

# ADVOCACY BRIEF: PHILIPPINES

## OVERVIEW OF RESTRICTIONS TO CIVIC FREEDOMS



Families and friends of seven detained activists gathered at the Philippines Commission on Human Rights to call for their release, December 2020 (Photo Credit: Karapatan)



## INTRODUCTION

The current Philippines government under President Rodrigo Duterte has incrementally dismantled civic freedoms since it came to power in 2016. Human rights groups have documented systematic intimidation, attacks and vilification of civil society and activists, an increased crackdown on press freedoms, and the emerging prevalence of a pervasive culture of impunity.

In a damning [report](#) on the Philippines presented to the Human Rights Council in June 2020, the UN High Commissioner for Human Rights said that violations of human rights, including the widespread and systematic killing of thousands of alleged drug suspects, attacks on human rights activists and the vilification of dissent, were pervasive in the country, and accountability for these actions are virtually non-existent.

In an act of collective failure, the UN Human Rights Council responded with a profoundly weak resolution in October 2020 which failed to mandate an international investigation into these crimes. Instead, the [resolution](#) focused purely on technical cooperation and capacity-building which NGOs say, “has no realistic prospect of meaningful impact with a government that denies the true scale and severity of the human rights violations”.

After nine months, on 24 July 2021, the Philippines government and the UN formalised a [human rights programme](#) which includes strengthening domestic investigation and accountability mechanisms; improved data gathering on alleged police violations; civic space and engagement with civil society and the Commission on Human Rights (CHR) to be implemented; strengthening the national mechanism for reporting and follow-up; a human rights based approach to counter-terrorism legislation and human rights-based approaches to drug control.

National and international human rights groups are [sceptical](#) about the programme’s prospects to improve human rights on the ground; instead, the programme appears more to be “window dressing to shamelessly evade accountability on human rights violations committed under this administration”. They have [urged](#) the UN Human Rights Council to launch an independent investigation into the police killings.

In a separate process, on 14 June 2021, the International Criminal Court (ICC) Prosecutor Fatou Bensouda [requested](#) judicial authorisation to proceed with an investigation into crimes committed in the Philippines from 1 November 2011 - the date the Philippines became an ICC member - until 16 March 2019.

According to the Prosecutor, there is a reasonable basis to believe that crimes against humanity have been committed in the context of the government of the Philippines ‘war on drugs’. She further added that available information indicates that members of the Philippine national police, and others acting in concert with them, have unlawfully killed between several thousand and tens of thousands of civilians during the period under investigation. The findings were welcomed by [human rights groups](#) and [families](#) of the victims.

## ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor is a research tool that provides quantitative and qualitative data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN

The [CIVICUS Monitor](#) rates civic space – the space for civil society – in [Philippines](#) as **“Repressed”**.



On 15 September 2021, in a landmark development Pre-Trial Chamber I of the International Criminal Court [granted](#) the Prosecutor's request to commence the investigation.

Within this context, this brief covers civic space violations documented by the CIVICUS Monitor following the October 2020 resolution.

## **JUDICIAL PERSECUTION OF HUMAN RIGHTS DEFENDERS AND ACTIVISTS**

The CIVICUS Monitor has documented the arbitrary arrest and detention of human rights defenders and activists on fabricated charges. In a number of instances, the activists have been vilified and red-tagged – labelled as communists or terrorists – in relation to their work prior to their arrest. This label puts activists at grave risk of being targeted by the state and pro-government militias. There have also been reports of evidence planted by the police and military forces to justify arrests or violence against activists.

On 10 December 2020, police officers of the Criminal Investigation and Detection Group (CIDG) simultaneously [raided the houses](#) of six trade unionists - Dennise Velasco, Romina Astudillo, Mark Ryan Cruz, Jaymie Gregorio Jr., Joel Demate, and Rodrigo Esparago, as well as a journalist, Lady Ann Salem, the editor of Manila Today and Communications Officer of the International Association of Women in Radio and Television (IAWRT). They all belong to groups that were previously red-tagged. The seven human rights defenders, [referred](#) as the “Human Rights Day 7,” were subsequently arrested on charges of “illegal possession of firearms and explosives”, which police claimed were seized during the raids. If convicted, they could face from six to twelve years’ imprisonment.

In late 2020, [fabricated murder charges](#) were brought against two activists accused of being involved in a killing in Davao del Norte, Mindanao that occurred in March 2018. Windel Bolinget, an indigenous rights defender and the Chairperson of the Cordillera Peoples Alliance (CPA), was informed of the warrant for his arrest in the last week of December 2020. This preceded constant police surveillance of his office and locality, and harassment by police of his family and friends for information on his whereabouts. In January 2021, the Cordillera Police Director issued a “shoot-to-kill” order against the defender should he offer any resistance on being apprehended. Windel Bolinget subsequently presented himself before the National Bureau of Investigation in Baguio City to prove his innocence and to access protection.

Karapatan National Council member Daisy ‘Jackie’ Valencia, who had been a victim of red-tagging, was also [accused](#) of being a member of an armed rebel group responsible for the killing. On 25 September 2020, the Regional Trial Court Branch 30 in Tagum, Davao del Norte Province, issued an arrest warrant for Valencia, who had not been in Mindanao when the killing took place. She only became aware of the charges in February 2021. On 12 July 2021, the Regional Trial Court of Davao del Norte [cleared them](#) of all charges.

On the morning of 21 March 2021, Karapatan human rights worker Renalyn Tejero was [detained](#) after a raid on her apartment in Cagayan de Oro City by the Philippine National Police and Philippine Army. She was shown a warrant and was only able to read the words “homicide” and “RTC 34, Cabadbaran.” She was also interrogated without a lawyer, despite requesting one. Tejero is now facing murder and attempted murder charges believed to be fabricated. She has been accused by Philippine Army soldiers of the alleged murder of Corporal Marion Suson in an encounter on 9 November 2019 with the New People’s Army (NPA) the armed wing of the Communist Party of the Philippines (CPP). In November 2020, she had been red-tagged by a group named “Movement against Terrorism” along with 32 other individuals from various progressive organisations in the Caraga region.



On 2 May 2021, human rights defender Dan Balucio and youth human rights defender Maria Jesusa “Sasah” Sta. Rosa were [arrested](#) in coordinated raids led by the police and military in the region of Bicol. Dan Balucio is a [human rights defender](#) and pastor of the United Church of Christ of the Philippines. He is also the spokesperson for Bagong Alyansang Makabayan, an umbrella organisation of workers’ unions, peasant associations, youth, women and indigenous peoples, committed to advocating for social rights. Maria Jesusa is a youth human rights defender and the spokesperson of Jovenes Anakbayan, a regional chapter of Anakbaya, a Filipino youth organisation that works to peacefully advocate for the upholding of human rights and democracy.

On 16 July 2021, two community activists - Julieta Gomez, an indigenous rights activist and teacher, and Niezel Velasco, the former project coordinator of a relief organisation – were [arrested](#) by the security forces and are facing trumped-up charges for their activism. The two activists were arrested in Barangay Pansol, Quezon City by a joint operation of the police and Philippine Army. They were served warrants for murder and two counts of attempted murder.

Philippine National Police Chief General Guillermo Elazar accused the two in a press conference of being top ranking members of the Communist Party of the Philippines – New People’s Army (CPP-NPA), an armed group, and presented what he claimed was evidence taken from Gomez and Velasco, which included firearms, bullets, a flag of the Communist Party of the Philippines and ‘subversive’ documents.

A draconian [Anti-Terrorism law](#) passed in 2020 includes a worryingly overbroad definition of terrorism and grants the Philippine police and military personnel the power to detain suspects without a warrant or charge for up to 24 days for investigation. It also relaxes accountability for law enforcement agents who violate the rights of suspects, particularly those in detention.

The broad role of the Anti-Terrorism Council under the law gives this body undue and arbitrary control over people’s rights and freedoms. The council can now designate individuals and organisations as terrorists without any hearing, as long as it sees “probable cause” that they commit, attempt to commit or are part of a conspiracy to commit acts defined and penalised as terrorism. In this context, the law appears to be aimed at criminalising dissent and a number of civil society groups have [filed petitions](#) against the law in the courts. The law

## ONGOING KILLING OF ACTIVISTS

Activists have been killed over the year both by the security forces and unknown individuals. In many instances this occurred following reports of them being red-tagged. In virtually none of the cases has anyone been held accountable for the killings.

On 30 December 2020 , peasant organiser Lorenzo Paña, the former chairperson of Hugpong sa Mag-uuma Dapit sa Kasapdan (Humanda Ka), was [killed](#). He was gunned down by still-unidentified assailants in Balilihan, Bohol as he was driving his motorcycle to bring lunch to his son. Paña and his family have been repeatedly red-tagged and harassed by the police and the military even though he was no longer a full-time organiser of Humanda Ka.

Enriquez, a member of the Camarines Sur People’s Organisation (CSPO), was [killed](#) in Iriga City, Camarines Sur on 6 January 2021 when police forcibly entered his house around midnight, handcuffed him, and shot him to death. CSPO is an affiliate of Karapatan – Bicol.

Nine community-based activists were [killed](#) in coordinated raids, known as the ‘Bloody Sunday’ killings, which took place across four provinces in the Calabarzon region on 7 March 2021 by members of the Philippine



National Police (PNP) and the military. Two days before this incident, Duterte issued a shoot-to-kill order targeting communist rebels, saying, “If the enemy is holding a gun, kill them. Kill them right away”. He instructed police to “Ignore human rights. That is my order”. The police [claimed](#) the operations were meant to arrest alleged communist New People’s Army rebels identified in search warrants issued by two Manila courts.

- Ariel Evangelista was a [human rights defender](#) and leader of the progressive group for fisherfolk, People’s Solidarity Against Environmental and Land Destruction (UMALPAS KA), a community organisation that monitors the impact of eco-tourism projects in Batangas. His partner, Anna Mariz Lemita-Evangelista, was a staunch supporter of coastal protection in Batangas and an educator and [community organiser](#) in Cavite. Police shot dead both human rights defenders during a raid on their house in Batangas.
- Emmanuel Asuncion, a [labour organiser](#) and the coordinator of the Cavite chapter of BAYAN, a left-wing group, was shot dead by policemen in the office of the Workers’ Assistance Centre (WAC) in Cavite.
- Melvin Dasigao and Mark Bacasno were [human rights defenders](#), youth organisers and members of SIKKAD K3, a group working for the rights of the urban poor, who were killed in Rodriguez.
- Puroy Dela Cruz and Randy Dela Cruz of the [indigenous Dumagat tribe](#) were shot dead by police in Rizal.
- Urban poor activists Abner Esto and Edward Esto were killed by police in Rizal.

According to reports, the Department of Justice-led task force on politically motivated extrajudicial killings, AO 35, are [investigating](#) the nine killings but not one perpetrator has been held to account.

[Trade union leader](#) Dandy Miguel was killed in Calamba city on 28 March 2021, after taking cases of extrajudicial killings to the Commission for Human Rights. Dandy Miguel was shot eight times by unknown assassins while riding home from his workplace on a motorcycle. Miguel, 35, was the vice chairperson of Pagkakaisa ng Manggagawa sa Timog Katagalugan (PAMANTIK-KMU), an almost 4-decades-old [labour rights center](#) based in Southern Tagalog. Members of PAMANTIK-KMU have constantly been red-tagged as communist rebels.

[Urban poor leader](#) Jesus Passon Jr was shot dead in Negros Occidental on 15 April 2021. He was shot dead in broad daylight in Silay City. 33-year-old Passon was a member of Pasil Homeowners Association and of Kadamay Negros – an urban poor group that advocates for better housing and other social support for marginalised communities.

Rustico Tan, a former priest and [peace negotiator](#) for the National Democratic Front (NDF), a coalition of left-wing groups, was [killed](#) by unidentified men in his home in Cebu province on the evening of 28 May 2021. NDF peace consultant Reynaldo Bocala and aide Welly Arguelles Epago were [killed in a police raid](#) in a house in Pavia, Iloilo, on the same day.

Two activists were [killed](#) on 26 July 2021 in what police claimed was a “shootout” just hours before President Rodrigo Duterte delivered his last State of the Nation Address. The Guinobatan police chief Major Joel Jarabejo reported that Marlon Napire and Jaymar Palero were caught by police in the act of spray-painting protest graffiti near a bridge at around 1 a.m. Palero was a member of the farmers’ group Organisasyon ng mga Magsasaka Sa Albay. Napire was a member of the Albay People’s Organisation, an affiliate of the rights group Karapatan’s Bicol chapter. The two men were killed before they could complete the message “Duterte Ibagsak” (Down with Duterte).

Palero’s mother said there were [signs of torture](#) on her son’s body. Palero [sustained](#) three gunshot wounds: two in the back with one of them piercing his body, and another on his right hand. He had a black eye and three nails from his left foot were removed, suggesting that he was tortured and made to suffer before he



was shot dead. Naperi's body bore two gunshot wounds in the back. Two other activists who were also on the bridge, but who had managed to elude the police, said that Palero and Napire tried to run away when the police arrived but were brought back to the patrol car. They also said that they did not hear any gunshots until the patrol car left, in direct contradiction to claims of a 'shootout'.

## HARASSMENT AND ATTACKS ON THE MEDIA

Duterte has been at odds with critical media outlets for reporting on his administration's drug war, which has left thousands of dead since he took office in 2016. He was among the 37 global leaders in Reporters Without Borders' (RSF) [gallery](#) of "press freedom predators" in 2021. RSF said Duterte has been a "predator since taking office" in 2016 and that his "predatory method" is total war against independent media. The Philippines is ranked 138th out of 180 countries in RSF's [2021 World Press Freedom Index](#). Over the last year, the CIVICUS Monitor has documented the killing of journalists as well as judicial harassment against them.

On 10 November 2020, two assailants on a motorcycle [shot and killed](#) journalist Virgilio Maganes outside his home in Villasis, in the northern province of Pangasinan, and then fled the scene. He sustained six gunshot wounds and died at the scene, according to news reports. Maganes worked as a commentator at the local DWPR radio station and as a columnist for the weekly Northern Watch newspaper, and often covered political issues.

A freelance journalist based in Masbate was [shot dead](#) by soldiers on 14 November 2020 in the town of Milagros, Masbate province. According to the Committee to Protect Journalists, Ronnie Villamor, a contributor to the local independent Dos Kantos Balita weekly tabloid, was killed at a military checkpoint while he was on his way to cover a disputed land survey. Major Aldrin Rosales, the local police chief, alleged that the troops ordered Villamor to stop his motorcycle, and opened fire when the journalist drew a firearm. The National Union of Journalists of the Philippines denied that version of events, saying that soldiers stopped Villamor and four surveyors he was accompanying despite the group having coordinated with police to be in the area. When the five decided to call the local police to assist them in passing through the army checkpoint, the soldiers opened fire and killed Villamor.

In February 2021, a ranking military official Lt. Gen. Antonio Parlade Jr., [threatened](#) to sue a reporter for allegedly "aiding terrorists by spreading lies." Parlade had made the remark in the comment thread of his Facebook post describing the reporter a "propagandista" over her [article](#) about a petition by two members of an Aeta tribe who have sought to intervene in the Supreme Court's oral arguments on the Anti-Terrorism Act.

Prominent journalist Maria Ressa, working for news platform Rappler, is a vocal critic of the Duterte regime and especially its notorious 'war on drugs'. Ressa and her news site Rappler face at least a dozen criminal charges and investigations which human rights groups believe are politically motivated.

In January 2021, she was hit with a [third cyber libel charge](#) for a story over students allegedly paying a professor for passing grades. Ressa and Rappler reporter Rafael Talabong, who also uses the name Rambo, each posted bail of 30,000 pesos (USD 625) after they learned that warrants had been issued for their arrest. A Manila city prosecutor filed the charges in December 2020, following a complaint from a professor at a private university over a Rappler article published in January 2020. On 13 August 2021, a Philippine court [dismissed the libel case](#) against Maria Ressa, after the professor said he was no longer interested in pursuing it.



## RECORD NUMBER OF LAWYERS KILLED

An [investigative report](#) by the Free Legal Assistance Group (FLAG) found that at least 61 lawyers, judges and prosecutors have been killed under the Duterte administration since 2016. In the [study](#), which includes data from the Supreme Court, half of the lawyers killed under Duterte's term were attacked because of their work.

In one case, on 3 March 2021, Philippine human rights lawyer Angelo Karlo Guillen was [stabbed](#) multiple times in the head and neck with a screwdriver as he walked from his car towards his boarding house. He was chased by two unknown and masked perpetrators who attacked him. Guillen had been threatened and 'red-tagged' many times.

There have been no convictions so far in any of the deadly attacks recorded since 2016. Further, the National Union of People's Lawyers (NUPL) [called](#) on the UN special rapporteur on the independence of judges and lawyers, Diego Garcia-Sayan, to "undertake more aggressive and concrete measures" to help investigate and prosecute the perpetrators.

On 23 March 2021, the Supreme Court of the Philippines issued a [statement](#) against these attacks and described them as an "assault on the judiciary". The Supreme Court also pledged to take action, including issuing a call to lower courts and law enforcement officials for information on incidents of threats and killings over the past 10 years. On 24 March, the Senate adopted a resolution condemning the attacks against judges and lawyers.

## AUTHORITIES FREEZE ACCOUNTS OF CIVIL SOCIETY GROUPS

On 12 June 2021, Karapatan [reported](#) that the Anti-Money Laundering Council (AMLC) had frozen the bank accounts of Amihan, an organisation of peasant women, which the authorities alleged were linked to communist rebels. Human rights groups believe the order was part of a "deplorable and orchestrated scheme to vilify" the group and other organisations as "terrorist fronts" to curtail their access to funds.

Amihan said it was notified by its bank that AMLC had issued a resolution to freeze its accounts. It also received a Court of Appeals resolution that extended the freeze order by six months. Bank accounts of eight other nongovernmental organisations and civil society groups based in Mindanao were also covered by the order.

Previously, in February 2020, the government [froze](#) several bank accounts of the Rural Missionaries of the Philippines (RMP), a Catholic church group, on suspicions of "terrorism financing." The RMP, who work with the rural poor, has been previously tagged as a «communist front» because of their activism and their criticism of the Duterte government.

In a [separate case](#), the bank accounts of United Church of Christ in the Philippines-Haran Centre in Davao City also were frozen after an AMLC investigation reportedly showed that the group's assets were allegedly used to finance terrorism. The Sandugo – Movement of Moro and Indigenous Peoples for Self-Determination – has [refuted the allegations](#), saying the centre has been extending help to indigenous peoples who felt threatened by the presence of state forces and paramilitary groups in their communities.



## CYBERATTACKS ON HUMAN RIGHTS ALLIANCE KARAPATAN

Human rights alliance Karapatan has been facing a [spate of cyberattacks](#) against its website karapatan.org, which started on 29 July 2021 and is ongoing.

Sweden-based media foundation Qurium [said](#) the attacks occurred amid an online solidarity campaign #StopTheKillingsPH” calling on the government to stop attacks against human rights defenders. According to Qurium, the attacks were composed of application-layer web floods, a type of Distributed Denial of Service (DDoS), specifically against karapatan.org/resources, which contains the directory of Karapatan’s periodical monitors, year-end reports, policy position papers and other public resources.

On 25 August 2021, it was reported that Qurium were able to trace IP addresses used in the cyberattack to a network operated by Bright Data, an Israel-based company that offers proxy networks and data services to corporate clients. Bright Data has denied any involvement in the attack.

In May and June 2021, the websites of Karapatan and alternative media outfits Bulatlat and Altermidya were also attacked, and which Qurium [traced](#) to the Office of the Assistant Chief of Staff for Intelligence of the Philippine Army as well as the Department of Science and Technology.



## RECOMMENDATIONS:

### TO THE PHILIPPINE GOVERNMENT:

- Immediately dismiss the fabricated charges and release all other human rights defenders and activists who have been arbitrarily detained for their activism
- End the “red-tagging” of civil society organisations and activists, and halt any forms of threats, intimidation and digital attacks against them
- Conduct prompt, thorough, impartial and effective investigations into the killings of human rights activists, lawyers and journalists and bring the perpetrators to justice
- Send a clear public message to all security forces in the region, that unlawful killings are unacceptable and strictly prohibited at all times
- Reform or repeal the 2020 Anti-Terrorism law to bring it in line with international law and recommendations of the UN Special Rapporteur on counter-terrorism and human rights, and ensure it does not negatively impact civil society and human rights defenders
- Take measures to foster a safe and enabling environment for civil society, including by removing all undue restrictions on the ability of CSOs to receive international and domestic funding, in line with international law and standards; refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities and consult meaningfully with civil society in any review of these laws and regulations.

### TO THE UN HUMAN RIGHTS COUNCIL:

- Establish an independent investigative mechanism, mandated to conduct an in-depth investigation into human rights violations and abuses in the Philippines, with a view to contributing to accountability and justice for victims in line with recommendations from the High Commissioner for Human Rights.
- Continue to exert pressure on the Philippines authorities to take concrete action to end the human rights crisis in the country and to take real steps towards accountability.
- Ensure the situation, including that of pervasive impunity, remains on the agenda of the Council, and ensure robust monitoring, documentation and reporting on the situation at regular intervals to the Council.
- Call on the Philippines government to offer their full cooperation to the ICC Prosecutor’s office, ensure evidence is preserved and the Court must ensure the protection of those who may assist the investigation.