaders face. More importantly, what must be underscored is how the government and big corporations, elites

2 <http://www.interaksyon.com/philippines-asia-deadliest-country-land-activists-rights-groups/>

3 <http://foodsov.org/philippines-colombia-and-brazil-remain-the-most-dangerous-places-for-farmers-and-land-reform-advocates/>

Victims of Extrajudicial Killing and Enforced Disappearances under the Rodrigo Duterte Government (By Sector, July 2016 to March 2018)

Sector	Extrajudicial Killing	Enforced Disappearances
Church	5	
Entrepreneur	1	
Environmentalist	11	
Fisherfolk	2	
Government Employee	9	
Indigenous People	37	2
Minor	4	1
Peasant	123	2
Human Rights Workers	5	
Worker	8	
Youth and Student	5	
Cultural Worker	1	
Moro	12	1
Transport	2	

Source: Karapatan

and landlords collude in using legal and extralegal powers to suppress mass movements and their democratic demands, how the current government's policies, laws and armed forces tilt the favor against the peoples towards big corporations, and how foreign political and economic superpowers intervene directly or behind local apparatuses in trampling peoples' rights.

Militarist Solutions

In broad daylight of August 8, 2018, a gunman fired multiple headshots on **Butch Rosales**, 42, while inside a public transport commuting from Mandaue City to Punta Engaño, Lapu-Lapu City.⁴ After the shooting, the gunman took off on a getaway motorcycle driven by his accomplice. Rosales is a rights defender from Rise Up for Life (Rise Up), a network of campaigners in defense of life and protection of human rights against extrajudicial killings related to the government's "war on drugs."

4 <https://www.ucanews.com/news/human-rights-volunteer-killed-in-central-philippines/83046>

In 2009, Rosales, then working for the Center for Trade Union and Human Rights had already experienced heavy surveillance from suspected military operatives while organizing workers against the massive retrenchment in Mactan Export Processing Zone (MEPZ) industrial centre.⁵ MEPZ is a major government export processing zone project integrating the Philippines to the “global supply chain” of production. Export processing zones attract foreign investors with the Philippines’ natural resources, cheap labor, or logistical advantages (i.e., tax exemptions, minimal customs regulations) further exposing the import-dependent and export-oriented character of the local economy.

The method of Rosales’ murder is similar to the reported killings of illegal drug-linked suspects under the government’s “war on drugs.” Since the government launched its drug war, the Philippine National Police (PNP) said more than 4,500 people have already been killed. Different rights groups believe the number could reach around 23,000 people killed, mostly coming from poor communities.

“Duterte’s war on drugs is a futile militarist solution to the problems of criminality and the illicit drugs trade. It does not address the socioeconomic causes of why poor communities turn to selling narcotics for petty cash. [I]t has also highlighted the double standard accorded to alleged drug peddlers – with the poor immediately met with bullets while the rich are provided the “benefit of the doubt” and the right to due process,” Karapatan said.

Farmers remain landless

In the first half of 2018, the peasant movement in the Philippines experienced several losses of its leaders. On June 27, **Julius Broce Barellano**, Chairperson of Hacienda Medina Farmworkers’ Association, associate of National Federation of Sugar Farmworkers (NFSW) in San Carlos City, Negros Occidental was shot by an unknown assailant onboard a motorcycle as he was about to enter his house. Barellano was shot in the chest and foot, rushed to the hospital, but did not survive.

Carolina Lana, leader of Samahang Magbubukid na Kababaihan sa Aurora, was gunned down by two unnamed men onboard a motorcycle, who stopped by their store in Brgy. Dianawan, Maria Aurora, Aurora Province on May 27. Near his house in Murcia, Negros Occidental, **Alexander**

5 <http://bulatlat.com/main/2009/10/23/labor-and-human-rights-center-in-cebu-under-surveillance/>

Ceballos, district area coordinator of the NFSW, was gunned down by two unnamed assailants last January 20.

Barellano led the struggle of NFSW in Hacienda Medina against the landgrabbing efforts of businessman Wellington Uy, who tried to eject them thrice. Through petitions of the farmworkers in local courts, the farmers were preventing Uy from fully occupying their land. Similarly, Ceballos worked with the cultivation of a 25-hectare area utilized to provide sustainable livelihood to an estimated 50 farm workers and their families. The extrajudicial killing of Ceballos was attributed to the Dela Cruz family, a political clan that has controlled the town of Salvador Benedicto for more than 20 years, and has allegedly committed many forms of harassment against leaders of NFSW. The Dela Cruz family is known to have direct ties to members of the Armed Forces of the Philippines (AFP) and has reportedly hired goons to harass the farmers.

As of July 2018, peasants killed rose to 142. According to Kilusang Magbubukid ng Pilipinas (Farmer's Movement of the Philippines, KMP), all these cases are related to land disputes, and perpetrated by the military, paramilitaries and police forces. Up to now, no one has been charged or punished despite the court charges and complaints filed in government bodies.

“Big landholdings and haciendas remain under the control of big landowners and oligarchs. Land grabbing and land-use conversion continue nationwide. Foreign mining companies and plantations are encroaching on our land and resources while farmers remain landless,” KMP Secretary-General Antonio Flores said.

KMP believes that the pronouncement of ‘aggressive land reform’ by the Duterte administration is a farce. Duterte’s directive to the Department of Agrarian Reform is to implement the distribution of reservations and lands occupied by state universities and colleges that remain idle. Worse, Certificate of Land Ownership Award or CLOA is given to farmers in poor and conflict-affected municipalities in exchange for their fake surrender as New Peoples Army (NPA) guerrillas or refraining from asserting legitimate issues.

Amidst continuous attacks, farmers strengthen their collective action to realize land reform through land occupation and collective cultivation

campaigns (*bungkalan*) as practiced in several areas in Southern and Central Luzon, and across the country.

Go ahead, flatten the hills

Suspected hired goons of the Sta. Clara and Ayala's Quadraver mini hydro project and Citizen Armed Force Geographical Unit (CAFGU) have been reported visiting the house of **Ricardo Mayumi**, indigenous peoples and environment group leader. During those times, ten members of the Ifugao Peoples Movement, including Mayumi, received death threats using the picture of the *gamong*, the Ifugao burial blanket suspected to be from the state security forces. On March 2, 2018 Mayumi was shot dead by at least two assassins.⁶

On May 27, **Beverly Geronimo**, an anti-mining leader of Tabing Guangan Farmers Association, was shot dead at around 12 noon when she, her daughter, and two of their relatives were on their way back home in Trento, Agusan del Sur. Two unnamed men in civilian clothes fired at them. Geronimo sustained seven gunshot wounds, one in the head, causing her immediate death. Her daughter and relatives survived. Geronimo was a member of the Parents Teachers Community Association (PTCA) of the Mindanao Interfaith Services Foundation Inc. (MISFI) Academy. She has previously experienced threats and harassment, from soldiers from the 25th, 66th, 67th, and 75th Infantry Battalions of the Philippine Army encamped in their community since 2009. Geronimo is an active campaigner against large-scale mining companies such as OZ Metals and Agusan Petroleum.

Peasant leader **Nestor Dagatan Sacote**, a Mandaya indigenous resident of Baganga, Davao Oriental was shot dead by suspected military agents under 67th Infantry Battalion-Philippine Army on June 10. Nestor was driving his motorcycle on his way home, when another motorcycle with men onboard followed and overtook him. Then, one of the assailants alighted from the motorcycle and shot Nestor multiple times, resulting to his immediate death. Nestor was an active member of Alyansa sa mga Mag-uuma sa Sidlakang Davao (Alliance of Farmers in Davao, ALMASID) and a staunch rights activist. He was a vocal critic of the military's operations and encampment in several Lumad and peasant villages in the province.

⁶ https://www.rappler.com/nation/197437-ifugao-environmental-activist-ricardo-mayumi-shot-dead?utm_source=facebook&utm_medium=social&utm_campaign=nation

According to the International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL), “the continuing harassment and killings of Indigenous rights leaders further expose the fascist nature of the state against Indigenous Peoples who fight to protect their ancestral lands from corporate plunder and environmental destruction. Only profit-driven interests benefit from the suffering and death of Indigenous communities.”⁷

On February 1, President Duterte said he would personally choose the investors who would develop their ancestral domains to spur economic activity in the mountains of Mindanao.⁸ This means opening ancestral lands to more energy, extractives, eco-tourism and plantation projects – driving away indigenous peoples. But the Lumad in Mindanao and Igorot of Cordillera have shown fervent struggles protecting ancestral domains. The government, however, has its tactics to push them away for good – from counterinsurgency campaigns in the mountains, all-out militarization, and legal collusion with investors. In March 2018, President Duterte personally urged the army to “Go ahead, flatten the hills.” In counterinsurgency operations, he said, “anything goes for now. If there’s collateral damage, too bad for them.”⁹

Bad script

After the Duterte government stalled the peace talks with the National Democratic Front of the Philippines (NDFP), on July 5, 2018 the Office of the Presidential Adviser on Peace Process (OPAPP) Secretary Jesus Dureza unilaterally set preconditions for continuing the peace negotiations: 1) the negotiations should be held in the Philippines; 2) no coalition government; 3) stop the collection of revolutionary tax; and 4) a ceasefire during which the NPA members should be encamped in designated areas.¹⁰

According to Satur Ocampo, these conditions put to waste all agreements since 1992, set in President Fidel V. Ramos’ Executive Order 125, and adopted by Gloria M. Arroyo’s Executive Order 3. The NDFP believes, however, that the real reason for the cancellation is that the “AFP and PNP wish to carry out to the end of 2018 their campaign plan to supposedly finish off the NPA and to change the venue of peace talks to Manila so that

7 <http://ipmsdl.org/on-the-killing-of-ricardo-mayumi/>

8 <https://www.philstar.com/headlines/2018/02/07/1785480/dutertes-plan-use-lumads-ancestral-lands-total-sell-out-group>

9 <https://www.hrw.org/news/2017/03/09/philippine-president-encourages-war-crimes>

10 <http://bulatlat.com/main/2018/07/15/impunity-scope-widens-peace-talks-imperilled/>

these can come under the control, surveillance duress and manipulation by Duterte and the military.”¹¹

Before the talks’ cancellation, issues at the negotiating table are the agreement on social and economic reforms (i.e., agrarian reform and distribution of lands to the tillers, national industrialization and worker’s rights, independent economic policy) and the amnesty proclamation for all political prisoners.¹² Instead of resolving widespread poverty and root cause of armed conflict, Duterte and his military assert its violent and warmongering tactics by declaring the CPP-NPA-NDFP as terrorist and intensifying its counterinsurgency and Oplan Kapayapaan offensives.

The government’s insincerity is exposed as it further disrespects the Joint Agreement on Safety and Immunity Guarantees (JASIG) that protects NDFP consultants, following massive arrests and prolonged incarceration of peace panel members. On February 12, 2017, combined CIDG, ISG and ISAFP elements arrested **Ferdinand Castillo**, NDFP peace consultant, blindfolded for four hours, interrogated, then brought to Camp Crame in Quezon City and slapped with trumped-up charges of murder, attempted murder in Quezon Province and illegal possession of firearms. Castillo, already 57 with a Rheumatic Heart condition, just came from a consultation with a league of unionists in Caloocan. Castillo was a known community organizer in poor districts in Metro Manila.

Rommel Salinas, NDFP peace consultant and JASIG card holder, was with **Bishop Carlo Morales** of Iglesia Filipina Independiente, the cleric’s wife Maria Teofilina, and their driver Isadome Dalid when they were stopped and apprehended at a checkpoint in Ozamiz City, May 11, 2017. The military claimed a hand grenade was seized from Salinas. Salinas said his travel’s purpose was to campaign for the fifth round of the formal talks between (the government) and NDFP.

On January 31, 2018, labor advocate and peace consultant **Rafael Baylosis** with companion **Guillermo Roque** were arrested in Quezon City. At the time of Baylosis’s arrest, he already has a valid and effective bail for illegal possession of firearms but police planted a hand grenade, which has no certification as evidence, to make the charge non-bailable.

11 <https://www.ndfp.org/political-implications-of-the-current-impasse-and-prospects-of-grp-ndfp-peace-talks/>

12 <http://www.karapatan.org/Free+all+political+prisoners%2C+resume+the+peacetalks%21+-+Karapatan>

The police claimed two .45-caliber guns tucked in their hips, 14 ammos, two magazines were recovered as they were arrested while about to ride a tricycle.

Lawyer Rachel Pastores said, “Their allegations, the circumstances, the arrest of Ka Raffy are clearly incredible, unbelievable, and bore hallmarks of perjury. It’s a bad script, a made-up story; it would not pass, it would not sell even in comic strips.”¹³

As JASIG stated, "As used and understood in this Joint Agreement, immunity guarantees shall mean that all duly accredited persons are guaranteed immunity from surveillance, harassment, search, arrest, detention, prosecution and interrogation or any other similar punitive actions due to any involvement or participation in the peace negotiations."

The government’s arrest of peace consultants with a rehashed plot of trumped-up charges proves a pattern of attack against anyone who criticizes the administration. This “crackdown on dissent” further shows the freedoms of expression and organization are being criminalized, while the government turn its back in addressing important issues of genuine economic reforms.

Union leaders and Duterte’s Marcosian strategy

Juan Alexander ‘Bob’ Reyes was walking home when he was abducted by plainclothesmen on June 2, 2018. He was handcuffed, placed in a white SUV van and his head covered to conceal his face. Hours after, his family found him detained in Camp Crame and accused of arson in Agusan del Norte, where he has not set foot, illegal possession of deadly weapons and live ammunition, and illegal possession of explosives. On the day of his arrest, Bob came from a meeting with illegally dismissed workers of Pearl Island Commercial Corporation as part of his labor union work in Sandigang Manggagawa ng Quezon City (SMQC).

Abducted by plainclothes men who identified themselves as elements of the PNP, **Maoj Maga** was arrested in the morning of February 22, 2018 near their house in San Mateo, Rizal after bringing his son to school. His family and lawyers found him held at the PNP-CIDG compound in Camp Crame. Maga is a workers’ organizer of Kilusang Mayo Uno (KMU) in

13 <http://newsinfo.inquirer.net/965575/arrest-of-ndf-consultant-is-a-bad-script-lawyer#ixzz5O6BEXEsj>

the port area, and in factory belts in Valenzuela and Central Luzon. He also helped in the national coordinated protest of jeepney drivers in February.

After the ‘Endo’ Executive Order 51, the dismay of workers turned into rage against unfair labor policies. Twenty-five workers’ protest actions and strikes have been documented by KMU, majority of which are based on contractualization issues, disputes due to non-regularization, union-busting and illegal job termination. A spate of crackdown against unionists and activists is a vain attempt to inculcate fear and pacify the clamour for permanent livelihood, decent wage, and safe working conditions. 3,337 companies in the country have been identified by the Labor Department as practicing illegal contracting, including Jollibee Foods Corporation, Monde Nissin, Unipak Sardines, and Middleby Corporation where workers’ strike erupted.

DOLE Undersecretary Joel Maglunsod said, “Companies have been skirting the laws... PLDT, Jollibee, Nutriasia, and other companies that have long been practicing illegal contracting have circumvented the laws, beyond what are stated in the Labor code. The main principle is clear; if the company directly hired the workers, then they shouldn’t be transferred to agencies and other contractors. Doing so is illegal.”¹⁴

Following the strike of the workers, crackdown against unionists and activists increased. Workers unions believe that this attack is a vain attempt to pacify the unrest among the poor and working masses, and a concrete manifestation of an undeclared Martial Law. The suspension of peace talks, the militarist stance of the government reminds workers of the Marcosian strategy of Martial Law era.

With intent to sow fear

On February 21, 2018 in a proscription petition filed by the Department of Justice (DOJ) at a regional court in Manila, the military and government seek to declare the CPP-NPA as terrorist organizations and listed 656 names, including human rights defenders and critics, as “terrorist” leaders or members of CPP-NPA. Also included in the list are those who are dead, missing and, ironically, members of AFP-recruited paramilitary units accused of killing Lumads in Mindanao. It also contains scores of aliases (aka), John and Jane Does “so any person can be added later,” Karapatan said.

¹⁴ <http://bulatlat.com/main/2018/07/15/labor-rights-issues-intensified-two-years-duterte/>

Names of human rights defenders leading the defense and protection of people's rights like Elisa Tita Lubi, Karapatan National Executive Committee member and former interim Regional Coordinator of the Asia Pacific Forum on Women, Law and Development (APWLD) are in the list. Also named in the petition are leaders and known personalities of legal indigenous peoples organizations in Cordillera and Mindanao, even Victoria Tauli Corpuz, UN Special Rapporteur on the rights of indigenous peoples and former Chair of the UN Permanent Forum on Indigenous Issues.

According to the Cordillera Peoples Alliance (CPA), "The charges are baseless and malicious, with intent to sow fear and delegitimize dissent limiting the already narrow democratic space in Philippine society. CPA members and indigenous rights advocates, activists, communities and people's organizations asserting indigenous peoples' rights became targets of illegal arrests and detention, political vilification and persecution, threats, harassment and intimidation, the filing of trumped-up charges and even extrajudicial killing." IPMSDL believes that indigenous peoples' leaders work against corporate plunder of ancestral lands through large-scale mining, energy and mono-crop projects, militarization in indigenous communities inflicting human rights violations, and the inaction of government against these makes indigenous peoples leaders target.

The list caused alarm reminiscent of the list of people's organization's leaders and members included in the Order of Battle of the Gloria Arroyo and Noynoy Aquino regimes, which resulted to arrests based on false charges, incarceration and even torture, abduction and killings.

DOJ's proscription petition is dubious and a maneuver meant to harass, target and criminalize persons in progressive organizations. We should oppose this and other tyrannical acts that brand legitimate dissent and activism as 'terrorism.'

The Human Security Act (HSA) defines and penalizes terrorism under existing provisions of the Revised Penal Code and several criminal laws mainly through acts it perceives as "*sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give to an unlawful demand*" and "*to overthrow the duly constituted authorities and to seize control of the Philippine Government through armed struggle.*" It carries a penalty of forty (40) years imprisonment without the benefit of parole.

Currently, the HSA is being deliberated in Congress. Karapatan manifests its strong condemnation of HSA provisions “that infringe on the people’s exercise of basic rights and fundamental freedoms, and considers any amendments worsening the provisions of this monstrous piece of legislation as furtherance of legal repressive measures that are in sync with the brand of state repression that the current administration employs.”

No choice but to fight

In an order by Palayan City Nueva Ecija trial court to find probable cause, former Bayan Muna representatives Satur Ocampo and Teddy Casiño, former Gabriela partylist representative and former National Anti-Poverty Commission Secretary Liza Maza, and former Anakpawis representative and former DAR Secretary Rafael Mariano were named in a decade-old warrant of arrest for murder charges on July 11, 2018.

The arrest warrant on four members of the Makabayan bloc follows President Duterte’s orchestrated tyranny and repositioning of control in all branches of government – the ouster of the Chief Justice critical of his war on drugs, appointment of an ally Ombudsman, and promotion of a new House Speaker, Gloria Arroyo.

The reinstatement of Arroyo to power disgusts human rights groups. “With 1,206 extrajudicial killings during her 9-year term, 204 enforced disappearances and thousands of illegal arrests, appointing her as the new House Speaker will pave the way for more repressive legislation that will further justify rights violations,” Karapatan Deputy Secretary General Roneo Clamor said.

The revived trumped-up charges against the Makabayan 4 is believed to be facilitated by the Inter-Agency Committee on Legal Action (IACLA) jointly operated by PNP and AFP. IACLA is the successor to Arroyo’s Inter-Agency Legal Action Group (IALAG), which orchestrated the arrest and jailing of thousands of activists based on trumped-up charges. The case was also a throwback to the rebellion case against five militant Makabayan bloc congressmen during Arroyo’s term. Maza’s son remembered the Arroyo case against his mother, saying, “There is no option but to fight back.”¹⁵

15 <http://news.abs-cbn.com/focus/08/12/18/no-choice-but-to-fight-back-say-kin-friends-of-hunted-makabayan-ex-solons>

On August 8, the Palayan City court dropped the charges citing “facts and circumstances to prove that they are guilty of the crime have also not been met.” The Makabayan 4 lawyer said the case was built on lies and malice, and that the dismissal proves that the cases have no basis at all and are merely trumped-up, utilizing perjured and already discredited witnesses. The case was believed to be an attempt to tarnish Makabayan leaders and their organizations, and to politically persecute them.

According to Karapatan, “The continued use of trumped-up charges to silence and impede the work of activists merely attests to the repressive and tyrannical character of the Duterte government. If this is indicative of an alliance between Duterte and resurrected, rehabilitated corrupt allies in the personalities of Arroyo and Marcos, then the political situation can only go downhill. And people's resistance will surely spread.”

Beastly Treatment

International humanitarian conventions on the treatment of prisoners prioritizes to improve respect for the life and dignity of persons deprived of their liberty, regardless of the reason for their detention. However, combined Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) conduct blatantly shows violations of human rights towards prisoners. For rights defender Pedro Lumantas, it is a case of being victimized twice – for being charged with trumped-up case and for the inhumane treatment while incarcerated.

Former political detainee Pedro Lumantas, organizer of Hugpong sa Mag-uumang Bol-anon (HUMABOL, Peasant Organization in Bohol), sustained a gunshot wound from armed men seen loitering around his residence in Sevilla town, and sought treatment at the Ramiro Memorial Hospital on June 14, 2018.

On June 16, the combined PNP and 47th Infantry Battalion-AFP hastily arrested Lumantas, carrying a warrant issued by Regional Trial Court (RTC) 47, Tagbilaran City, Bohol for trumped-up multiple murder charges committed October 2017. Without consideration for the hospital as sanctuary for ailing persons, he was forcibly taken into custody and detained in Bohol Provincial Jail. The AFP claims he is the finance and logistics officer of the rebel NPA group in the region, which Lumantas denied.

Lumantas was a former political prisoner arrested on July 26, 2008 and was falsely charged with illegal possession of explosives, but the case was already dropped in December 2016. Lumantas, with Humabol members, have been active in demanding for genuine agrarian reform, free irrigation, and the pull out of military troops in their community. They are also active in organizing negotiations, protests and dialogues to help farmers claim the lands they have long been occupying and cultivating from absentee landlords.

Karapatan-Central Visayas said, “The beastly treatment of a patient seeking refuge in a hospital is a violation of universal humanitarian standards that has no place in any civilized society. If they truly have a case against Lumantas, the military should be confident enough to wait for the patient to recuperate before harassing him with fake charges from recycled cases.”

Sources: <https://www.icrc.org/en/document/standard-minimum-rules-treatment-prisoners-revision-process>
<http://newsinfo.inquirer.net/1001735/news-human-rights-karapatan-bohol-pedro-lumantas-npa>

Targeting Church Workers Serving the Poor

Karapatan has noted the disturbing trend of this regime's contempt for church workers, including missionaries, who extend solidarity to the poor.

Such is the case of Sister Patricia Fox, 71, an Australian nun from the Catholic congregation Sisters of Our Lady of Sion, who has been doing missionary work in the Philippines since the 1990s. After 27 years of serving and living among the poor in various parts of the country, she was arrested and detained overnight, and has been ordered to leave the country, even as the investigation into her supposed "illegal political activities" remains ongoing. The alleged 'illegal activities' include Sr. Pat's participation in an international fact-finding and solidarity mission in Mindanao in early April 2018, which looked at the impact of Martial Law and the counterinsurgency program Oplan Kapayapaan on poor peasants in the island. But this is clearly just a concrete expression of her missionary work, driven by principles of social justice and human rights.

Last May 2017, Bishop Carlo Morales of the Iglesia Filipina Independiente was illegally arrested in Ozamiz City along with his wife, his driver and National Democratic Front of the Philippines (NDFP) Peace Consultant Rommel Salinas. They were accused of illegal possession of explosives. Bishop Morales's wife and his driver were released the following day, but he and Rommel Salinas were detained at Ozamiz City Jail. It was only on March 15, 2018 that Bishop Carlo Morales gained temporary liberty after being granted bail of Php 200,000 because "the prosecution's evidence presented at the bail hearing is not strong enough to convict accused Bishop Carlo Morales of the charge against him." There is no denying that the Duterte government is bullying and persecuting church people for advocating peace, justice and people's rights.

Priests have also fallen victim to extrajudicial killings, the most recent being the killing of Fr. Mark Ventura in Cagayan last April 29, 2018. The 37-year-old priest had just finished celebrating mass when armed assailants shot him twice, in front of children and choir members. Fr. Ventura headed the Migrants Desk of the Diocese of Tuguegarao and was known for being an anti-mining advocate and supporter of indigenous communities in the area. In December 2017, Fr. Marcelito Paez, 72, a Roman Catholic priest, was also gunned down after he helped facilitate the release of a political prisoner in Nueva Ecija.

As Karapatan secretary general Cristina Palabay aptly observed, "When the Church stands up for the poor, its people become targets."

Sources:

Karapatan slams illegal arrest and detention of Australian missionary, Karapatan, April 17, 2018.
 "Temporary Liberty Is Not Enough," Iglesia Filipina Independiente, March 16, 2018.
 Killings of priest, peasant leader indicate thriving climate of impunity in PH, Karapatan, April 30, 2018.

PHILIPPINE MEDIA UNDER ATTACK

B. Bernado

Once touted as Asia's "freest" with American-style journalism laying the foundations for Philippine media, it is now among the most severely restricted and bloodied in the world.

Marcos censorship and cronies took control over media throughout the 14-year U.S.-backed fascist dictatorship. Now the Philippine press is back with media oligarchs among the Forbes-listed richest business tycoons in the country, a duopoly in telecommunications networks, and a host of multinational internet and social media platforms.

The 2018 Global Digital report, conducted by creative agency We Are Social and social media management platform Hootsuite, said Filipinos spent an average of three hours and 57 minutes on social media last year. [see Chart]

It noted that 63% of Filipinos, or around 67 million of the total Philippine population of 105.7 million, have access to the internet. The number of internet users increased by seven million in the past year. Almost all Filipino internet users are using social media accounts such as Facebook, Twitter and Instagram. With advances in smartphone and other mobile technologies, news and bits of information no matter what the content, truth or falsehood, travels faster, farther and wider.

Traditional radio, TV and print media outlets are increasingly going on-line and mixed with a heavy dose of social media usage. The Philippines became the social media capital of the world.¹

¹ [<https://www.philstar.com/headlines/2018/02/03/1784052/philippines-still-worlds-social-media-capital-study#bJGk9Gw7EruKTgPX.99>]



With about 11 million Filipinos working abroad to connect with relatives and friends, the internet and social media have become indispensable communication tools for civic engagement in the country. Lately, however, it is increasingly being weaponized for political ends by the powers that be.

Facebook, Trump and Duterte

In March 2018, *The New York Times*, working with *The Observer* of London and *The Guardian*, obtained a cache of documents from inside Cambridge Analytica, the data firm principally owned by the right-wing donor Robert Mercer. The documents proved that the firm, where the former Trump aide Stephen K. Bannon was a board member, used data improperly obtained from Facebook to build voter profiles.²

Donald Trump won the U.S. election by optimizing big data and psychometrics, focusing on personality and psychological traits as reflected in social media accounts like Facebook.

Duterte's presidential campaign has reportedly capitalized on the same.

² [<https://www.nytimes.com/2018/04/04/us/politics/cambridge-analytica-scandal-fallout.html>]

Duterte's electoral campaign took on foreign consultants. One of them allegedly was Alexander Nix, the disgraced CEO of Cambridge Analytica, the company that has been accused of stealing the personal data of over 87 million Facebook users in support of the Trump campaign.

According to *South China Morning Post*, Nix visited Manila in May 2015 as the head of Cambridge Analytica's parent company, Strategic Communication Laboratories (SCL). He met with two of Duterte's presidential campaign officers -- Jose Gabriel "Pompee" La Viña as social media director and Peter Tiu Laviña as spokesman. He also met Davao City lawyer Ray Faizal "Taipan" Ponce Millan, part owner of a political consulting firm, Istratehiya, identified in an SCL brochure dated 2013 as its Manila office, and Joel Sy Egco, then President of the National Press Club, now working at the Presidential Strategic Communications Office. Malacanang officials denied any dealings with SCL.³

Nix reportedly spoke at the National Press Club: "The most powerful way to have elections is to have the people themselves campaign for you."

The idea, of course, is not original. It is a Nazi-inspired theme used by ultra-nationalists and rightists the world over. The U.S. itself has used it for "people-powered" regime-change operations in the Arab Spring and in several color revolutions after Afghanistan and Iraq, from Tunisia, Egypt, Libya, Ukraine, Syria, and Yemen.⁴

SCL claims to have successfully given advice to scores of candidates around the world. An SCL webpage, which has since been taken down, stated that one client was a Philippine candidate whom it advised to play up the character of a tough, no-nonsense leader who is hard on crime.

In April 2018, Facebook revealed that Cambridge Analytica stole the private data of more than one million Filipino Facebook users as it did to tens of millions more for the Trump campaign. Cambridge Analytica and the SCL group closed shop following the damaging revelations.

3 <https://www.scmp.com/news/asia/southeast-asia/article/2142805/explainer-connections-between-philippine-president-rodrigo>

4 Cambridge Analytica's SCL group conducted a surveillance operation in Yemen, using psychological profiling, "strategic communications campaigns," and infiltration of foreign operatives into indigenous communities. SCL documents describe "a research and analysis study undertaken by Strategic Communication Laboratories (SCL) on behalf of Archimedes," a US-based military contractor. [<https://www.scribd.com/document/380434279/SCL-Cambridge-Analytica-Project-Titania-Yemen-Plan>]

Facebook advises and trains the staff of any interested candidate on how best to use the social media platform. According to Bloomberg.com, the service was delivered by Facebook’s “global governments and politics team”. Headed by Katie Harbath, a former strategist of the US Republican party, this team taught political parties to set up campaign pages, create content and livestream events.⁵

Facebook has proudly declared that 22 million Filipino users were actively engaged in the 2016 election campaign. Duterte’s strategists and their on-line army still use the platform.

Meanwhile, Facebook owner Mark Zuckerberg remains one of the world’s eight billionaires whose combined wealth is equal to that of 3.6 billion people comprising the poorest half of the world.

Troll army creeps

Scholars and journalists have revealed how Duterte’s strategists have activated trolls, manipulated public opinion and used stolen data on target individuals.

Duterte’s social media director Nic Gabunada said in a piece for *Campaign Asia*: “We used live people, not bots. When we want certain things to trend on Twitter, we have our Twitter warriors who post like anything or keep the same post just to have a quick trend.” Messages were amplified through groups with members ranging from 300 to 800,000.⁶

A University of Oxford study, *Troops, Trolls and Troublemakers: A Global Inventory of Organized Social Media Manipulation*, said that to recruit online trolls, Duterte spent some \$200,000.⁷

During the presidential elections, Duterte’s social media team paid hundreds of prominent online commentators to post a barrage of pro-Duterte comments on social media and bash critics. As the New Republic

5 [<https://www.bloomberg.com/news/features/2017-12-21/inside-the-facebook-team-helping-regimes-that-reach-out-and-crack-down>]

6 [<http://www.campaignasia.com/article/the-du30-phenomenon-how-social-media-won-the-presidency-in-the-philippines/426945>]

7 <http://comprop.oii.ox.ac.uk/wp-content/uploads/sites/89/2017/07/Troops-Trolls-and-Troublemakers.pdf>

reported, online trolls with fake social media accounts can earn up to \$2,000 a month to post pro-Duterte propaganda on the web.⁸

According to the International Press Institute⁹, Duterte's assaults on the news media seem to be rubbing off on his supporters. Journalists who are critical of Duterte's policies or write about issues such as drug trafficking or corruption face defamation suits and online backlash.

A recent study by the Newton Tech4Dev Network¹⁰ concludes that the Duterte campaign did not only use volunteers and fans. It also relied on professionals from advertising and public relations.

The Newton study adds: "Under Duterte's presidency, 'trolls', or 'Dutertards' as his fanatic followers have been dubbed, are seen to have debased political discourse and silenced dissidents in their vociferous sharing of fake news and amplification of hate speech."

Blogger Margaux "Mocha" Uson, Assistant Secretary of the Presidential Communications Operations Office (PCOO), aggressively pushed the term "presstitute," a play on the words "press" and "prostitute" to denigrate the media. Given the number of her followers in the millions, she was instrumental in the viral spread of the smear. Many are spread via "sockpuppets", or fake online users.

Rappler started collecting data in 2016 to monitor and analyze the spread of disinformation and hateful speech online. As of March 2018, Rappler has been able to map and monitor a network of more than 400 interconnected public groups and pages.¹¹

Cyber-attacks

On January 9, 2018, the website of the National Union of Journalists of the Philippines (NUJP) was hacked. This came a few days after its official Facebook account received threatening messages, part of hate speech attacks on its members for supposedly being anti-Duterte.

8 [<https://newrepublic.com/article/138952/rodrigo-dutertes-army-online-trolls>]

9 [<https://ipi.media/journalists-still-under-pressure-in-dutertes-philippines/>]

10 [The Rise of Trolls in the Philippines (And What We Can Do About It) <http://newtontechfordev.com/rise-trolls-philippines-can/>]

11 [<https://www.rappler.com/newsbreak/investigative/206017-attacks-against-philippine-press-duterte-second-year>]

The online news site of Vera Files was also hacked after it reported that President Rodrigo Duterte and his daughter had failed to disclose the content of some of their bank accounts.

Individual journalists' websites, such as that of Reuters Philippines correspondent Manuel Mogato's, were also attacked. Mogato won the 2018 Pulitzer Prize for International Reporting in recognition of his "relentless reporting that exposed the brutal killing campaign behind Philippines President Rodrigo Duterte's war on drugs."

Felipe Villamor, a Manila-based reporter for *The New York Times* whose social media accounts are swarmed with critical comments, observed that "it has the hallmarks of a state-funded troll farm."¹²

Even the Twitter account of political humor blogger Marcelo Landicho a.k.a. "Professional Heckler" was suspended. Twitter claimed a copyright infringement issue. His account suspension was earlier attributed to the possibility that "die-hard Duterte supporters" had mass reported his account following a satirical post titled "LEAKED: Duterte's SONA 2018."

Cyberattacks, such as Distributed Denial of Service or DDoS attacks and hacking, have been used against news organizations and journalists deemed critical of the President.

Journalists have been publicly ridiculed and tagged as purveyors of "fake news" by propagandists online. Female journalists have become frequent targets of rape threats and misogynistic comments online.¹³

On February 20, 2018, Rappler reporter Pia Ranada was banned from entering the gates of Malacañang Palace. Ranada, who has been covering Duterte since he began campaigning in 2016, was the only reporter from the press corps who was banned.

Duterte has called her a "traitor," and not a "true Filipino," and threatened that "something" would happen to her if she traveled to Davao. She also received anonymous rape, death and other threats in emails and via social media over her critical coverage.¹⁴

12 [https://cpj.org/blog/2018/07/mission-journal-duterte-leads-tri-pronged-attack-o.php]

13 Philippine media under attack: Press freedom after 2 years of Duterte, By RAPPLER RESEARCH TEAM, June 29, 2018 [https://www.rappler.com/newsbreak/investigative/206017-attacks-against-philippine-press-duterte-second-year]

14 https://cpj.org/blog/2018/07/mission-journal-duterte-leads-tri-pronged-attack-o.php]

Muzzling the media

Under the presidency of Gloria Arroyo, the attack on media was in the form of libel suits against 46 journalists totaling about P140 million filed by her husband, Jose Miguel T. Arroyo. She also cracked down on media with Presidential Proclamation 1017, with warrantless arrests and search of the opposition paper *Daily Tribune*. The Supreme Court later ruled that the acts carried out under the proclamation were illegal.

President Benigno Aquino III reneged on his campaign promise to push for the passage of the Freedom of Information Law, but passed the Cybercrime Prevention Act of 2012 increasing punishments for criminal libel and gives authorities excessive and unchecked powers to shut down websites and monitor online information. The cybercrime law “harms free speech” according to New York based Human Rights Watch.¹⁵

Under Duterte, the media attacks took on a more savage, ruthless form.

The House of Representatives has not renewed the license of the Catholic Bishops Conference of the Philippines’ (CBCP) Catholic Media Network to operate at least 54 radio stations all over the Philippines despite the CBCP’s application for renewal filed since January 24, 2017. The CBCP has been critical of Duterte's “war” on drugs. After his "God is stupid" remark generated a tsunami of protest, Duterte has since broke bread with the Catholic Bishops.

Duterte also said he would ask Congress to block the renewal of local broadcaster ABS-CBN's franchise for allegedly failing to run his political advertisements. He also threatened the Philippine Daily Inquirer and claimed that the paper's owner, the Prieto family, owes 8 billion pesos (US\$150 million) in back taxes on its property. The Inquirer later sold the paper to businessman Ramon Ang of San Miguel Corporation last year.

In his State of the Nation Address (SONA) on July 25, 2017, Duterte threatened to investigate the ownership of news organization Rappler. On January 11, 2018, the Securities and Exchange Commission (SEC) decided to revoke the registration of Rappler allegedly for violating the Constitution and the Anti-Dummy Law.

15 [<https://www.hrw.org/news/2012/09/28/philippines-new-cybercrime-law-will-harm-free-speech>]

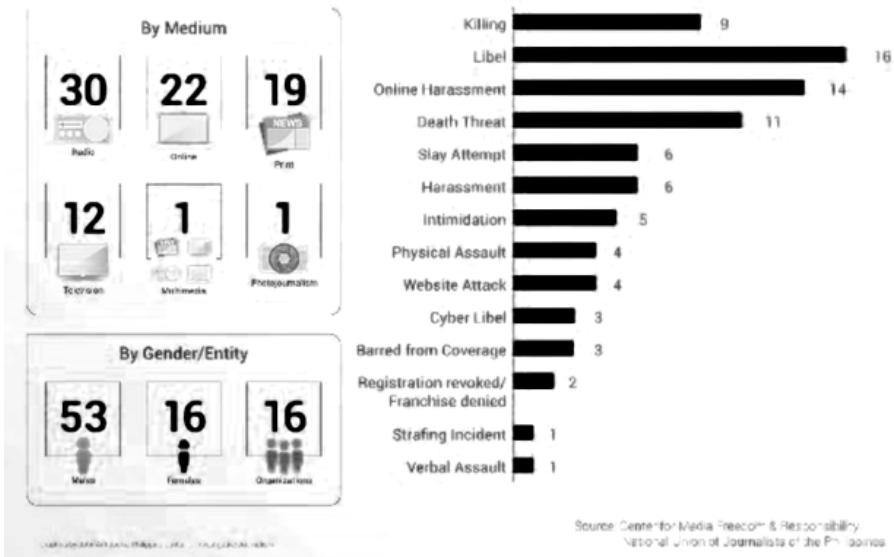
A composite report¹⁶ released in November 2017 by the Center for Media Freedom and Responsibility (CMFR), the National Union of Journalists of the Philippines (NUJP), and the Philippine Center for Investigative Journalism (PCIJ), describes the severity of the challenges the Philippine press faces under the Duterte administration — "a situation of benign and acute impunity, and fettered flow of information."

The report noted: "No less than the President has struck at the heart of the institution with threats of action against major news organisations. He has cursed journalists in public for raising testy questions about his health, cat-called a female reporter, and averred without serving proof that journalists are killed because they are corrupt."

On May 3, 2018, World Press Freedom Day, the CMFR, NUJP, and PCIJ released a new report on media repression cases in the first 22 months in office of Duterte.¹⁷

Attacks and Threats Against the Press

Duterte Administration (June 30, 2016 - May 1, 2018)



The report cited that from June 30, 2016 to May 1, 2018, these cases include the killing of nine journalists, 16 libel cases, 14 cases of online

16 <http://pcij.org/stories/impunity-acute-and-benign-fettered-flow-of-information/>

17 <http://cnnphilippines.com/news/2018/05/03/world-press-freedom-day-duterte-journalism.html>

harassment, 11 death threats, six slay attempts, six cases of harassment, five cases of intimidation, four cases of website attack, revoked registration or denied franchise renewal, verbal abuse, strafing, and police surveillance of journalists and media agencies.

Alongside the brazen attempts to muzzle media freedom, equally grave threats to the practice of journalism and the free flow of information were cited in the earlier report:

- Access to information remains problematic for journalists and media agencies covering the war on drugs;
- Against their will, media personnel are sometimes compelled by police officers to sign on as witnesses in police anti-drug operations, supposedly as mandated by the law;
- Newsroom protection for the safety of journalists covering the war on drugs remains lacking; and
- Psychological trauma overwhelms media coverage teams assigned to the war on drugs on account of their repeated first-hand exposure to revolting images of the dead, the maimed, the enraged, as well as the tremendous grief of the family members of the victims.

In 2017, the US-based Committee to Protect Journalists (CPJ) ranked the Philippines fifth in its Impunity Index, a quantitative ranking of countries worldwide where journalists are killed and the murderers go free.¹⁸

In 2018, the Philippines ranked 133rd in the World Press Freedom Index,¹⁹ six notches below its ranking in 2017, showing a deteriorating media situation in the Philippines according to Paris-based media watchdog Reporters Without Borders (RSF). [see map, countries marked in red]

According to RSF, the Philippines is the deadliest country for journalists in Asia.

The index also keeps a detailed tally of abuses against the media through an abuses indicator, calculated based on the intensity of abuses and violence in a given period.

In 2018, the Philippines got an abuse score of 58.9, the 18th in rank among 180 countries evaluated.

¹⁸ [<https://cpj.org/reports/2017/10/impunity-index-getting-away-with-murder-killed-justice.php>]

¹⁹ [<https://rsf.org/en/philippines>]



As of May 2018, media groups in the Philippines recorded at least 85 cases of attacks and threats against press freedom, a number, they said, that "far exceeds those recorded under four presidents before him."

Silencing critics

During the 2016 Presidential elections, former Vice President Jejomar Binay named three journalists who were killed for allegedly exposing anomalies under Duterte's watch as Mayor of Davao City. They were: broadcaster Juan "Jun" Pala, killed in September 2003; Rene Galope, killed in November 2004; and radioman Fernando "Ferdie" Lintuan, who was ambushed and shot dead on Christmas Eve in 2007 after exposing the alleged misuse of public funds in the construction of Davao Peoples' Park.²⁰

Just before Duterte was sworn into office as president, he was asked how he would address the problem of media killings in the Philippines.

"Just because you're a journalist you are not exempted from assassination, if you're a son of a bitch," Duterte said. He then cited the case of Pala. "I do not want to diminish his memory but he was a rotten son of a bitch. He deserved it," Duterte said in a press conference in Davao City.

20 [<http://newsinfo.inquirer.net/780773/binay-tags-duterte-in-journalists-killings-in-davao-city>]

Immediately, U.N. Special Rapporteur on freedom of opinion and expression, David Kaye, and Christof Heyns, the Special Rapporteur on summary executions, said Duterte's statements provide the excuse for violent attacks against journalists.²¹

No less than U.N. Secretary-General Ban Ki-moon condemned Duterte's "apparent endorsement" of extrajudicial killings.²²

"I unequivocally condemn his apparent endorsement of extrajudicial killing, which is illegal and a breach of fundamental rights and freedoms. Such comments are of particular concern in light of ongoing impunity for serious cases of violence against journalists in the Philippines," Ban said during the U.N. Correspondents Association Directory Reception on June 8, 2016.

Duterte used the media to blast U.N. officials leading investigations into the extrajudicial killings: "Don't f**k with me, girls," he said, calling UN special rapporteur Agnes Callamard "skinny" and "malnourished", while referring to the International Criminal Court's (ICC) Fatou Bensouda as "that black woman". The UN High Commissioner for Human Rights, Zeid Ra'ad al-Hussein, said the attacks are "unacceptable" and "cannot go unanswered".

"It makes one believe that the president of the Philippines needs to submit himself to some sort of psychiatric evaluation," Zeid said.²³

War within a war

The 5th century Chinese general Sun Tzu formulated in his classic *Art of War* that "All warfare is based on deception".

The United States has learned a lot from this Chinese dictum in over a century of its interventionist wars -- from its 1898 occupation of the Philippines, wars of aggression in Korea and Vietnam, Latin American exploits, and its current use of social media and telecommunications in psychological operations (PSYOPS).

21 [<http://cnnphilippines.com/news/2016/06/07/un-special-rapporteurs-duterte-stand-assassination-of-journalists.html>]

22 [<https://www.un.org/press/en/2016/sgsm17831.doc.htm>]

23 [<https://www.aljazeera.com/news/2018/03/duterte-attacks-rights-officials-callamard-bensouda-180309091927105.html>]

Oplan Kapayapaan, like earlier national security programs, is patterned after U.S. counter-insurgency programs. Under the official 2009 U.S. Government Counter-Insurgency (COIN) Guide: "Media is a key actor in a successful information strategy in any COIN campaign."

"Messages are delivered partly through media operations, but more prolifically and often more credibly through the thousands of daily interactions between the population, the government and the security forces."²⁴ [*underscoring ours*]

Duterte has extended this "daily interactions" with his army of trolls in the bloody "war" on drugs, martial law in Mindanao after the Marawi City siege, militarization of the countryside, targeted attacks on leaders and activists, and crackdown against the broad opposition including a former justice secretary, the Supreme Court chief justice and the Ombudsman.

As a democratic institution described as a "fourth estate", Philippine media has actually never been free from its gatekeepers in the manufacture of both consent and dissent.

The Philippine media and its practitioners are now learning how to fight back against this tyranny as part of a people struggling for genuine freedom and democracy. There is a growing legion of press freedom fighters. Independent alternative news organizations have developed over the years. Even former Duterte zealots are coming to their senses. International support for the embattled press is overwhelming.

The media war is a war within a broader conflict between the resolute forces for liberation and the desperate forces of reaction. It will be decided not by the amount of broadcast airtime, newspaper pages, or number of clicks and shares. It will be decided ultimately by the direct political action of the people themselves fed-up with fake news and deception.

24 [<https://www.state.gov/documents/organization/119629.pdf>]

APPENDIX**SPEAK TRUTH TO POWER,
KEEP POWER IN CHECK!**

World Press Freedom Day, May 3, 2018

Manila, Philippines

A Report by the Center for Media Freedom and Responsibility (CMFR),

National Union of Journalists of the Philippines (NUJP),

Philippine Press Institute (PPI), and

Philippine Center for Investigative Journalism (PCIJ)

Rodrigo R. Duterte's presidency has altered and controlled the public discourse so radically in its favor in ways rude and bold. Its tragic result: it has restricted and narrowed the celebrated freedom of the Philippine press and the people's cherished right to know.

In his first 22 months in power, Mr. Duterte has earned the dubious honor of logging 85 various cases of attacks and threats on these dual values that the Constitution upholds as inalienable rights of the citizens. The number far exceeds those recorded under four presidents before him.

Separately and together, these 85 cases — murders, death threats, slay attempts, libel, online harassment, website attacks, revoked registration or denied franchise renewal, verbal abuse, strafing, and police surveillance of journalists and media agencies from June 30, 2016 to May 1, 2018 — have made the practice of journalism an even more dangerous endeavor under Duterte.

These cases project the force of presidential power dominating the political sphere, with zealous support from Duterte allies and appointees, and their sponsored misinformation army online and off. They have hurled at members of the press insults and unfair labels, and allegations of corruption and misconduct without firm basis in fact or in law.

These cases linger amid effete efforts at solution by state agencies, and in the context of the hostile and vicious discourse against the administration's critics and the critical media.

The President, Cabinet members, and the House of Representatives have imposed and proposed unprecedented restrictions on journalist access to official news events. Congress and executive agencies have denied or delayed the corporate registration or franchises required for operation of media companies.

Some journalists and media groups have also reported police surveillance of their movement and their places of work.

Attacks on press freedom diminish not just the news media. These weaken the capacity of the news media to sustain the people's unfettered exchange of ideas about public issues. Presidential intolerance of criticism is now a well-established aspect of Duterte's leadership. While he is not the only chief executive who has become sensitive to press criticism, Duterte has made sure that everyone understands that misfortunes could hound and befall his critics.

And yet Duterte has promised change; his government should wish to tell the people when and where change has come to fruition, and whether it has triggered better or worse results. By keeping citizens and voters fully informed, the media empowers the public to check whether those they elected to power are doing right or wrong. A free press sustains and strengthens democracy.

So far, that is not quite the situation under Duterte. Intimidated, restrained, and threatened with consequences, the news media have been significantly restricted to report well and fully on the war on drugs, the siege of Marawi, cases of alleged corruption in high office, questions about the wealth of the Duterte family, the public debate on Charter change and federalism, the shutdown of Boracay, and not the least significant, the incursions of China in the West Philippine Sea.

To be sure, the state of press freedom in the Philippines reflects long standing problems that beset the practice of the press, taking into account the economic inequalities among media organizations, the poor pay for many working in the provinces, and the opportunities for corruption for those vulnerable to political manipulation.

The phrase “attacks and threats” has been used by media watch organizations to sum up the many ways in which a free press is weakened, leading to the failure of its function as well as to its own dysfunctional operations.

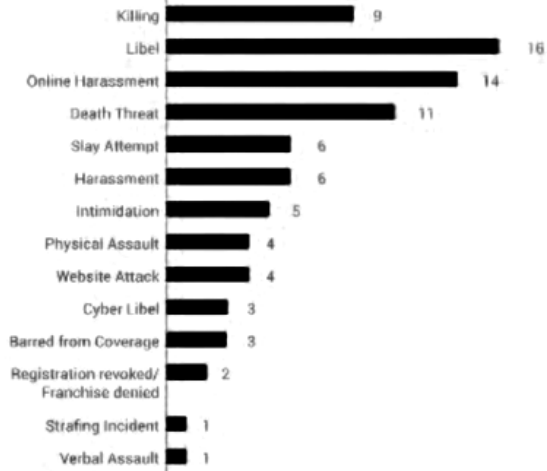
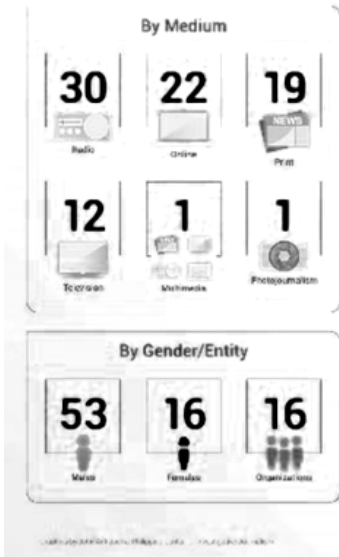
Attacks and Threats: 22 Months, 85 Cases

By the diligent and independent monitoring of the Center for Media Freedom and Responsibility (CMFR) and the National Union of Journalists of the Philippines (NUJP), from June 30, 2016 to May 1, 2018, the following cases of attacks of press freedom have been recorded under the Duterte administration:

- 9 journalists had been killed in the line of duty, with their last reports focusing separately on the drug trade, and local crime and corruption.
- 16 libel cases with mostly by state officials/agencies as complainants, including three that had been filed before June 30, 2016. The courts have dismissed two of these three and acquitted the respondent in the third case.
- 14 cases of online harassment, perpetrated mostly by Duterte supporters;
- 11 death threats, after delivering reports critical of public officials, including Duterte;
- 6 cases of slay attempts, mostly by gunmen riding in motorcycles;
- 6 cases of harassment, mostly by state officials/agencies;
- 5 cases of intimidation, mostly by local officials;
- 4 cases of website attack;
- 4 cases of physical assault, mostly by local officials;
- 3 cases of cyber libel;
- 3 instances of reporters barred from coverage, by the Office of the President;
- 2 cases of registration revoked or franchise denial;
- 1 strafing incident that occurred in Region XII; and
- 1 case of verbal assault in Metro Manila, excluding multiple instances when the President himself took verbal broadsides, cursed, and scolded journalists, and threatened certain media agencies with closure.

Nearly all media platforms had been bruised and battered. The 85 cases have affected journalists and media agencies from radio, 30 cases; online, 22

Attacks and Threats Against the Press Duterte Administration (June 30, 2016 - May 1, 2018)



Source: Center for Media Freedom & Responsibility
National Union of Journalists of the Philippines

cases; print, 19 cases; television, 12 cases; and online print/radio/TV and photojournalism, 1 case each.

By gender, nearly a third or 53 of the cases involved male journalists, while 16 female journalists and 16 media organizations make up the balance.

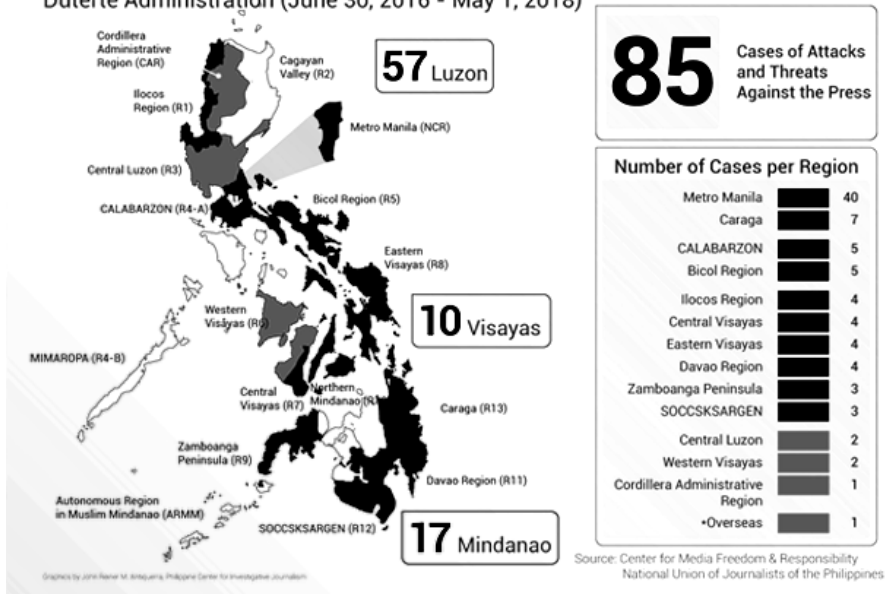
By location, nearly half or 40 of the 85 cases occurred in the National Capital Region or Metro Manila. One case of denial of access imposed by Philippine officials occurred in Singapore, to the prejudice of foreign correspondents working in Manila.

No cases were recorded during the period in four regions: Cagayan Valley (Region II), the Autonomous Region in Muslim Mindanao, MIMAROPA (Region IV-B, Southwestern Tagalog) and Northern Mindanao (Region X).

The other regions and their case breakdown follow:

- Region XIII CARAGA, 7 cases;
- Region IV-A, CALABARZON, 5;
- Region V, Bicol Region, 5;
- Region I, Ilocos Region, 4;

Attacks and Threats Against the Press Duterte Administration (June 30, 2016 - May 1, 2018)



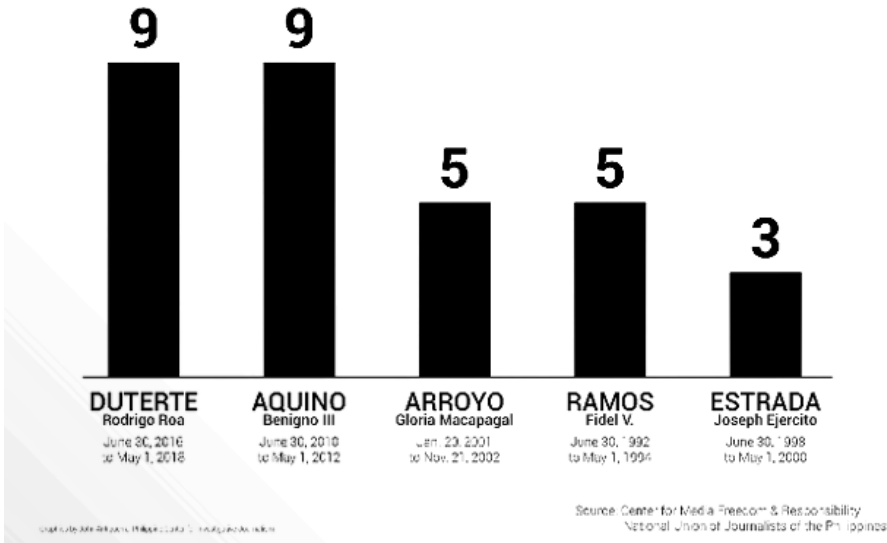
- Region VIII, Eastern Visayas, 4;
- Region XI, Davao Region, 4;
- Region IX, Zamboanga Peninsula, 3;
- Region VII, Central Visayas, 4;
- Region XII SOCCSKSARGEN, 3;
- Region III, Central Luzon, 2;
- Region VI, Western Visayas, 2; and
- Cordillera Administrative Region, 1.

Journalist killings

The killing of journalists whether or not in the line of duty is not a new problem. It is linked to other institutional flaws and weaknesses in the government system, not the least of which is the failure to punish, aligned with other conditions described as “a culture of impunity.” Such violence grows as it feeds on the indifference of many, including some working in the media who also believe, as some government officials have claimed, that those who are killed are corrupt. CMFR analysis has shown that corruption has figured only in a small number of cases of journalists killed.

Media Murders and the Presidents

First 22 Months in Office



The nine journalists killed during the first 22 months of Duterte's presidency are a perfect match to the number recorded during the same covered period under Benigno S. Aquino III.

Duterte's record, however, exceeds those in the first 22 months of Fidel V. Ramos, Gloria Macapagal Arroyo, and Joseph Ejercito Estrada. In the first 22 months in office of Ramos, five journalists were killed, as would be the case during Arroyo's term. Three journalists were felled during the same period in Estrada's tenure. Arroyo's total number during her nine years tops the roster, though, as it included the Ampatuan Massacre of Nov. 23, 2009 where 58 persons, including 32 journalists and media workers, were killed.

While cases have been filed against suspects in some of these killings, most have barely received police investigation. Only the hired gunmen have been arrested and tried, with the masterminds escaping arrest and prosecution.

Of the 156 cases of journalists killed in the line of duty since 1986, only 17 have been partly resolved, with the conviction only of the gunmen while the masterminds remain free. In the case of *Bombo Radyo-Kalibo* broadcaster Herson Hinolan who was killed on Nov. 13, 2004, the murder case filed

against convicted mastermind former Mayor Alfredo Arsenio of Lezo town in Aklan province, has been downgraded to homicide.

The trial of the 188 men charged in the 2009 Ampatuan Massacre entered its eighth year in 2017. The alleged masterminds in the killing of 58 people including 32 journalists are among those charged, together with policemen and paramilitaries in the pay of the Ampatuan clan. So far, only 112 have been arraigned. Not one of the accused has been convicted.

A strongman president could go far, if he chooses, to improve the capacity of police for forensic investigation as well as strengthen the prosecutorial skills of lawyers working in the Department of Justice. Such efforts would redound to the benefit of all Filipinos, especially those without the means to hire their own lawyers, and not just the besieged workers of media.

State-sponsored anti-media propaganda

President Duterte has recklessly accused the news media of inaccuracy and bias, of deliberately spreading “fake news” supposedly to discredit his administration. These accusations are echoed mostly online by Duterte supporters, some of whom have even incited others to commit violence against journalists.

Over social media, journalists and media organizations continue to be attacked by regime-sponsored trolls. Hate speech and threats are perennial and rampant occurrences in the comment sections of reports critical of the administration.

The phenomenon can be traced to 2016 when in an obviously orchestrated campaign, some bloggers and social media pages trumpeted Mr. Duterte’s candidacy for his promise of change. When he won the presidency, these same bloggers and pages continued to function as disseminators of his every word and even of false information. This they do while demonizing, along with the political opposition, his critics, dissenters, including journalists doing their mandated duty of reporting the truth.

Attacks on media organizations now include surveillance of journalists by state security forces. A journalist has reported that his news organization had been subjected to an unwanted police visit. At least two other news organizations have noted plainclothes men around the location of their

offices but these organizations decided not to make any attempt to identify who the policemen were and did not report the incident to authorities.

Also reminiscent of martial law, background checks have become a part of Philippine National Police (PNP) protocol for journalists covering the police beat. Members of the PNP Press Corps reported police visits and interrogations. Some of the questions were personal. In January this year, the PNP Chief denied that the checks were going on. But in February, media reported the PNP's admission that it was indeed doing background checks on reporters newly assigned to cover the PNP.

Controlling the Media

At the center of this shrinking space for press freedom and the people's right to know stands a leader who has used his power against the press with such hostility and with utter disregard for the constitutional protection of the press from such incursions on press freedom.

Mr. Duterte seems ready to do just as he pleases — heap personal insult at his perceived enemies and proclaim damning charges without evidence to discredit and intimidate the press, from the presidential podium.

Verbal abuse by itself would make the practice of independent journalism more difficult and problematic. But Duterte has unleashed much more violence against the autonomy of the press than has been seen since the overthrow of the Marcos regime in 1986. Indeed, even without the legal instruments used during the period of Marcos-era martial law, the press has been placed effectively under government control.

All the President has had to do is show how he handles his critics and demonstrate what he is capable of doing to anyone who dares to stand up and oppose him.

It can be a missionary sister who is declared *persona non grata* and ordered deported with haste. It can be a sitting senator detained for imprecise charges. It can be an individual journalist asking an annoying question in a press conference, who is then shamed by his angry outburst complete with expletives. It can be media organizations whose reporters and photojournalists have tracked the deaths of thousands of men, women, and children, that some have described as extra-judicial killings or EJKs.

Rodrigo R. Duterte has brandished the power of fear. His threats and attacks bear the full weight of his office, the highest in the land. No need to test constitutional limits. All he seems to want to do is to make enough journalists understand that they should be very afraid.

But, like fear, courage could be contagious. And unlike fear that disempowers, courage built on the power of truth and the unity of all in media is a force that empowers.

To stand firm and to stand united for press freedom and democracy, to speak truth to power and to keep power in check — this much the press owes the people. Whoever is president, the paramount duty of a free press in a democracy is to defend and uphold the people's right to know, in courage and in unity. — *CMFR, NUJP, PPI, PCIJ, World Press Freedom Day, 3 May 2018*

MISOGYNY, IMPUNITY, AND INCITING TO WAR CRIMES

Lyn Pano & Jian Gacoscosim

“There’s a new order coming from Mayor. We won’t kill you. We will just shoot your vagina, so that – if there is no vagina, it would be useless.”

This was just one of the many misogynistic remarks of no less than the father of the nation, the head of state of the Republic of the Philippines, that, according to Gabriela Women’s Party Representative Emmie de Jesus, “openly encourages violence against women” and “confirms himself as the most dangerous macho-fascist in the government right now.” Human Rights Watch said the statement makes the President guilty of violating international humanitarian law as it “encourages state forces to commit sexual violence during armed conflict.”

The Philippines has the longest-running civil war in the world – half a century with the end still not in sight. No wonder it persists. And will probably intensify even more under the current administration. Because no less than the head of the state thinks that women are only sex objects – that without their vaginas they are useless. In case the President is not aware, women guerillas use their hands, not their vaginas, to hold a rifle and shoot mercenary foot soldiers that sow terror in the countryside.

Indeed, the President’s misogynist mouth is breeding disrespect and violence against women and girls, but increasing outrage among them as well. Philippine history teems with women – the famed and the unsung heroines – who contributed in various ways to, and without whom the armed revolutions against colonizers would not have been won.

Context: Why are there women rebels in the first place?

Because women refuse to be oppressed; thus wanting to topple the prevailing oppressive system and build one where they can enjoy equality with men and reach their full potential.

The prevailing system oppresses men and women alike. But women suffer threefold. As half of the entire Filipino nation living in a semi-colonial society, women suffer foreign domination and exploitation by US imperialism. In a semi-feudal society, they suffer class oppression and exploitation by the comprador-landlord classes. But apart from foreign and class exploitation and domination, women suffer male oppression and exploitation.¹

Filipinos are strangled by neoliberal policies, and ruled by a government that facilitates foreign plunder of the country's land and natural resources. Administration after administration, the government implements legal land grabbing through foreign investments. Aside from turning his back on the Lumad people by allowing mining corporations to intrude in their ancestral lands, President Duterte has included in his priorities the Philippine Palm Oil Industry Roadmap, for which he has invited foreign investors and opened up some 80,000 hectares; and economic benefits of which have been disproven by farm workers. As testified by a woman worker before a public hearing on the situation of plantation workers in Mindanao, she and her husband have earned only P150.00 per day from their more-than-a-decade of toil in the industry that her family of four has to make one can of sardines sufficient for two meals.

More blatant is the glaring violation of Philippine sovereignty by the United States' involvement and participation in the Marawi siege that escalated to a full-blown war on "terror" in the city and Martial Law throughout Mindanao. As early as the first month of bombings, the government and certain local and foreign corporations were already discussing business in the form of "rebuilding" and ecotourism development.

The semi-feudal nature of Philippine society exploits workers and peasants, and leaves them landless and jobless. As peasants, women could hardly own the land that they till. Despite decades of agrarian reform program, including completion and extension of the longest-running and most expensive Comprehensive Agrarian Reform Program, seven out of

1 De Lima. 1986. Women and Revolution

ten farmer families remain landless. Despite guaranteeing the rights of rural women to own and control land, the number of women holders of emancipation patents (EPs) is only 14% of the total 415,705 holders; and 33% of the 1,996,454 certificate of land ownership awards (CLOAs) holders. This persisting landlessness keeps farmers at the bottom of the wage hierarchy and makes women in agricultural production, despite performing the same tasks as male farmworkers, an invisible force receiving 8.5% lower wage than their male counterparts (21% in sugarcane plantations) and way below the minimum wage especially under a *pakyawan* (quota) system. In Negros province, for example, 98% of sugarcane firms follow this scheme that allows them to impose a P500-pay for a 15-day work or a daily average of P33.

As workers, women suffer greater exploitation and discrimination. While both men and women's labor force participation are low, that of women is still 30% lower than men's. 5.4 million Filipino women cannot find decent and regular jobs – with 2.28 million underemployed, the 2.18 million unpaid family workers, and 945,000 unemployed. Most of those employed as wage workers are in industries with the lowest wages and non-regular status, which deprives women of their right to join unions or organizations. Being in unfavorable working conditions, measly wages, and insecure jobs, women can hardly live under the current administration's neoliberal 'Dutertenomics' economic policies. The only viable option for women workers, which is being encouraged by the government through its labor export program, is to work overseas, despite the dim picture painted by countless cases of abuses against migrant workers. The lack of jobs amidst corporatization of basic services and skyrocketing prices and taxes, women who are primarily responsible for making ends meet for the family can hardly make it through each day.

As poverty worsens, many women especially from far-flung provinces fall victims to illegal recruiters and traffickers who take advantage of women's desperation to escape poverty. Desiring a better life for their families, poor women are lured to work in the cities and then forced into prostitution. Besides prostitution, the number of reported violence against women and children cases stays high at 35,093 in 2016 (See Table) despite the 14-year existence of the Anti-Violence against Women and their Children Law of 2004. More than six out of ten cases consist of physical abuse cases and alarmingly, 74% of the victims are children. For January and February 2018 alone, the Philippine National Police's *Bantay Krimen* (Crime Watch) Web-Based Monitoring has listed 796 reported cases of rape, which translates

President Duterte's Top Misogynistic Remarks as of Feb 2018 | Rappler.com, Ulat Lila 2018

'Shoot communist rebels in the vagina' | February 7, 2018 - During a gathering with former New People's Army members, Duterte joked (in his native language) that soldiers will be given a new order against female rebels. *"There's a new order coming from Mayor. We won't kill you. We will just shoot your vagina, so that – if there is no vagina, it would be useless."*

'Fragrant Filipinas' | February 6, 2018 - During the National Economic and Development Authority anniversary, Duterte said foreign women don't attract him because they *"From afar, they are beautiful because they are exotic. You don't sense it but once you're near, their odor is queer. No, no, no, no. Let's go back to the room.... I'm faithful to the Filipina. There are many of them but I'm faithful. It doesn't have to be just one woman. I'm faithful to the Filipina because they're fragrant."*

'42 virgins as tourism come-on' | January 26, 2018 - Pitching Philippine tourism during a forum with Indian and Filipino businessmen in New Delhi, Duterte took off from the promise to jihadists that 72 virgins await them in heaven if they die as martyrs. *"The come-on is that if you die a martyr, you go to heaven with 42 virgins waiting for you. If I could just make it a come-on also for those who'd like to go to my country."*

'Beautiful rape victims' | December 2017 – During his speech after signing the TRAIN Law, *"And you know what? May I be forgiven by Maggie dela Riva. During our time, the rape victims then were beautiful."*

'Congratulations for a rape well done' | July 2017 – During a speech at a tourism event in Davao City: *"What I don't like are kids [being raped], You can mess with, maybe a Miss Universe. Maybe I will even congratulate you for having the balls to rape somebody when you know you are going to die."*

'Just do your job, rape if you must. It's on me' | June 2017 – Speaking at the 2nd Mechanized Infantry (Magbalantay) Brigade of the Philippine Army in Iligan City he said, *"If you go down, I go down. But for this martial law and the consequences of martial law and the ramifications of martial law, I and I alone would be responsible. Just do your job, I will take care of the rest. If you had raped three, I will own up to it. I will say I was the one who did it."*

'Death to the ugly' | January 25, 2017 - Duterte poked fun at "ugly" victims of Super Typhoon Yolanda during the turnover of new homes to the storm's survivors in Tacloban City. *"I looked up to the sky and said, 'Lord, I hope only the ugly died. I hope the beautiful ones did not.' The Lord said, 'That's okay.'*

'Mayor should go first' | April 12, 2016 - The remark, uttered during a campaign sortie in Quezon City, centered on Australian missionary Jacqueline Hamill and her death during a hostage-taking in the Davao penal colony. Duterte was mayor at the time and saw Hamill's body after the shooting. *"I looked at her face, son of a bitch, she looks like a beautiful American actress. Son of a bitch, what a waste. What came to mind was, they raped her, they lined up. I was angry because she was raped, that's one thing. But she was so beautiful, the mayor should have been first. What a waste."*

'Short-time only' | November 29, 2015 - In one of his first campaign sorties, Duterte spoke of how he saved money on his girlfriends. He refused one of his girlfriend's request for a car of her own since he would only enjoy a "short time" with her. *"I said, no more. What are the trips we take anyway? I just pick you up from your boarding house, we go inside a motel, it's only 'short time.'"*

Table I. Selected Cases of Violence Against Women and Children, 2016

Case	Women	Children	Total
Rape	2,566	7,350	9,916
Rape with Homicide	13	14	27
Violation of RA 9262	35,093	-	35,093
Acts of Lasciviousness	2,031	2,984	5,015
Anti-Sexual Harassment	94	67	161
Anti-Photo and Video Voyeurism	79	6	85
Anti-Child Abuse	-	19,201	19,201

Source: PNP Women and Children Protection Center

to almost 15 cases per day. These numbers are still conservative since many VAWC victims, especially sexually abused ones, find it difficult to report perpetrators; and also because of the culture of victim blaming, which even some well-known media personalities are guilty of.

State support for abused women and children has been lacking. What do you expect when the Chief Executive himself is guilty of committing, trivializing and normalizing misogyny? In 2017, the budget for the Department of Social Welfare and Development (DSWD) services for residential and center-based clients amounted to P1.55 billion only, while the budget for protective services for individuals and families in difficult circumstances was P3.45 billion only. Worse, what the President preaches, he actually practices; and his men follow suit, as demonstrated by the three Makati policemen who were caught having a good time as they strip-searched a woman allegedly involved in illegal drugs, and soldiers threatening to rape women in the midst of the war in Marawi.

Women rebels exist because they were fed up and continue to be outraged by the prevailing oppressive system, which legal institutions and systems only reinforce instead of alleviate. Out of patriotism they fought against colonization; and carried on thereafter out of the recognition of the importance of women's emancipation in changing the semi-colonial semi-feudal society.

Poverty and Oppression breed Struggle; Struggle met by Repression

The Filipino people in general, although known for their warm hospitality and resilience, are a people with a high revolutionary spirit and a continuing history of struggle for social justice. Women in particular, while not yet consciously fighting to end their subordinate status, took part in the countless sporadic revolts against Spanish rule and even took leadership roles in the culminating anti-colonial Philippine Revolution of 1896.² Women continued to take part in people's struggles for they knew that genuine social change does not come on a silver platter.

And indeed, the struggle is always met with political repression. The whole world will never forget the grim Marcos dictatorship, during which countless activists and government critics were subjected to various forms of state brutalities and barbarism, but nonetheless only leveled up women's struggle as they went underground and took part in the armed struggle.³ The Presidents that followed – Corazon Aquino, Fidel Ramos, Joseph Estrada, Benigno Aquino III, Gloria Macapagal-Arroyo, and Rodrigo Duterte – all had their own versions of United States-inspired counter-insurgency operation plans implemented in cooperation with them resulting in a wide range of rights violations and extrajudicial killings protected by a culture of impunity – clearly showing that the state is an instrument of exploitation and oppression by the ruling class against the people, using its legal institutions and institutions of violence to maintain power. But what makes President Duterte the worst of them all?

One, the Duterte administration and the US government have enhanced counter-terrorism cooperation in the Philippines, with 76.53% of US support for the country allocated for military financing in 2016 and \$13.34 million for military and police aid this 2018.⁴ And the Philippine government had even asked for more, which the US said it would provide via its mission called Operation Pacific Eagle Philippines, allegedly having unlimited budget for armed US operations in the Southeast Asian region.

As early as Duterte's first three months in office, human rights group KARAPATAN has already recorded 17 women activists killed and 42

2 De Lima. Women and Revolution

3 Madula, Rowell D. 2015. *Women Discourse in the Philippine Revolutionary Movement*. International Conference on Social Sciences and Humanities (ICSSH'15) May 5-6, 2015 Bali (Indonesia). <https://icehm.org/upload/6560ED0515009.pdf>

4 According to Washington-based Center for International Policy as cited in Ulat Lila 2018



Philstar.com

arrested from July 2016 to September 2017. By the end of 2017, there were 126 activist-victims of extra judicial killings (EJK), 235 victims of frustrated EJK, 1202 illegally arrested (272 of whom were detained), and 426,590 individuals who forcibly evacuated due to military operations. On the first two weeks of January 2018, more than five activists were harassed and arrested and 14 communities experienced bombing and destruction of properties. And just like his predecessors, not a single perpetrator is brought to justice for all these.

What makes the violations more striking is the President's repeated open incitement to war crimes, guarantees of impunity and even rewards. President Duterte has given an open declaration of war against activists and human rights defenders whom he calls communist fronts: "*...I will go after the legal fronts...And if you (military and police) have to kill, do it because human rights...are of no use to us.*" He has also given additional muscle to the police through Republic Act 10973, which grants subpoena powers to the police chief and the officials of the Criminal Investigation and Detection Group to skip the strict requirements when applying for search or arrest warrants – a violation of the Bill of Rights.

"I will kill you"

But the killings that used to target only activists and organized communities are no longer confined to them but has rather become a war against the poor, who catapulted him into the presidency in the hopes that he would indeed put an end to lawlessness, violence and drugs. However,



RMP-NMR



abs-cbn.com

his version of peace and order comes with a valuable price: a version that simply involved the so-called Davao death squad. Instead of denying the issue, he used it as propaganda during his campaign, blatantly uttering the words “I will kill you” to warn anyone from getting in the way as it will be a bloody campaign. On the first months of his presidency, hundreds were killed and the numbers continued to rise, the latest count being pegged at around 10,000.⁵ Notably, almost all casualties from operations were from the poor communities despite the President himself exposing big names in the drug industry. These he did without even looking into the causes of drug use prevalence in the country, nor with a tinge of regard for the government’s own legal processes and for human dignity – only to declare later that the drug problem cannot really be solved in six months.

For the people of Marawi, it was not just killing. It was overkill. The war against “terrorism” bombed the city to ashes for five months and killed 1,1372 individuals and left 404,654 people starving and displaced. Evacuees disproved and pleaded against the indiscriminate use of such weapons of mass destruction, saying these were not proportionate to the acts and capabilities of the Maute/Abu Sayyaf Group. They equally objected the imposition of Martial Law, which spawned massive human rights violations and abuse of military might, as was evident in the military’s threats of rape to women, blockade of humanitarian and relief missions, and torture of captured locals escaping the war zone. The President’s rape joke among the soldiers engaged in the war – that they can rape up to three women and he will take responsibility – followed by soldiers actually harassing and

5 Center for Women’s Resources. 2018. Ulat Lila



Kodao



Bulatlat



Rappler

The #BabaeAko Movement started in May as a social media campaign after Duterte kissed in public a married Filipino woman on stage during his official visit to South Korea. Duterte and his spokespersons defended the kiss as merely for fun and that the woman had given him consent. He added that he would step down as president if enough women protested against him. Jelen Paclarin of Women's Legal and Human Rights Bureau said that Duterte's public remarks of rape jokes and examples of misogyny normalizes the unethical acts and remarks, and that those who defend these as being normal and part of Philippine culture are promoting the culture of rape and sexual violence. Similarly, Joms Salvador of Gabriela added that Duterte's misogynistic nature reflects — and reinforces — the patriarchal and feudal values entrenched in the consciousness of many Filipinos. Despite this, she said that the fight for women's rights remains strong and unwavering because of poverty, fascism, sexism and violence. "We actively participate in the movement for change, in creating history," Salvador said. — Bulatlat.com

threatening to rape women, had caused terrible fear and forced women to seek refuge in evacuation centers.⁶

President Duterte continues to make contradicting statements to confuse and hide crucial information from the people; and exploits the negative aspects of our culture – patriarchy, media sensationalism, showbiz-style governance and politics – to distract and divert their attention from charter change and the wholesale sellout of the Philippines to his local and foreign masters. In trying to appeal to the masses, he ‘jokes’ around a lot, ironically speaking in a tongue akin to that of a drug addict that he purportedly so abhors and in ways that degrade women. As if he were a male variety show host or some movie actor, he called up two women to the stage while addressing overseas Filipino workers in Korea and asked one of them to kiss him – on the lips – despite seeing how hesitant the woman was and despite knowing that she was married. Apparently, President Duterte very well understands the role of culture in a people’s suppression or liberation and willfully uses it for the former.

But neither terror nor entertainment will cow the people into silence and fear, and women especially are playing their significant part. Over a hundred protests have been mounted against the President from November 2016 to August 2018, rising from two during the first half of 2017 to a minimum of three and as many as 16 mass actions in a single month thereafter.⁷ National women’s group GABRIELA mobilized in hundreds prior to and on International Women’s Day 2017. In November of the same year, on the eve of the International Day for the Elimination of Violence against Women, hundreds of women gathered to denounce the extrajudicial killings under the Duterte administration. In February 2018, members of various people’s organizations launched the Metro Manila formation of the Movement Against Tyranny (MAT), which mothers and relatives of *tokhang* victims also joined. The *BabaeAko* (I am a woman) movement, which started as an anti-misogyny social media campaign, joined the unprecedented unity of various opposition groups that quickly broadened in just a span of two years to counter the President’s third State of the Nation Address in July. Over 40,000 from different sectors and groups of people gathered near Congress and thousands others in city centers in various provinces.

6 National Interfaith Humanitarian Mission June 2017 Report http://www.rmp-nmr.org/sites/default/files/downloads/NIHM-IR-web_0.pdf

7 Timeline of protests against Rodrigo Duterte https://en.wikipedia.org/wiki/Timeline_of_protests_against_Rodrigo_Duterte

The people are rising up. And as history has proven many times over, the Filipino people can overcome tyranny and oppression – more certainly because women, who hold half the sky, are actively taking part in the resistance.

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PEACE TALKS UNDER THE DUTERTE GOVERNMENT: ROAD TO PEACE?

Lorelei Covero

The Government of the Philippines (GRP) and National Democratic Front of the Philippines (NDFP) have been involved in protracted peace negotiations since 1986 to resolve the 50 years armed struggle in the country waged by the Communist Party of the Philippines, New Peoples Army, National Democratic Front (CPP-NPA-NDF).

The most important agreements coming out from these negotiations were: The Hague Joint Declaration, the Joint Agreement on Safety and Immunity Guarantee (JASIG) and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL). These agreements as well as other joint statements signed between the two parties are in effect and binding on all succeeding governments.

Subsequent peace negotiations should result to agreements on social and economic reforms (Comprehensive Agreement on Socio-Economic Reforms, CASER), on political and constitutional reforms (Comprehensive Agreement on Political and Constitutional Reforms, CAPCR), before finally winding down to cessation of hostilities and disposition of forces (End of Hostilities and Disposition of Forces, EHDF).

Since President Duterte came into power in 2016, there have been four rounds of formal peace negotiations between GRP and NDFP. But Pres. Duterte has marked these negotiations with unilateral terminations, stops and delays of both formal and informal/back-channel talks for various purported reasons. These bring to question the GRP's sincerity in pursuing a just and lasting solution to the armed conflict, as well as its real agenda at the peace talks.

In February 2017, he unilaterally terminated the peace talks, just a week after the successful 3rd round of peace negotiations in Rome, Italy; tagging the CPP-NPA-NDF as “terrorists”. Again on April 2017, he stopped and effectively delayed the opening of the 4th round of peace negotiations in The Netherlands; and imposed conditionalities for the talks, foremost of which is a bilateral ceasefire.

And then following Pres. Duterte’s declaration of Martial Law in Mindanao on May 23, 2017, the GRP declared it would not participate in the 5th round of peace negotiations unless the CPP retracts its order for the NPA to intensify attacks on the Armed Forces of the Philippines (AFP).

The NDFP replied that this is an ultimatum served on the NDFP to collapse the talks unless the latter submitted to two “unreasonable demands”: 1) that the CPP rescind its order to the NPA that was, “in the main, responding to the intensified AFP military operations before and after Duterte’s declaration of Martial Law” and 2) that the NDFP immediately sign a joint ceasefire agreement “even without the necessary agreements on social, economic and political reforms in place.”

After informal/ back-channel talks in October 2017, the GRP terminated the scheduled 5th round of negotiations by issuing Proclamation 360 for this purpose (November 2017) and Proclamation 374 labelling the CPP-NPA as “terrorist organizations”, as well as the proscription of some 600 individuals as “terrorists”.

More recently, last June 13, 2018, Pres. Duterte unilaterally postponed the 5th round of peace negotiations scheduled on June 28-30. He instructed the GRP peace panel to “reset” the talks, to engage the “bigger table” first before working out any agreement with the NDFP.¹

Days after, government officials would also make pronouncements justifying the indefinite postponement, such as holding localized peace talks (“stakeholder consultations”), holding the negotiations in the Philippines (instead of a neutral venue) and therefore no need for a Third Party Facilitator; which violates earlier agreements especially the JASIG.

GRP’s indefinite postponement of the 5th round of talks came after months of efforts by both parties at informal negotiations. The most

1 <http://www.mindanews.com/peace-process/2018/06/dureza-june-28-resumption-of-peace-talks-with-ndf-reset/>

important result of which is the Interim Peace Agreement (IPA), as it contains key provisions on: (1) Amnesty Proclamation, (2) Agrarian Reform and Rural Development (ARRD) and National Industrialization and Economic Development (NIED) of the Comprehensive Agreement on Socio-Economic Reforms (CASER), and, (3) Agreement on Coordinated Unilateral Ceasefire (CUC). The IPA signing would have brought closer the resolution of social and economic problems, which are at the root of the armed struggle, and towards discussions on political and constitutional reforms.

Defense Secretary Lorenzana would later reveal that the AFP requested the postponement to “look into the ramifications of the stand down (a temporary ceasefire agreement signed June 9) and succeeding ceasefire (Coordinated Unilateral Ceasefire) in its security operations”. Evidently, the militarist viewpoint weighed heavier for Pres. Duterte than moving forward the peace negotiations.

The GRP peace track under Pres. Duterte, including the current impasse, clearly show the lack of genuine interest in pursuing peace with the NDFP. Its repetitive pursuit of ceasefire as precondition for talks even before an agreement on substantive agenda (social, economic and political reforms); breaking provisions of JASIG on foreign neutral venue; proscription and arrests of NDFP consultants, all show that GRP is really after the surrender of the NDFP and not addressing the roots of the armed conflict.

Pres. Duterte’s disregard for past agreements and commitments show a lack of sincerity in pursuing just and lasting peace: His commitment for an amnesty for all political prisoners since 2016 was not realized; violations of CARHRIHL abound with the Martial Law in Mindanao, anti-drug war victimizing the poor, militarization of national minority communities especially the Lumads to name a few; and breaking of provisions of JASIG and CARHRIHL thus endangering the freedom and lives of NDFP consultants and allies.

Further, the lack of sincerity is manifest in his disinterest in forging an agreement that resolves the social, economic, and political roots of the armed conflict. This is starkly evident in the current impasse of the peace talks, where the casualty is the IPA, which lays the ground for vital socio-economic reforms under CASER.

It is in the interest of the people, most especially the poor and marginalized, for the peace negotiations to continue only if it will be able to address the social, economic and political roots of the armed conflict. It is in the people's interest that the agreement on socio-economic reforms (CASER) be signed, that a truly democratic government be installed with the adoption of political and constitutional reforms (CAPCR).

TIMELINE: GRP-NDFP PEACE TALKS UNDER THE DUTERTE GOVERNMENT

2016²

June

- Informal talks between (presumptive) Duterte administration & NDFP on agenda of formal peace talks
- 1st round of talks delayed. Reason: Steps for release of political prisoners & consultants not yet done.

July 25 – Pres. Duterte declares unilateral ceasefire.

July 26-27 – NPA says Oplan Bayanihan and legal offensives vs suspected NPA still continues.

July 30 – Pres. Duterte withdraws unilateral ceasefire.

July 31 – CPP announces plan to declare ceasefire on August 20 as goodwill gesture for the start of formal peace talks and after release of political prisoners.

Aug 13 – Philippine Supreme Court gives jurisdiction to local courts to “release on bail” NDFP consultants. 19 political prisoners given temporary release of 6 months (Contrary to amnesty promised by Pres. Duterte).

Aug 20 – CPP declares 7-day unilateral ceasefire.

2 <http://altermidya.net/timeline-ng-grp-ndfp-peace-talks/>

Aug 22-26 – 1st round of formal peace negotiations, Oslo, Norway. Parties agree on: 1) Recognition of previously signed agreements, 2) Reconstitution of JASIG list, 3) GRP recommendations on release of political prisoners through general amnesty; as well as important points on fast-tracking negotiations, ceasefire and JMC operationalization according to CARHRIHL

Aug 28 – CPP-NPA-NDF extends unilateral ceasefire as “goodwill gesture” for 1st round of talks, and to facilitate GRP release of political prisoners (August 27, 2016 – February 3, 2017).

September-October – No significant steps from GRP on release of political prisoners.

Oct 6-9 – 2nd round of formal peace negotiations. NDFP calls for release of political prisoners. GRP calls for bilateral ceasefire.

November-December – CPP states continuous military operations of AFP in various places in the country.

2017

January 19-25 – 3rd round of formal peace negotiations, Rome, Italy. Talks continue despite problems on the non-release of political prisoners by GRP as stated in CAHRIHL. NDFP protests violation of GRP of its own unilateral ceasefire.

Jan 31 – NPA declares “active defense mode” against AFP military operations.

Feb 1 – CPP withdraws unilateral ceasefire declaration, effective February 10.

Feb 2 – Pres. Duterte reneges on commitment to release political prisoners. AFP withdraws its unilateral ceasefire.

February 4 – Pres. Duterte unilaterally declares cancellation of peace talks, tagged the CPP-NPA-NDF as “terrorists”. AFP threatens to re-arrest the (released) NDFP consultants.

Feb 7 – Sec. Dureza terminates JASIG, in a letter addressed to F. Agcaoili and J.M. Sison (NDFP Chairperson and Consultant, respectively).

Feb 9 – NDFP and CPP rejects Dureza’s letter, claiming it is unjust and does not follow protocols of previously signed agreements.

Feb 10 – Karapatan reports numerous violations of human rights in the countryside, following AFP’s declaration of “all out war”.

April 2 – Delayed opening of 4th round of peace talks, due to Pres. Duterte’s new “barest conditionalities” (i.e., ceasefire)

April 3 – Opening of 4th round of formal peace negotiations, Noordwijk, The Netherlands.

May 23 – Presidential Spokesperson Ernesto Abella announces that President Duterte is declaring Martial Law in Mindanao. Defense Sec. Lorenzana adds the issue of other problem areas such as Bangsamoro Islamic Freedom Fighters in Central Mindanao and extortion of the NPA.

May 24 – CPP releases its statement denouncing Martial Law in Mindanao, calling on the NPA to intensify recruitment and attacks against the AFP.

May 27 – GRP declares it would not participate in 5th round of formal peace negotiations until conditions are met, i.e., CPP retracts its order to the NPA. NDFP replies that the GRP served an ultimatum designed to collapse the talks unless NDFP submits to its two unreasonable demands (i.e., retraction and ceasefire). GRP, NDFP release statements and conduct press conferences on the cancellation of the negotiations.³

October 1-5 – Informal talks for the preparation of resumption of formal negotiations

- Agenda for 5th round of formal talks in November 2017, signing of: (1) Amnesty Proclamation, (2) Agrarian Reform and Rural Development (ARRD) and National Industrialization and Economic Development (NIED) of the Comprehensive Agreement on Socio-Economic Reforms, and, (3) Agreement on Coordinated Unilateral Ceasefire (CUC).

³ <https://www.facebook.com/notes/kapayapaan-campaign-for-a-just-and-lasting-peace/timeline-of-events-5th-round-of-formal-peace-talks/1915370588676495/>

- Parties sign October 2017 Tentative Agreement and Schedules, also involved the following: the lifting of warrants and restoration of canceled bail of the consultants released last August 2016 in order to participate in the negotiations, especially the formal and informal talks; simultaneous Stand Down of Forces; and release of Political Prisoners on the basis of CARHRIHL, especially on humanitarian grounds.

November 23, 2017 – GRP Proclamation 360 (Termination of peace negotiations), terminated the scheduled 5th round of formal talks (November 25-27)

December 5, 2017 – GRP Proclamation 374 (Proscription of CPP-NPA as “terrorist” organization, as well as 600 individuals)

2018

March – GRP informs NDFP for informal/back channel talks.

- GRP presented a “Road Map & Schedules” involving ceasefires, Amnesty and release of prisoners, signing of CASER and CAPCR, and leading to a Final Peace Agreement and Agreement on End of Hostilities and Disposition of Force (EHDF).
- The Stand Down of Forces was agreed upon and shall be announced two weeks before the resumption of formal talks. This will be elevated into a Coordinated Unilateral Ceasefire (CUC) Agreement.

March–June – Informal/ back channel talks.

- Both parties agree on an Interim Peace Agreement (IPA) with 3 key provisions:
 1. Amnesty Proclamation for NDFP-listed political prisoners
 2. Part I (ARRD) & Part II (NIED) of CASER
 3. Coordinated Unilateral Ceasefire (CUC)
- For the IPA to be possible, the obstacles and hindrances must be removed, e.g., Proclamations 360 and 374; that the Amnesty Proclamation is mutually agreeable; and that the effectivity of the CUC shall be contingent on the releases of political prisoners (based on CARHRIHL) and the concurrence of Congress with the Amnesty Proclamation.
- GRP also committed to its best effort to show the NDFP the signed or to-be-signed Proclamation before the resumption of formal talks. That while the CUC Agreement may be signed at the resumption of formal talks in mid- or end-June, it will only be effective upon the

GRP Congress' concurrence with the Proclamation of Amnesty for the NDFP-listed PPs.

June 9-10 – Both parties adopt Agreements on Preparatory Work & Schedules (For the resumption of 5th Round of Formal Talks); and the Stand Down of Forces to be implemented two weeks before resumption tentatively set June 28.

June 13 – GRP indefinitely postpones 5th Round of talks. Pres. Duterte instructs GRP peace panel to engage the “bigger table” first before they would work out agreements with NDFP; and thus the June 28 resumption of peace talks with NDFP is reset.

June – Aug

- GRP Pronouncements: on holding peace talks in the PH and thus, no need for Third Party Facilitator; localized peace talks, review of past agreements by Pres. Duterte, etc.

ANNEXES

A. Statements from United Nations experts & officials; governments

PHILIPPINES NEEDS URGENT ACTION TO REVERSE SPIRALLING RIGHTS VIOLATIONS, UN EXPERTS SAY

GENEVA (31 July 2017) – The Government of the Philippines must urgently address growing reports of human rights violations, including murder, threats against indigenous peoples and the summary execution of children, a group of United Nations experts* has said.

“Attacks are spiralling against many groups in society and we are making an urgent appeal for Government action,” the experts said in a joint call for action.

“We are witnessing severe, multiple human rights violations, especially against indigenous peoples and human rights defenders,” they stressed. “Children are not being spared and continue to be at high risk in a climate of prevailing violence”.

“We are shocked by the increasing levels of violence, killings, intimidation and harassment being suffered by human rights defenders – including those protecting indigenous peoples – trade union organizers, farmers and their family members.”

The experts added: “Allegations of summary executions, including of children, are also on the rise. All these cases must be investigated thoroughly and perpetrators should be brought to justice.”

They also highlighted that some of those being attacked were defending the rights of Lumad indigenous peoples, who are reported to have suffered particularly severe threats on the island of Mindanao, often with the acquiescence or direct support of the security forces, while defending their ancestral land against businesses.

Numerous killings and extra-judicial executions of villagers, farmers and human rights defenders working with them have been reliably reported, the experts noted.

Last week, the Philippines President Rodrigo Duterte, speaking in a televised news conference on 24 July, threatened to bomb Lumad schools on Mindanao.

“We urge the Government to ensure effective protection of individuals and groups who may be subject to extra-legal, arbitrary or summary executions, or those who received death threats,” the experts said.

“The Government must also prevent incitement to violence or killings against indigenous communities, human rights defenders and farmers,” they concluded.

The group of UN human rights experts has been in contact with the Government of the Philippines regarding these concerns.

(★) The experts: Ms. Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders; and Ms. Maud de Boer-Buquicchio, Special Rapporteur on the sale and sexual exploitation of children.

HUMAN RIGHTS COUNCIL 37: UK NATIONAL STATEMENT UNDER ITEM 2

This UK Statement was delivered at the 37th Session of the Human Rights Council during the discussion under Item 2, held on 8 March 2018.

Published 8 March 2018

From: UK Mission to the United Nations Geneva

The Human Rights Council takes place at the Palais des Nations in Geneva

We are concerned by post-election violence in Honduras and urge the authorities to investigate these incidents. We welcome the government's commitment to prioritise human rights, the establishment of a Human Rights Ministry and UN efforts to broker a political dialogue.

The situation in the DRC is deeply troubling with reports that violations and abuses are increasing, and that State actors are the main perpetrators. We call on the DRC as a Council member to demonstrate commitment to the highest human rights standards by reversing these alarming trends.

We are extremely concerned by the situation in Israel and the Occupied Palestinian Territories, including the treatment of Palestinian minors in Israeli military detention. Settlement expansions, demolitions of Palestinian property and proposed legislation to extend Israel's sovereignty beyond the Green Line are highly concerning and we urge Israel to halt these practices.

We urge Thailand to deliver credible, inclusive elections in line with international standards as soon as possible. We call for gradual restoration of freedom of expression and assembly, including the lifting of restrictions on political parties and space for civil society organisations to function.

We are increasingly concerned by worsening restrictions on freedom of expression in Vietnam. Peacefully expressing views on issues of public interest should not constitute a criminal offence and all citizens should be allowed to express their views freely and without persecution.

In the Philippines, we are concerned by proposed steps to limit freedom of expression, including increased restrictions on the media; threats against Human Rights Defenders; and shrinking space for political opposition. We urge the Government to ensure thorough investigations into all deaths associated with the campaign against illegal drugs.

Finally, we share concerns about recent inter-communal violence in Sri Lanka. We support the government's determination to end it swiftly, using measures that are proportionate and respect human rights, and urge it to hold the perpetrators to account.

UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES STANDS BY INDIGENOUS HUMAN RIGHTS DEFENDERS IN THE PHILIPPINES

United Nations Permanent Forum on Indigenous Issues
Mariam Walle M. Aboubakrine, Chairperson
13 March 2018

The United Nations Permanent Forum on Indigenous Issues expresses its grave concerns about the Philippine government's accusation against indigenous human rights defenders as terrorist group affiliates. The indigenous human rights defenders include, among others, Victoria TauliCorpuz, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Joan Carling, former member of the Permanent Forum and Jose Molintas, former member of the Expert Mechanism on the Rights of Indigenous Peoples.

We are informed that a petition has been filed by the State Prosecutor of the Department of Justice, which seeks to declare the indigenous human rights defenders among more than 600 individuals as "terrorist and outlawed organizations and/or group of persons" under the National Security Act of 2007 of the Philippines. We believe that the charges against the indigenous human rights defenders are unsubstantiated, and that they are being targeted for their advocacy and efforts to promote and protect the rights of indigenous peoples. We find this unacceptable in a country that is based on principles of democracy and good governance.

We call on the Philippine Government to immediately remove the names of Victoria Tauli-Corpuz, Joan Carling, Jose Molintas and other indigenous human rights defenders from the list, and to ensure their physical safety. We urge the Government to uphold its obligations under international human rights instruments and its duty to guarantee the right to promote and to strive for the realization of human rights under the Declaration on Human Rights Defenders.

We wish to point out that the vision of indigenous peoples' movements across the world have been to ensure implementation of democratic principles in their countries. We note with alarm that reprisals and attacks against indigenous rights defenders are increasing.

We appeal to all Member States and specifically the Philippine government to guarantee the rights of indigenous peoples in line with the UN Declaration on the Rights of Indigenous Peoples.

HUMAN RIGHTS COUNCIL 38TH SESSION : JOINT STATEMENT ON THE HUMAN RIGHTS SITUATION IN THE PHILIPPINES

General Debate - Item 2

19 June 2018

Delivered by Iceland

Thank you Mr. President,

I have the honour to make this statement on behalf of a group of 38 States.

The Philippines is a current member of the Human Rights Council. States which are elected to join the Council should lead by example and are expected to uphold the highest standards in the promotion and protection of human rights during their time as members. The Human Rights Council has a responsibility to fulfill its duty to promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner. If needed, the Council may take further steps, including a more formal Council initiative to try and ensure that member states meet their human rights obligations.

While acknowledging that drug use in the Philippines is a serious problem, actions to tackle drug abuse must be carried out in full respect of the rule of law and compliance with international human rights obligations. We urge the government of the Philippines to take all necessary measures to bring killings associated with the campaign against illegal drugs to an end and cooperate with the international community to investigate all related deaths and hold perpetrators accountable.

We are also concerned over reports of harassment of persons exercising their rights to freedom of opinion and expression, including human rights defenders and journalists. We are also concerned about the harassment of members of the Commission on Human Rights. We call upon the

Philippines to provide and guarantee a safe and secure environment for all, including journalists and Human Rights defenders.

Mr. President,

We are encouraged by reports that the Government of the Philippines has indicated a willingness to cooperate with the UN to allow an objective assessment of the human rights situation in the country.

We urge the Government of the Philippines to cooperate with the United Nations system - including the Human Rights Council and its special procedure mandate holders - without preconditions or limitations.

I thank you

On behalf of:

- | | | |
|-------------------|-------------------|--------------------|
| 1. Australia | 14. Germany | 27. New Zealand |
| 2. Austria | 15. Greece | 28. Poland |
| 3. Belgium | 16. Iceland | 29. Portugal |
| 4. Bulgaria | 17. Ireland | 30. Romania |
| 5. Canada | 18. Italy | 31. Slovakia |
| 6. Croatia | 19. Latvia | 32. Slovenia |
| 7. Cyprus | 20. Liechtenstein | 33. Spain |
| 8. Czech Republic | 21. Lithuania | 34. Sweden |
| 9. Denmark | 22. Luxembourg | 35. Switzerland |
| 10. Estonia | 23. Malta | 36. Ukraine |
| 11. Finland | 24. Macedonia | 37. United Kingdom |
| 12. France | 25. Montenegro | 38. United States |
| 13. Georgia | 26. Netherlands | |

HUMAN RIGHTS ADVOCATES IN ASIA UNDER ATTACK

Andrew Gilmour

UN Assistant Secretary-General for Human Rights

In February, hundreds of Filipino participants in the peace process, environmental activists and human rights defenders were labeled “terrorists” by their own government. The security of the individuals on this list is at stake, and some have fled the Philippines.

The UN independent expert on the rights of indigenous peoples - Victoria Tauli-Corpuz – was on this list. This followed the vilification only months before of another UN independent expert - Agnès Callamard - who deals with extra-judicial executions. Philippine President Rodrigo Duterte declared that he wanted to slap her, and later announced that he would like to throw other UN human rights officials to the crocodiles. The national Commission on Human Rights in the Philippines was threatened with a zero budget and its former chair, Senator Leila de Lima, is in detention for her advocacy.

Even if extreme, such sweeping threats against hundreds of civil society representatives, defenders of human rights, and UN experts labeled “terrorists” in the Philippines are symptomatic of worrying regional trends.

If governments in the region can target high profile human rights defenders and those associated with the UN with impunity, what is the message to others at community level who are not afforded the same visibility? This is likely to increase fear in those seeking the protection of the UN and other human rights actors.

Human rights advocates the world over are increasingly threatened, attacked and silenced. The message is clear. No one is immune and many advocates across the region will be unable to operate freely and without fear of retaliation.

In the run up to the 2018 national elections in Cambodia, the Government has cracked down on the opposition, independent media and civil society. In February it publicly targeted human rights defenders, including election watchdogs, groups that had monitored the 2017 commune elections, and land activists accused of supporting a purported foreign-backed “revolution” to topple the Government.

Within the general backlash against human rights in various corners, there have been a number of cases where individuals have got into trouble – faced intimidation or reprisals – after sharing information with the UN or participating in a UN activity.

In Myanmar, there were reports of violent reprisals by Tatmadaw, the armed forces, against civilians who met with Yanghee Lee, UN independent expert on Myanmar, following her visit to Rakhine State. These include killings, beatings, and rape. Ms. Lee received credible information that Tatmadaw attacked a village in Rakhine a couple of days after her visit as a measure against the community for those that spoke to her during a visit to the village in 2017. The Tatmadaw gathered the village men and women together and subjected them to severe mistreatment, beatings, and assaults.

Bogus accusations of abetting terrorism are a common justification that we hear from governments to defend the targeting of the UN’s important civil society partners. We have countless cases of advocates charged with terrorism, blamed for cooperation with foreign entities, or accused of damaging the reputation or security of the state.

I recently met with a group of human rights defenders from across South-East and South Asia about their experiences, which in some cases have been made worse by speaking out or if they share information with the UN. The stories about these reprisals were common – they have been charged with defamation, blasphemy and disinformation. They are increasingly threatened and targeted for their work, indeed some have been labeled as terrorists. There were also accusations of activists being drug addicts or mentally unwell.

Some governments feel threatened by any dissent. They label human rights concerns as “illegal outside interference” in their internal affairs; or as an attempt to overthrow regimes; or as an attempt to impose alien “Western” values.

Opposition to economic development and investment projects seems to incite particular ire. Agribusiness, extractive industries, and large-scale energy initiatives, including those that involve indigenous peoples' land, often bear the brunt of the backlash.

Women's rights activists and advocates of the rights of lesbian, gay, bisexual, transgender and intersex persons seem to be particularly targeted. Many are ostracized by their communities, labelled as outcasts, or branded as immoral. Sexual violence is part of this backlash, including rape threats. Those working for religious freedom have been called 'anti-Islam', they and their families threatened or harassed. When advocacy for religious tolerance intersects with that of women's rights and sexual freedom, the stakes can be even higher.

Civil society in the region face visa restrictions, confiscation of passports, travel bans, and arbitrary police investigations and detention. Activists' movements are thwarted and their interactions with those abroad restricted. They are facing administrative and legal repercussions for their advocacy – selectively applied laws, or measures undermining their legal legitimacy or ability to receive funding to survive.

In some of the most extreme cases, arbitrary detention, denial of medical treatment, extra-judicial killings, and disappearance are the result. Despite what they are facing, the strength and resilience of many of the defenders that we deal with is heartening, and we owe it to them to support their efforts. There are many countries where civil society remains vibrant, and we are working closely with them.

Governments that are worried about dissent should see the expression of new ideas as an opportunity for dialogue. At the same time, violations by non-state actors must be taken as seriously as those by government actors. The international community must continue to be attentive to these worrying trends.

This year marks the 70th anniversary of the Universal Declaration of Human Rights. It is important for the collective human rights community, and the UN membership at large, to recall the circumstances that led to the development of this Declaration and its unanimous adoption. The Declaration is the most translated document in the world, available in more than 500 languages, and it is as relevant today as it was on the day that it was proclaimed.

The fact that a growing number of governments (all subject to the Declaration) are engaged in intimidation and reprisals against members of civil society whose “crime” is that they cooperate with the UN would have the original drafters of that noble document turning in their graves.

We are taking these allegations seriously, and addressing particular incidents of reprisals with governments. Civil society has to be heard – for the sake of us all.

STATEMENT IN RESPONSE TO ALLEGATIONS OF TERRORISM AGAINST UN SPECIAL RAPPORTEURS

Erik Solheim
Head, UN Environment

UN Environment notes with deep concern the recent accusations of terrorism that have been levelled against UN Special Rapporteur on the Rights of Indigenous Peoples, Ms. Victoria Tauli-Corpuz, Ms. Joan Carling, Focal Person for Indigenous Peoples Major Group for Sustainable Development, and hundreds of other individuals in the Philippines. The legal petition filed by the Philippines Government alleges that those listed should be declared as terrorists.

These charges must be dropped immediately, and support provided for the legitimate activities of these individuals who have UN mandates, and the civil society organisations with which they work. UN Environment has a long-standing relationship with Ms. Tauli-Corpuz and Ms. Carling, in line with its mandate as leading global environmental authority, and its normative framework on international human rights standards. It is deeply concerning that authorities have routinely responded to the expressions of environmental and human rights defenders by criminalizing and delegitimizing their voices. The shrinking space available to independent people to carry out legitimate work and to speak on behalf of many voiceless indigenous and local communities globally is an issue that must be addressed through increasing openness and participation.

UN Environment has developed a policy on promoting greater protection for environmental defenders which recognises and relies on the critical work of the UN Special Procedures and civil society actors. The policy is grounded in international environmental law, including in relevant UN instruments and resolutions. UN Environment also emphasises the important role those named can play in implementation and effective policy-making. It is on this basis that UN Environment is calling for these allegations to be dropped, and the safety of those named in the legal petition be assured.

EUROPEAN PARLIAMENT RESOLUTION ON THE PHILIPPINES (2018/2662(RSP))

April 18, 2018

The European Parliament,

- having regard to its previous resolutions on the situation in the Philippines, in particular those of 15 September 2016(1) and of 16 March 2017(2),
- having regard to the Statement by the EEAS Spokesperson of 16 March 2018 on the Philippines and the International Criminal Court,
- having regard to the statements by the EU Delegation and the spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR),
- having regard to the Framework Agreement on Partnership and Cooperation between the European Union (EU) and its Member States, of the one part, and the Republic of the Philippines, of the other part,
- having regard to the joint staff working document on the EU Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+) assessment of the Philippines covering the period 2016–2017, of 19 January 2018 (SWD(2018)0032),
- having regard to the statements by the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, regarding the accusations by the Government of the Philippines that the UN Special Rapporteur on the Rights of Indigenous Peoples and other human rights defenders were involved in terrorist activities,

- having regard to the outcome of the ASEAN-EU commemorative summit on the occasion of the 40th anniversary of the establishment of ASEAN-EU dialogue relations, and to the ASEAN-EU Plan of Action (2018-2022),
 - having regard to the statement by the Chair of the European Parliament's Subcommittee on Human Rights (DROI) of 23 February 2018 that 'keeping Senator De Lima in prison without charge is unacceptable',
 - having regard to the diplomatic relations between the Philippines and the EU (formerly the European Economic Community (EEC)) established on 12 May 1964 with the appointment of the Philippine Ambassador to the EEC,
 - having regard to the status of the Philippines as a founding member of the Association of Southeast Asian Nations (ASEAN),
 - having regard to the United Nations Convention on the Rights of the Child,
 - having regard to the International Convention for the Protection of all Persons from Enforced Disappearance,
 - having regard to the EU Guidelines on Human Rights,
 - having regard to the Rome Statute,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR),
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the Philippines and the EU have longstanding diplomatic, economic, cultural and political relations; whereas through ratification of the Partnership and Cooperation Agreement, the European Union and the Philippines have reaffirmed their joint commitment to the principles of good governance, democracy, the rule of law, human

rights, the promotion of social and economic development, and to peace and security in the region;

- B. whereas since 1 July 2016, around 12 000 people, including women and children, have, reportedly, been killed in the Philippines during an ongoing campaign against drugs, internationally proclaimed as President Duterte's 'war on drugs'; whereas President Duterte has vowed to continue his anti-drug campaign until the end of his presidential term in 2022; whereas the EU remains deeply concerned about the high number of killings associated with the campaign against illegal drugs in the Philippines;
- C. whereas the UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, a Philippine national, has been accused of terrorism and, along with 600 other individuals including indigenous leaders and human rights defenders, was put on a list of terrorist organisations by the Philippines Government in March 2018; whereas UN experts enjoy legal immunity; whereas the accusations followed Tauli-Corpuz's condemnation of the army's attacks on the indigenous Lumad peoples in Mindanao; whereas Tauli-Corpuz noted the use of harassment, torture and arrests against indigenous people peacefully protecting their property;
- D. whereas Senator Leila De Lima, a human rights activist and the highest-profile critic of Philippine President Duterte's anti-drugs campaign, was removed from her position as chairperson of the Senate Committee on Justice and Human Rights on 19 September 2016 and was arrested on 23 February 2017; whereas Senator De Lima led the investigations into the extrajudicial killings in Davao while President Duterte was mayor of the city; whereas there are serious concerns that the offences Senator De Lima has been charged with are almost entirely fabricated and politically motivated;
- E. whereas the targeting of indigenous peoples by the Philippines authorities is a serious concern; whereas, at the end of December, the UN warned about the massive human rights violations suffered by Lumads on the Philippine island of Mindanao; whereas UN experts estimate that, since October 2017, at least 2 500 Lumads have been displaced; whereas it is feared that some of these attacks are motivated by unfounded suspicions that the Lumads are involved

with terrorist groups, or by their resistance to mining activities on ancestral lands;

- F. whereas the Philippines signed the Rome Statute on 28 December 2000 and ratified the Statute on 30 August 2011; whereas the Prosecutor of the International Criminal Court (ICC) has opened a preliminary examination of the situation in the Philippines, which will analyse crimes allegedly committed in the country since at least 1 July 2016 in the context of the ‘war on drugs’ campaign launched by the Government of the Philippines;
- G. whereas on 19 March 2018 the ICC was officially notified by the UN that the Philippines had, on 17 March 2018, deposited a written notification of withdrawal from the Rome Statute;
- H. whereas the Philippines House of Representatives approved a bill on 7 March 2017 to reinstate the death penalty; whereas the bill still requires senatorial approval before the president can sign it into law; whereas President Duterte has actively campaigned for the reinstatement of the death penalty; whereas reintroduction of the death penalty would be in clear violation of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is party as of 2007;
- I. whereas Philippines ranks 111 out of 180 countries in terms of corruption in the Corruption Ranking published annually by Transparency International;
- J. whereas there is an increasingly shrinking space for civil society; whereas human rights defenders are reportedly facing an increasingly hostile environment in the Philippines; whereas President Duterte has made statements encouraging police attacks against human rights groups and advocates;
- K. whereas persons who make public statements against the extrajudicial killings face the risk of being banned from entering the Philippines;
- L. whereas President Duterte has made a number of derogatory and demeaning statements about women and has repeatedly justified rape and called for the shooting of women;

- M. whereas human rights defenders, journalists and activists routinely face threats, harassment, intimidation and violence for seeking to expose allegations of extra-judicial killings and other human rights abuses in the Philippines; whereas the LGTBI community faces continuous harassment;
 - N. whereas the Philippines is a beneficiary of the European Union's Generalised Scheme of Preferences Plus (GSP+);
 - O. whereas the EU-Philippines Partnership and Cooperation Agreement calls for the establishment of a meaningful human rights dialogue in the form of a Working Group on Human Rights;
1. Calls on the Government of the Philippines to put an immediate end to the extrajudicial killings in the pretext of a 'war on drugs'; strongly condemns the high number of extrajudicial killings by the armed forces and vigilante groups related to the anti-drug campaign; expresses its condolences to the families of the victims; expresses grave concern over credible reports to the effect that the Philippine police force is falsifying evidence to justify extrajudicial killings, and that it is overwhelmingly the urban poor who are being targeted;
 2. Notes the government's recent initiatives to ensure a more unified and integrated approach to anti-drug efforts based on enforcement, justice, advocacy and rehabilitation and integration; welcomes Senate Resolution 516 filed in the Philippines on 25 September 2017 urging the authorities to 'undertake the necessary steps to stop the spate of killings, especially of our children'; calls on the government to prioritise the fight against drug trafficking networks and big drug barons over tracking down small-scale consumers; stresses that the authorities of the Philippines must pursue their fight against illicit drugs with a focus on public health and in full compliance with due process, in line with national and international law; invites the government to adopt specific non-violent policies;
 3. Invites the authorities to cooperate fully with the UN Special Procedures; calls on the authorities of the Philippines to immediately carry out impartial and meaningful investigations into these extrajudicial killings and to prosecute and bring all perpetrators to justice; calls for the EU and all its Member States to support a

United Nations-led investigation into the killings in the Philippines and for those accountable to be brought to justice;

4. Reiterates its call on the authorities of the Philippines to release Senator Leila De Lima and to provide her with adequate security and sanitary conditions whilst in detention; further reiterates its call on the authorities to guarantee a fair trial and to drop all politically motivated charges against her; calls for the EU to continue to closely monitor the case against Senator De Lima;
5. Calls on the Philippine authorities to remove human rights defenders from the terrorist list, dropping all charges and allowing them to carry out their activities in peace; reminds the Philippine authorities that Ms Victoria Tauli-Corpuz benefits from immunity under the Convention on Privileges and Immunities of 1946;
6. Welcomes the initiative of the ICC to inquire into the allegations of crimes against humanity in the context of the killings during the ‘war on drugs’; calls on the Government of the Philippines to cooperate fully with the Office of the Prosecutor of the International Criminal Court in its preliminary examination of the Philippines; strongly regrets the decision of the Government of the Philippines to initiate its withdrawal from the Rome Statute; calls on the Government to reverse this decision;
7. Reiterates its deep concern about the decision of the House of Representatives to reintroduce the death penalty; calls again on the authorities of the Philippines to immediately halt ongoing proceedings to reinstate the death penalty; recalls that the EU considers capital punishment to be a cruel and inhuman punishment which fails to act as a deterrent to criminal behaviour; calls on the Government of the Philippines to refrain from lowering the minimum age for criminal responsibility;
8. Is alarmed about increasing levels of corruption under the current Philippine administration; calls on the Philippine authorities to step up efforts to tackle corruption effectively; underscores the importance of respecting fundamental principles of democracy and rule of law in this respect;

9. Condemns all threats, harassment, intimidation and violence against those seeking to expose allegations of extra-judicial killings and other human rights abuses in the Philippines, including human rights defenders, journalists and activists; urges the Government of the Philippines to ensure that human rights defenders, journalists and activists can carry out their work in an enabling environment and without fear of reprisals;
10. Urges the Philippines to stop banning the entry into the country of persons who are perceived as critics of President Duterte's policies;
11. Urges the Philippines to observe its obligations under international law to protect the human rights of indigenous peoples, including in the context of armed conflict;
12. Condemns all forms of violence against women and recalls that such violence constitutes a serious violation of the human rights and dignity of women and girls; strongly condemns President Duterte's demeaning and misogynist statements about women fighters; reminds the President that encouraging state forces to commit sexual violence during armed conflict is in violation of international humanitarian law; calls on the President to treat women with respect and to refrain from inciting violence against women;
13. Encourages the EU and its Member States to consider calling for the Republic of the Philippines to be removed from the United Nations Human Rights Council before its current membership term expires at the end of 2018;
14. Reminds the authorities of the Philippines of their obligations under international law, the GSP+ scheme and the PCA, notably with regard to human rights, and of the consequences of failure to comply; stresses that, while the progress in the implementation of the GSP+ conventions is largely positive, strong concerns remain around human rights violations related to the war on drugs; recalls, in this respect, its previous resolution on the Philippines of 16 March 2017, and calls on the Commission and the External Action Service to use all available instruments, including the PCA, to persuade the Philippines to put an end to extrajudicial killings related to the anti-drug campaign and, in the absence of substantive improvements, to initiate the procedural steps which could lead to the temporary

withdrawal of the GSP+ preferences; urges the EU to use all available instruments to assist the Government of the Philippines in respecting its international human rights obligations;

15. Instructs its President to forward this resolution to the President, the Government and Parliament of the Philippines, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States.

ANNEXES

B. Statements from international organizations and alliances

STOP THE KILLINGS, STAND AGAINST TYRANNY!

*Movement Against Tyranny
28 August 2017*

The Duterte government is fast unfolding into another despotic regime.

Since last year, Pres. Duterte has unleashed police and police-backed death squads in a brutal and murderous “war on drugs” that has victimized thousands of mostly poor, suspected small-time drug users and pushers and even innocents.

In his rush to end armed conflicts with the Bangsa Moro and the CPP-NPA-NDFP, he has imposed martial law and suspended the privilege of the writ of habeas corpus in Mindanao. He has unleashed the full might of the military to bombard civilian communities and terrorize, kill and illegally arrest those he considers as “enemies of the state”.

His regime has continued the practice of filing trumped-up charges against activists and government critics, thus accumulating political prisoners.

He has bristled at criticism of his human rights record and has tried to undermine and pressure into submission the very institutions that exist as a check and balance to his powerful office, including the Supreme Court, Congress, the Office of the Ombudsman, and the Commission on Human Rights.

He has lashed out at members of the mass media due to unfavorable or critical reports of his administration’s policies and pronouncements.

He has dismissed human rights as a needless obstacle to his administration’s law and order drive and continues to goad the police, military and paramilitary groups to violate those rights. He continues to incite state security forces to commit willful violence against the people while assuring them of protection from investigation, prosecution and punishment.

IN THE FACE OF SUCH BLATANT ACTS OF TYRANNY, IT IS TIME TO TAKE A STAND, TO SPEAK OUT AND TO ACT.

We demand an end to extrajudicial killings and mass murder in the name of the Duterte regime's "war on drugs" and "war on terror".

We demand a stop to indiscriminate aerial bombings, artillery fire and other destructive military operations that target civilian communities like Lumad and Moro communities, especially residences, schools, farms and commercial/business establishments.

We say 'no' to blanket martial law powers and its inevitable abuse. We demand an independent and impartial investigation of reported looting, illegal arrests, and other human rights violations committed in the course of the Marawi siege.

We resist efforts to silence the mass media and public opinion. We oppose moves to dismantle the system of checks and balances that are intended to prevent the return of dictatorship.

We oppose the filing of trumped-up cases, the unjust arrest and detention of critics, activists and those unjustly labelled as "enemies of the state". We call for the release of all political prisoners.

We shall shatter the silence, fear and acquiescence that has

afflicted many, especially the victims of human rights violations, corruption and abuse.

We shall defend and promote human rights and civil liberties at all cost.

We shall oppose tyranny wherever and whenever it rears its ugly head.

Initial Signatories (as of August 28, 2017):

Sen. Rene Saguisag; Mo. Mary John Mananzan, OSB; The Most Rev. Rhee Timbang, Obispo Maximo, IFI; Bp. Broderick Pabillo, Bp. Deogracias Iniguez; Cong. Lorenzo Tañada III; Cong. Neri Colmenares; Cong. Antonio Tinio; UP Chancellor Michael Tan; Atty. Jose Manuel Diokno; Edith Burgos; Dean Macrina Morados; Prof. Julkipli Wadi; Prof. Roland Tolentino;

Prof. Roland Simbulan; Dr. Carol Araullo; Atty. Arno V. Savidad; Atty. Edre Olalia; Vergel O. Santos; Inday Espina Varona; Kiri Lluch Dalena; Mae Paner, a.k.a. Juana Change; Monique Wilson; Chikoy Pura; Audie Gemora; Chef Chris de Jesus; Rossana Abueva; Kris Lanot Lacaba; Susan Tagle; Christina Palabay; Raoul Manuel; Bonifacio Ilagan; Dr. Delen de la Paz; Edna Aquino; Francisco Alcuaz; Tonyo Cruz, Katrina Stuart Santiago; Prof. Jose Dalisay Jr.; Fulgencio S. Factoran, Jr.; Bart Guingona; Dr. Potre Dirampatan-Diampuan; Tesa Casal de Vela; Clarita Tambunting Ordonez; Ching Manapat Yujuico; Tes Choa; Fernando Hicap, Danilo Ramos, D.D.; Fr. Gilbert Billena, OCarm; Rev. Oliver Castor, CSSR; Rev. Rudy Abao, MSC; Bro. Ciriaco Santiago III; Sr. Elenita Belardo, RGS; Teddy Casiño; Sol Juvida; Monina O. Valencia; Charo Simons; Judy Tecson; Jenny Romero Llaguno; Lan Mercado; Edwina Francesca Socorro S. Meily, OSA; Emily R. Bogayong; Concepcion Poblador; Fe Mangahas; Malu Maniquis; Sister Maribel Carceller, RSCJ; Weena Meily; Art Dimalanta; Josie Puey; Honorio Poblador III; Teresita Feraren; Ellen Ongkeko Marfil; Sonny Redor; Gertrudes Ranjo-Libang; Zanaida Soriano; Grundy Constantino; Sharon Cabusao-Silva; Rubylin Litao; Darlene Marquez Caramanzana; Atty. Corazon Fabros; Menchu Sarmiento; Menie Odulio; Ega Alcaraz; Carmencita Karagdag; Clemente Bautista; Owen Migraso; Ezron John Cabrera; Finesa Cosico; Mac Yanto; Atty. Minnie Lopez; Alex Umali; Prof. Fatima Castillo; Carla Samantha Pulido Ocampo; Mark Lester Valle; Jhoanna Cruz; Susan Severino Lara; Dr. Joseph M. Carabeo MD; Dr. Eleanor A Jara MD; Violy Dr. Casiguran MD; Dr. Tess Betonio-Bacunata; Dr. Arnel Amata; Leonard Javier

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (IADL) RESOLUTION ON THE CURRENT PHILIPPINE SITUATION

30 November 2017

WHEREAS, several credible reports and documentation indicate that human rights violations continue to escalate in the Philippines in the form of, inter alia, extrajudicial killings, illegal arrests, enforced disappearances, and internal displacement.

WHEREAS, according to various reports the number of individuals suspected to be involved in illegal drugs who apparently fell victims to extrajudicial or summary killings during the administration of President Rodrigo Duterte ranges from 8,000 to 12,000 dead. The Philippine National Police reported 3,900 related deaths as of October 2017. On top of this, according to human rights groups, at least 88 persons, mostly farmers, have reportedly been slain on suspicion of supporting the rebel New People's Army as of August 31, 2017.

WHEREAS, a few days ago, a factfinding mission investigating reported human rights violations in Negros Oriental were fired at by armed men causing the death of two human rights defenders and the critical wounding of another. Human rights lawyers and members of our affiliate the National Union of Peoples' Lawyers (NUPL) and other human rights defenders have also been receiving threats for their human rights work and in October 2017, a paralegal aide of an NUPL member was murdered by unidentified armed men.

WHEREAS, President Duterte has openly shown intolerance of criticism and dissent when he publicly attacked not only mass organizations and the opposition but also the the Chief Justice of the Supreme Court, the Commission on Human Rights, the Ombudsman, the media and even the President of the Integrated Bar of the Philippine for what he perceived to be statements critical of him or his human rights record.

WHEREAS, President Duterte has abruptly terminated the peace talks with the National Democratic Front of the Philippines supposedly because of rebel attacks and that he does not want to form a “coalition government” with them, publicly called them “terrorists,” and labelled and threatened to arrest members of people’s organizations for protesting and on the claim of conspiracy with the rebels.

WHEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, by the Bureau of the International Association of Democratic Lawyers (IADL), an organization with consultative status in the UN ECOSOC, during its Bureau Meeting in Ho Chi Minh, Vietnam on November 29-30, 2017, attended by lawyers from Algeria, Bangladesh, Belgium, Costa Rica, France, India, Indonesia, Italy, Japan, North Korea, Pakistan, Philippines, South Africa, South Korea, United Kingdom, United States, and Vietnam, to urge the Philippine government to :

1. Commit to end extrajudicial killings in the “war against illegal drugs”;
2. End extrajudicial killings, illegal arrests and other human rights violations against the people and members of people’s organizations;
3. Stop or abort any and all measures or plans in any form that are authoritarian and are violative of basic rights;
4. Seriously investigate, prosecute and end impunity of the perpetrators of human rights violations;
5. Be tolerant of dissent and to respect the rights of the people to freedom of expression, speech, assembly and association;
6. Ensure the protection of human rights defenders including human rights lawyers;
7. Respect international human rights law and consider human rights as universal and not an internal affair of a state but a concern of the international community; and
8. Respect international humanitarian law and resume the peace process and the resolution of poverty, injustice and the roots of the armed conflict with the National Democratic Front and pursue efforts to achieve a just and lasting peace.

DENOUNCE THE GOVERNMENT TERROR LISTING IN THE PHILIPPINES

*International Coalition for Human Rights in the Philippines
11 March 2018*

The International Coalition for Human Rights in the Philippines (ICHRP) strongly condemns the "terrorist" tagging of hundreds of Filipinos by the government of Pres. Rodrigo Duterte.

A petition filed by Senior State Prosecutor Peter Ong with a Manila regional trial court on February 21 and only made public last week provided a list of 461 names and 188 aliases that the government sought to declare as "terrorists".

The list includes CPP founding chairman Prof. Jose Maria Sison and his wife Juliet de Lima, Luis Jalandoni and Coni Ledesma, Benito and Wilma Tiamzon, among other consultants of the National Democratic Front of the Philippines (NDFP) in the unilaterally cancelled Peace Talks with the Government of the Republic of the Philippines (GRP).

Among those listed are defenders of indigenous peoples. These include Victoria Tauli-Corpus, who served as former chair of the UN Permanent Forum on Indigenous Issues before she was named UN Special Rapporteur on the Rights of Indigenous People in 2014. Also named in the petition are: Beverly Longid, Global Coordinator of the International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL); Sandugo Co-Chairperson Joanna Cariño; Cordillera People's Alliance (CPA) Chairperson Windel Bolinget; and at least 10 Lumad leaders in Northern and Southern Mindanao.

Also in the list are nine members of the human rights group Karapatan arrested in November 2017 in Negros, trade union organizer Maoj Maga and NDFP peace consultant Rafael Baylosis abducted and now among the more than 400 political prisoners in the country.

Many of those on the list are identified only by aliases such as @Boy Negro, @Kelly, @Fidel and John Does. Practically anyone can be a target of this mad witch-hunt.

Given Duterte's bloody record of extra-judicial killings (EJKs) where thousands have been summarily killed since he assumed office, this list constitutes what human rights groups call "a government hit list". He is effectively giving the military and police the green light to arrest, detain, abduct or summarily kill the listed individuals without due process. Various reports including those of UN special rapporteurs have found that terrorist or communist-labelling had frequently preceded cases of extrajudicial killings.

Many in the list are peasant leaders, union organizers, local activists, human rights defenders and known internationalists. It contains the most ardent defenders of sovereignty, social justice, democracy and people's rights in the Philippines.

The list is a vain attempt to intimidate and silence Duterte critics who are now calling for his ouster and presents the strongest opposition to his increasingly dictatorial and fascist regime.

Duterte's ambition to "Build, Build, Build" for foreign creditors and investors is supported by his repeated "Kill, Kill, Kill" admonitions.

We continue to be deeply concerned about Mr. Duterte's instructions to his military to "flatten the hills" as he called for aerial strikes and bombings of indigenous lumad schools and communities to open the lands for corporate mining and plantations.

There are strong indications that Duterte's red-tagging and anti-communist witch-hunting are instigated by the failing U.S. global war on terror and imperialist agenda in the Philippines. These follow the U.S. listing of "foreign terrorist organizations" since 2002 and, most recently, the inclusion of the Philippines, along with Operation Inherent Resolve in Iraq and Syria, in its new Overseas Contingency Operations dubbed Operation Pacific Eagle – Philippines, starting in October last year.

The government petition cited "terrorist and outlawed organizations, associations and/or group of persons" pursuant to Section 17 of R.A. No. 9372 of The Human Security Act of 2007 patterned after the U.S. Patriot Act.

The undue termination by President Duterte of the peace talks between the Manila government and the NDFP eliminated an opportunity to

address the fundamental roots of the armed conflict in the Philippines. It derailed efforts to offer substantial socio-economic and political reforms for the people and, instead, paved way for intensified conflicts.

We call on all peoples and nations of the world to join us in denouncing the US-Duterte regime for its anti-people war, fascist crackdown and tyrannical rule. Let us urge our governments to instruct their diplomatic missions in the Philippines to extend support and protection to the listed individuals as they will be facing acute risks to their lives and safety.

We urge governments to sanction and pull-out all loans, aid and support to this regime who has totally lost any remaining sense of legitimacy before the international community.

We seek justice for all victims of rights violations. We will move to indict the US-Duterte regime for its war crimes before an independent international people's tribunal before the end of this year.

The Filipino people can no longer suffer alone. We must make the international indignation and cry for justice and peace to bear on the Duterte government.

We call for global solidarity and protest actions before Philippine embassies and consulates in all major cities of the world against the government's terror listing.

Defend human rights defenders!

Free all political prisoners!

Stop the U.S. war machine, stop the killings in the Philippines!

Support the peoples struggle for justice, peace, genuine democracy and freedom!

Reference:

Peter Murphy

Chairperson, Global Council

International Coalition for Human Rights in the Philippines (ICHRP)

STOP THE DUTERTE ADMINISTRATION'S CRACKDOWN ON RIGHTS DEFENDERS AND PEOPLE'S ORGANISATIONS!

*IBON International Statement
12 March 2018*

IBON International joins various organisations in the Philippines and abroad in denouncing the Duterte administration's tagging of Filipino rights advocates and members of people's organisations and civil society as "terrorists".

The Philippines' Department of Justice (DOJ) filed a petition in a Manila court to maliciously classify more than 600 individuals as "terrorists," as part of attempts to tag the Communist Party of the Philippines (CPP) and the New People's Army (NPA) as "terrorist organisations". This came months after the government unilaterally blocked the peace process with the National Democratic Front (NDF).

Among the falsely accused is Beverly Longid, member of the IBON International Board of Trustees, a co-chair of the global platform CSO Partnership for Development Effectiveness, and Global Coordinator of the International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL). Also included in what a human rights lawyer called a "shotgun witch hunt" are an "odd concoction" of names, ranging from rights defenders, Filipino UN officials and hundreds of aliases.

A staunch advocate of IP rights, Beverly is part of SANDUGO, a Philippine movement of national minorities for self-determination, and is the Coordinator of the Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE). She has participated in sessions of the Unrepresented Nations and Peoples Organization (UNPO) and in various UN processes such as the UN Permanent Forum on Indigenous Issues and the post-2015 sustainable development agenda. Beverly's presence in the IBON International Board is a reminder for our work to hold the right to

self-determination in equal regard as all other social, cultural and economic rights.

The accusations against her and other advocates are attempts to discredit their crucial work in the interest of people's rights and genuine development. They are the latest targets in the administration's barrage of attacks against rights defenders, and generally all real and perceived critics of its increasingly iron-fisted rule.

The list justifies suppressing these advocates' and development workers' voices by the government's notorious security apparatus. This includes a police force heavily involved in the deadly "war on drugs," and military and paramilitary forces involved in extrajudicial killings of indigenous peoples' leaders, and even recent cases of torture.¹ Both, in a few words, propagate state terror in the country.

The allegations invoke the Philippines' Human Security Act, which international rights organisations and Philippine social movements have deemed dangerous since its passage. Even Harry Roque, now the loyal spokesperson for the administration, warned of its threats in 2007 given the unclear definition of "terrorism".²

The false "terrorist" list comes at a time of other alarming repercussions for civil and political rights in the country, with Duterte signing a recent law (RA 10973) that gives power to the police chief to summon individuals for testimonies and documents.

The current administration is already notorious in the international community due to its anti-poor "war on drugs." Is the Duterte government terrified that rights defenders would further expose the disregard for the rights of the poor and marginalised in both the cities and the countryside? Is the administration wary that development workers and civil society voices would reveal the rising poverty caused by the state's dogged obedience to the discredited policy track of neoliberalism?

IBON International expresses solidarity with the rights defenders and advocates falsely accused of being "terrorists". We call on the Filipino

1 IBON International. 2018. *Duterte Killings Continue: State Terror and Human Rights in the Philippines*. <http://www.iboninternational.org/resources/17/12/01/duterte-killings-continue-state-terror-and-human-rights-philippines>

2 JURIST. 2007. "The Philippines Human Security Act violates international law." <http://www.jurist.org/hotline/2007/10/philippines-human-security-act-violates.php>

people and the international community to be ever more watchful of the administration's sleights of hand in crushing people's voices.

We call on our friends and allies to raise their voices against the unfounded and dangerous accusations and the perils of shrinking civil society space in the country.

We strongly demand that the Duterte administration and the DOJ stop this injustice against advocates on pretexts of the problematic Human Security Act. We demand that the government end its current "war on drugs," the killings of farmers and indigenous peoples, and its anti-development economic policy -- all of which devastate the poor and marginalised and are injustices to Filipino peoples' rights.

Activism is not terrorism! Stop the criminalisation of rights defenders! Fight tyranny!

STATEMENT OF CONCERN

*International Indigenous Peoples Movement
for Self Determination & Liberation (IPMSDL)
12 March 2018*

We, members of the CSO Partnership for Development Effectiveness (CPDE) Working Group on Conflict and Fragility, express our deepest concern over the rampant violation of civil and political rights, and harassment against civil society leaders and development workers globally.

Most recently, the Government of the Philippines (GPH), no less than its Department of Justice, filed trumped-up charges and indiscriminately tagged leaders of indigenous peoples' (IP) movements, along with 600 more civil leaders, as terrorist and outlawed organizations.

We are deeply concerned by the accusations leveled against Beverly L. Longid, a Cordilleran IP activist and co-chair of the CPDE Working Group on Conflict and Fragility. Longid has been in the forefront of national IP struggle for self-determination and liberation since the 1990s. She also serves as the global coordinator of the International IP Movement for Self Determination and Liberation (IPMSDL) and has represented IP sector in the CPDE. Vilified with these trumped-up charges includes UN Special Rapporteur on IP rights Vicky Tauli-Corpus, former Asia Indigenous Peoples Pact (AIPP) Secretary-General Joan Carling, SANDUGO co-chairperson Joanna Cariño, former member of the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), Jose Molintas, and current Cordillera Peoples Alliance (CPA) Chairperson Windel Bolinget. All of the abovementioned names have served as leaders of CPA, an IP organization and multi-sectoral alliance in the Cordillera. The CPA is an active member of the IPMSDL and the CPDE. Also included in the list of petitioners are ten (10) Lumad leaders from Southern Philippines.

We strongly believe that these fabricated charges are used to intimidate and harass a strong IP movement and disenfranchise democratic dissent. At a time when CPDE espouses greater respect for development effectiveness

principles rooted in human rights, the vilification of Longid and other indigenous leaders exposes the undemocratic, autocratic, and repressive nature of the GPH. This form of civil and political harassment and the threat to their lives do not happen in the Philippines alone. As members of the CPDE, we must uphold a conducive environment for CSOs to mobilize people's participation and amplify their voices and struggles for their rights and self-determination. We stand opposed to any kind and form of government curtailment of democratic spaces for civil society worldwide.

We call on and demand the GPH to drop all charges filed against civil society leaders and human rights defenders, and uphold the civil and political rights of all people. The GPH should uphold all democratic practices and foster a CSO enabling environment that advances greater democratic practices within communities. We call for international solidarity among our fellow civil society activists and human rights advocates to monitor human rights situations in the country and all over the world, and put pressure on the GPH and other repressive governments.

**ASSERT OUR DEMOCRATIC AND CIVIL LIBERTY!
STOP HARASSMENT!
DROP TRUMPED-UP CHARGES AGAINST IP LEADERS!**

Razan Zuayter, Arab Network for Food Sovereignty
Malick Sy, National Confederation of Senegalese Workers
Roy Anunciacion, People's Coalition for Food Sovereignty
Yodhim Dela Rosa, Reality of Aid Network – Asia Pacific
Jiten Yumnam, Centre for Research and Advocacy, Manipur
Annie Bambe, PREGESCO
Jerry Imbiri, Dewan Adat Papua
Pefi Kingi QSM & Other Chapter Leaders, Pacificwin

PHILIPPINES: ONSLAUGHT AGAINST HUMAN RIGHTS DEFENDERS MUST END

Amnesty International
Public Statement
15 March 2018

The Philippine government must immediately halt its latest wave of dangerous attacks on human rights defenders and international institutions, Amnesty International said today. Human rights defenders – among them two UN human rights experts – must be guaranteed protection in the country and be allowed to carry out their work freely.

On 21 February 2018, the Department of Justice filed a petition to the Manila Regional Trial Court against over 650 individuals, seeking to designate them as “terrorists” under the Human Security Act of 2007 (Republic Act 9372), also known as the anti-terrorism law. Among those listed are human rights defenders including the UN Special Rapporteur on the rights of indigenous peoples, Ms. Victoria Tauli-Corpuz, a Philippine national. The Special Rapporteur had recently spoken out against the government, criticizing the displacement of Indigenous Peoples during military operations in the south of the country.

Under the Convention on the Privileges and Immunities of the United Nations of 1946, UN experts have immunity from legal proceedings of every kind undertaken in the course of their mandated work. Amnesty International is concerned for the safety and wellbeing of the UN Special Rapporteur on the rights of indigenous peoples, as well as the other individuals mentioned in the government’s petition, who include members of prominent human rights organization Karapatan and former representatives to UN expert bodies on indigenous peoples. The organisation calls on the Philippine authorities to ensure their safety and end all attacks on activists, human rights defenders and political dissenters in the Philippines.

In recent days, President Duterte has also launched a further attack on UN Special Rapporteur on summary, arbitrary and extrajudicial killings,

Agnes Callamard. The UN expert has been seeking to visit the Philippines in order to investigate the killings of thousands of Filipinos, the vast majority of them from poor and marginalised backgrounds, in the government's deadly anti-drug campaign, which in Amnesty International's view may amount to crimes against humanity. Amnesty International raised further concerns about the treatment of UN experts at the UN Human Rights Council on 14 March 2018.

In a speech to government officials on 7 March 2018, President Duterte also made racist remarks about Prosecutor of the International Criminal Court (ICC), Fatou Bensouda. The ICC opened a preliminary examination on the Philippines 'war on drugs' in February 2018. On 14 March 2018, President Duterte announced that the Philippines intended to withdraw its ratification of the Court's Statute. However, the ICC will continue to have jurisdiction to examine and prosecute alleged crimes relating to investigations started prior to the date on which the withdrawal takes effect, that is, a year after it is formally presented.

In the past weeks, the President has been reported in the media to have given direct orders to police not to cooperate with UN Special Procedures mandate holders that may visit the country, and also threatened to throw "to the crocodiles" international investigators that may probe human rights violations if they visited the Philippines.

These vicious attacks on human rights defenders are taking place amidst greater international scrutiny of the Philippines. Amnesty International reiterates its call on the Philippine authorities to allow UN Special Procedures and other international human rights investigators access into the country, to investigate alleged human rights violations. The organisation also calls on the Human Rights Council to open a UN led investigation to ensure an end to extrajudicial executions in the 'war on drugs', and to establish accountability.

