

OBSERVER

A JOURNAL ON THREATENED HUMAN RIGHTS DEFENDERS IN THE PHILIPPINES

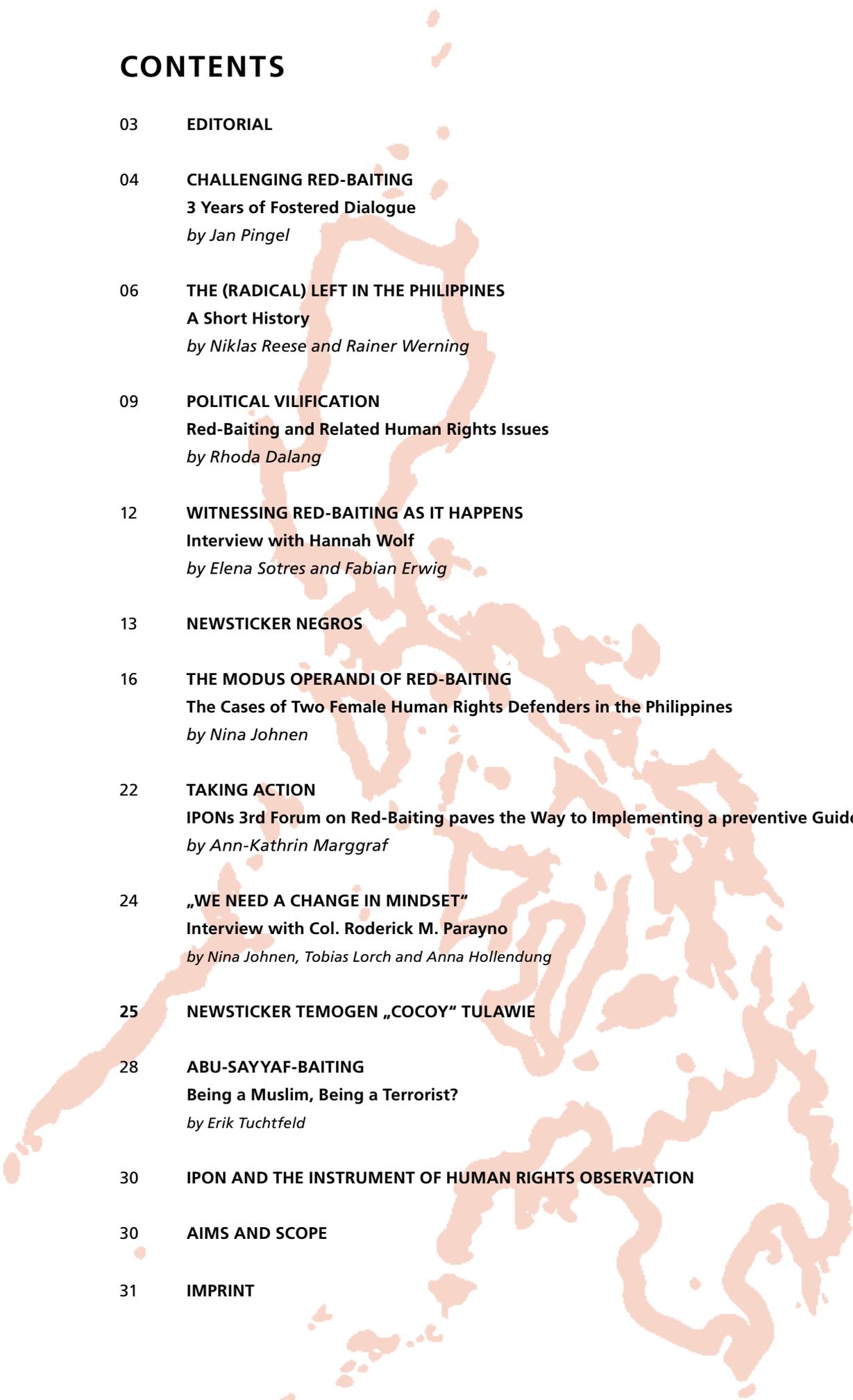
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RED BAITING

A Systematic Defamation of Political Activists

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EDITORIAL

What is democracy without its citizens, raising their voices, demanding for their needs and criticizing social wrongs in society and the state? Democracy relies not only on the reliability and responsibility of state institutions but also in equal measure on an active and engaged civil society. But the freedom of expression and the freedom of assembly are not always safeguarded – also not in states that call themselves democracies.

The Philippines signed and ratified most treaties and agreements to enforce the rights upon which democracy is based.

However, political activists and especially human rights defenders (HRDs) are often criminalised for using their sanctioned rights. Red-baiting is a common strategy of state actors to intimidate and muzzle government-critical individuals, activists, human rights defenders as well as organisations who peacefully engage for their rights. They are labeled as state enemies, communist terrorists or members of communist front organisations – labels that give rise to human rights violations in the Philippines.

This issue of the Observer not only presents an overview of the origins, political backgrounds and strategies that characterize red-baiting and the instrument of trumped-up charges – the criminalization of HRDs through legal offenses – in the Philippines but also offers victims of red-baiting the opportunity to have their cases presented to the international public.

The introductory article evaluates IPONs three year work on the red-baiting project. Starting with a first forum in 2011, IPON was able to raise awareness on the issue and to initiate discussions about origins and dimensions of red-baiting. Fostering the cooperation between different actors in 2012, the third forum took the chance to bring

all participants again together to come up with a concrete policy to tackle the issue and start to “walk the talk”.

Serving as background information, the second article takes a close look at the political reality of the (radical) left in the Philippines and analysis causes and consequences of the split of the political left into “Rejectionists” and “Reaffirmists” that went through NGO and alliances in 1980s/1990s. It further points out why the mind-set of human right activists belonging to the radical (armed) left is still persistent today and therefore sustaining red-baiting of HRDs.

Shifting from the late 90s to the 21st Century, Rhoda Dalang contextualizes political vilification with the “War on Terror” and shows how six cases in which HRDs became victim of political vilification and trumped-up charges are affected.

Based on her experiences in the case of her Zara Alvarez, who is currently incarcerated and subjected to red-tagging and trumped-up charges, Hannah Wolf talked with IPON about the dimensions and the modus operandi of red-baiting, its linkage to the Human Security Act of 2007, as well as about the new Internal Peace and Security Plan of the Philippine military.

In more detail, Johnen focuses on two female HRDs. Both cases exemplify the manifold strategies of red-baiting particularly used by the military.

The Philippine military is one key state actor for the issue of red-baiting as it commits most of those human rights violations. In an interview Col. Roderick M. Parayno gives his view on the challenge of tackling red-baiting. As the case of HRD Temogen “Cocoy” Tulawie from the Sulu-Archipelago illustrates, getting in conflict with state authorities due to peaceful political engagement can not only result in

being labeled as a member of the radical, armed left but also the allegation to belong to the Islamic-fundamental Abu Sayyaf Group. He is imprisoned for almost two years now.

Active members of civil society are the pillars of a functioning democracy. The rights, on which a democracy is built, are vulnerable and can be fragile, as the actions against HRDs and political activists in the Philippines exemplify. Raising awareness for their situation and implementing the rights of freedom of expression and of freedom of assembly are essentially to stabilize the pillars of modern democracy. ■

CALL FOR ARTICLES

With an eye of the growing number of extrajudicial settlements and mediation-procedures, the next issue will focus on “Dirty Deals”. It will critically examine cases that are settled out of court. Which cases can legitimately get solved by mediating procedures? What are the limits? Under which circumstances can such compromises impact negatively on the governmental monopoly?

We welcome articles of 5,500 or 12,000 characters that contribute a systemic analysis of the topic with a focus on human rights or human rights defenders, until August 15th 2014 (editorial deadline).

Please send a short note concerning your presumed topic until July 15th 2014. You can also find our author guidelines and further information on www.ipon-philippines.org.

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CHALLENGING RED-BAITING – 3 YEARS OF FOSTERED DIALOGUE



Jan Pingel

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Philippine security services still fail to differentiate between organisations that bear arms to fight the state and legitimate unarmed organisations who oppose the government within the framework of rights. red-baiting remains a complex issue of Philippine politics and society. However, an increased awareness and first practical steps of state and civil society actors show that there is a commitment to tackle the issue – now all the above mentioned parties have to further walk the talk.

Working on red-baiting – as national or international organisation – means tackling prejudices and mistrust by talking about the topic, by presenting different views and arguments and by changing existing perspectives.

With the decision to work on red-baiting as an external human rights NGO, IPON went on a new path; a path that extended IPONs tool kit (cf. p. 30 in this issue), equipped with its well tested instruments of human rights observation in conflict zones, adding new instruments of third party conflict transformation.

There are several national and international reports broaching the issue of extra-judicial killings and enforced disappearances in the Philippines. These reports and the national discourse predominantly deal with statistical data about extra-judicial killings and enforced disappearances and focus on high-profile single cases.

Over the last years in dialogues with state and civil society actors IPON noticed that there is an awareness of this data and a basic disposition to improve the situation for human rights defenders. However, there is no public discourse about the strategy of red-baiting and its dimensions as one of the main origins of human rights violations in the country.

The security force institutions – notably the military and the police – still approach the insurgency problems in the country from a militarist perspective.

Until today, the state focuses on the alleged illegal affiliations of its critics rather than on the bases and substances of their criticism. Hence, a wide range of groups – including human rights advocates, labour unions, journalists, teachers' unions, women's groups, indigenous organisations, religious

groups, student groups, agrarian reform advocates, and others – remain classified as 'fronts' or front-organisation of the left rebels. Thus, the 'enemies of the state' are accordingly considered to be legitimate targets in order to guarantee and safeguard the state's survival.

What Changed since IPON started Highlighting the Issue in the Philippines?

Even though red-baiting in all its dimensions remains a serious human rights concern, in retrospect several positive developments can be identified. Some of these developments can directly be linked to IPON project efforts in the country. First of all, IPON raised awareness for the issue of red-baiting among relevant national and international actors. These involved Philippine sta-



In 2012, national state actors and civil society organisation met again to discuss red-baiting (Source: IPON)

te actors, Philippine civil society, Philippine and international NGO/CSO and international actors relevant to the implementation of international human rights standards such as the United Nations and the European Union. This awareness was raised over the last couple of years. As a result, IPON has been widely accepted as an impartial nexus between the different conflict parties involved.

Its new position facilitates to open up dialogue-platforms and paves the way for possible cooperation between perpetrators and victims.

The First Red-Baiting Forum

Starting 2011, IPON entered new ground by conducting human rights dialogues and workshops in order to bring together conflict parties in the Philippines. The strongest reason for that was IPON's underlying conviction that these measures should be undertaken by Philippine actors and groups themselves.

Domestic initiatives have the incontestable expertise and capacity to transform conflict and its dynamics in the country. Given the Philippine context though, domestic approaches tend to fail involving all relevant parties in order to come up with comprehensive solutions.

In the course of numerous meetings with state and civil society actors, IPON realised that as an external party, which is not involved in the conflict, it is able to gather all relevant actors and offer platforms in order to exchange perspectives and foster mutual understanding.

These circumstances enable IPON to initiate a new and unique dialogue platform on red-baiting.

At the 2011 forum, participants from different state sectors and representatives of NGO shared their thoughts and knowledge about history, origin and personal experience from a human rights perspective. The aim was to raise awareness particularly among state actors in order to convince them of the necessity and urgency to develop policies that specifically target the is-

sue of red-baiting.

All sides agreed that red-baiting not only poses a serious threat to the people's human rights but also to the overall safety of civil society. However, as it is an issue of security it is also a question of the psychological mind-set of people that also includes their perception of and attitudes towards different groups and communities. Especially Philippine military and police ground line personnel that is responsible for most red-baiting cases exhibits high levels of misperception regarding the work of NGO.

This was the first time that an external actor successfully brought together the different conflict parties and initiated a productive and open dialogue with regards to red-baiting. The Philippine Commission of Human Rights explicitly asked IPON to pursue the efforts and the military and the police expressed their political will to participate in future activities.

On the basis of the positive reactions and the willingness of relevant conflict stakeholders to further engage in dialogues, IPON decided to pursue the way of dialogues and workshops – in the hope that these red-baiting platforms will be independently implemented in the future.

Cooperative Atmosphere in 2012

The second forum in 2012 constituted a follow-up to the first forum in 2011 and picked up the general cooperativeness of the relevant stakeholders. Again state actors and representatives of NGO came together to report on the progress and new findings that they had acquired in order to address the issue. In addition, IPON presented findings of a local workshop in Mindanao that was organised to gather experiences, views and recommendations of human rights defenders and their affiliated organisations that had been targets of red-baiting.

To IPON's delight the CHR had ad-

ded red-baiting as a category of human rights violations to their database, which will ensure proper future documentation of such cases.

It's Time to Tackle the Issue

After the way for dialogue was opened up thanks to the two forums between the involved conflict parties, IPON had established itself as an integer and competent stakeholder.

The third forum's objective was to come up with some concrete policy out-put to tackle the issue of red-baiting on the local and regional level. Thus the objective of the forum in October 2013 was to kick off the design and implementation process of a "Guideline to AFP ground line personnel on the prevention of red-baiting or red-labelling of HRDs and/or their legal organisations in conflict and non-conflict situations" – the guideline is currently being drafted by military officials.

Despite the increased awareness for the issue and first successful steps to improve the alarming situation for human rights defenders and activists, the need for policy developments to counteract the issue of red-baiting persists.

The phenomenon of red-baiting deserves the unrestricted attention of all involved stakeholders, especially the military, the police and the Commission of Human Rights.

Nevertheless, based upon IPON's past project experiences, the human rights activists are cautiously positive that all relevant stakeholders are willing to commit themselves to the challenges ahead in order to pave the way for the future development and implementation of encompassing conflict solution strategies concerning red-baiting in the Philippines. ■

THE (RADICAL) LEFT IN THE PHILIPPINES – A SHORT HISTORY



Niklas Reese

(Davao City/Philippines), social scientist, freelance worker for the Philippinenbüro.

In April 1973, through the leadership of the Communist Party of the Philippines (CPP), 12 left-oriented organisations from all sectors of society came together to form the National Democratic Front of the Philippines (NDFP). The NDFP became the umbrella formation for all those who believed that (legal and peaceful) mobilisation through consciousness-raising and socio-political activities were insufficient means to topple the Marcos dictatorship.

Rather, these national democratic (ND) forces believed in armed struggle and organised underground resistance. Peasants, farmworkers, students, intellectuals, and church groupings joined the NDFP. Numerous guerrilla fronts were established all over the Philippines.



Dr. Rainer Werning

Social and political scientist, author of numerous publications on Southeast and East Asia, lecturer at the Academy of International Cooperation (AIZ, Bad Honnef) and the University of Bonn.

During the dictatorship, the ND formation was a hegemonic force in the opposition, both ideologically and politically. Following Mao Zedong's school of thought, the fall of Marcos was envisioned to come about through the combination of an armed, protracted people's war in the countryside and massive militant resistance in the urban centres. The Marcos regime was to be replaced by a people's democratic republic, revolutionising the "semi-feudal, semi-capitalist" relations of production in its course. It was believed that the ensuing people's democracy would break the dominance of the United States, the country's former colonial power, and overcome feudal relations in the countryside.¹

Countless people were inspired, socialised, and mobilised by the anti-imperialist, anti-feudal, and anti-fascist ideas of the NDFP. The political counter-vision of the NDFP fascinated a large number of people over a long period and incited feelings of self-respect and strength.

Divergent Forces: The Year 1986

After a fatal chain of events characterised by arrogance, panic, and strategic errors in judgment in the first half of the 1980s, the NDFP found itself playing a subordinate role in the momentous, eventful days of February 1986. The leadership dismissed the snap presidential elections in February 1986 as an irrelevant "noisy drama" and subsequently decided to boycott it altogether.

With the restoration of (formal) democracy, some left leaders and organisations turned their backs on the NDFP. In their assessment, armed struggle had lost its primacy in the context of "newly established democratic spaces" that lay the conditions for new modes of engagement toward fundamental political and social transformations. No longer did the essential task consist of "capturing the state" in the unfolding of the national people's democratic revolution. Rather, it was important for them to support people in their own local struggles to improve their lives, primarily by dismantling the power of landed classes, local warlords, and traditional politicians. Popular democrats, or popdems, developed an approach that sought to transcend the old system and placed themselves somewhere in between the hostile approach of the NDs and the reformist social democrats, or socdems. To the popdems, political change was thought to be possible through counter mobilisations from below. Together with like-minded comrades, Edicio Dela Torre, a leading liberation theologian in the anti-dictatorship struggle, established the Institute for Popular Democracy, which has since functioned as a think tank of the radical democratic camp within the Philippine Left.

Times of Sobriety and Decline

Most ND cadres, however, remained with the NDFP. Conflict-laden debates about strategy and political vision were kept in check and did not yet lead to open contestation. To many activists, though, development programs were no longer a means to an end of mobilising people; rather, these were undertaken as an end in itself—to fight poverty and bring about social transformation. To a certain degree, the movement henceforth began to develop political diversity among

1) The founding chairperson of the CPP, José María Sison, formulated this strategy in the early 1970s under the pseudonym of Amado Guerrero. The publication entitled "Philippine Society and Revolution" is still considered the "red book" of the movement.



„The split went right through NGO and alliances.“ (Source IPON)

its ranks—something that was hardly possible during the anti-dictatorship struggle, not just for security reasons but also to maintain political clarity in pursuit of the overarching goal.

In 1987, President Cory Aquino, in the face of right-wing pressures and coup attempts, declared a “total war” against the NDFP. Once again, internal political differences had to be contained, as non-governmental organisations (NGO) allied with the NDs were branded as communist fronts. For security reasons, activists likewise reverted to moderate language that avoided terminologies such as imperialism. Using key words such as human rights was seen as an indicator that the speaker belonged to the extreme Left—a mindset that, in some parts of society, persists up to this day.

The state-oriented, socialist (read: Maoist) paradigm guiding the NDFP continued to lose ground when the people of Eastern Europe and the Soviet Union sought to retire “real socialism” from 1989 onwards. The next blow came with the NDFP’s assessment of the 1989 Tiananmen massacre as a correct course

of action. This caused further disillusionment among many ND cadres. Looking at the larger picture, it also became increasingly clear that the march of globalisation was leading to the diminishing importance of the nation state. All these developments, coupled with the realisation that national liberation struggles elsewhere had not lived up to the promises of social justice and democracy, further eroded the appeal and magnetism of fighting for a national socialist revolution emanating from the top. The imminent split within the movement, however, was caused by internal fissures.

The Split

At the onset of the 1990s, internal differences could no longer be contained. Within the NDFP, heated arguments broke out over the question whether the changing political landscape and a sincere reckoning of the movement’s missteps should lead to a reorientation in political strategy.

The split went right through NGO and alliances. It pitted co-workers and comrades against each other.

Fights broke out over office equipment, bank accounts, donors, and control of people’s organisations in their ambit. Friendships soured, smear campaigns became a common occurrence, and children were no longer allowed to play with their friends whose parents were in the opposite camp. Gone were the banter and zest that characterised the Philippine Left across various political formations that were working above- and underground. Instead, comrades began working in unyielding black-and-white categories, with no middle ground.

It is in this battlefield that several NGO met their demise. Many activists abandoned their life’s work. Parallel organisations sprouted in almost all sectors (such as peasants, trade unions, and women’s groups). This sometimes gave rise to up to five analogous organisations that hardly differed in their fundamental analysis of the status quo but operated under divergent frameworks and strategies or simply were organised among followers of competing “political bosses” and strong leadership personalities.²

2) However, the existence of these numerous parallel organisations is not just a result of the split within the Left. There have been further splits even after 1992. Some of these divides were doubtlessly ideological and/or strategic in nature, while other conflicts were a result of thinly veiled interpersonal animosities. In a hierarchical and non-confrontational culture, it is difficult for several dominant leadership figures to work side by side in the same organisation. Organisational splits often become a (more) convenient solution to accommodate these strong personalities.

Sibling Rivalries and Party-Lists

New avenues for political participation opened up with the passage of the Local Government Code in 1991 and the first party-list elections for the Philippine House of Representatives in 1998. In 1996, several organisations and individuals from the Rejectionist (RJ) camp, including the popdems, joined forces with other non-ND political blocks, such as the Left wing of the socdem movement, to build a new political party, Akbayan. Embracing political pluralism, this new formation was comparable to the German Green Party in its early years, bringing together both pragmatists and idealists under one political roof. Akbayan held an uninterrupted parliamentary mandate since 1998. In 2010, the party supported the presidential candidacy of Noynoy Aquino and several of its prominent leaders were later appointed to top government posts in his administration. The former party president entered the Aquino cabinet as presidential adviser on political affairs, while its first party-list representative is now the chairperson of the Commission on Human Rights. Akbayan currently holds two seats in Congress.

Meanwhile, the Trotskyist blocks within the RJ spectrum formed the party-list organisations Sanlakas and Partido ng Manggagawa (Workers' Party), but they were unable to win enough votes in the 2010 elections to be represented in Congress.

The Reaffirmist (RA) camp initially remained aloof regarding electoral experiments and single-mindedly focused on its chosen track of strengthening the liberation movement. But RA leaders were not impervious to the fact that Akbayan, Sanlakas, and other party-list organisations were able to



Originally an oppositional force against the Marcos-regime, the NPA has now become a scapegoat for political vilification of inconvenient citizens. (Source: wikipedia)



The National Democratic Front is a leftist alliance striving for revolution. The NPA (see picture below) is its military wing. (Source: wikipedia)

articulate their issues in the national media and uncover alarming anomalies because of their parliamentary participation. In 2001, the RAs decided to join the fray through their party-list formation Bayan Muna ("Nation or People First"). In their first attempt, they topped the party-list vote, garnering more than twice the required votes to get the maximum three seats allowable under the law. In subsequent elections, they fielded several additional electoral vehicles to maximize their vote base. In the 2010 elections, they entered the race with several party-list organisations representing the following sectors: workers (Anakpawis), peasants (Kilusang Magbubukid ng Pilipinas), youth (Kabataan Partylist), teachers (ACT Teachers Party-list), and women (GABRIELA). Together with Bayan Muna, they got enough votes to obtain a total of seven parliamentary seats.

Electoral competition heightened the level of animosity between the different left groups. This was accompanied by smear campaigns and publicly exchanged tirades against each other. This tension sometimes also escalated in violence. NPA fighters have prevented Akbayan members from campaigning in NPA-controlled areas in the past.³ Between 2001 and 2004, a number of RJ leaders fell victim to NPA assassins, who were carrying out death sentences promulgated by the revolutionary "people's court."

Nevertheless, the greatest threat to life and limb of "Left" activists, who are easily branded as "communists," still emanates from state security forces and local warlords. Between 2001 and 2010, there were more than 1,100 political killings. The great majority of the victims were activists identified with the RA spectrum. ■

3) The NPA regulates election-related activities in territories under their control by enforcing the collection of fees through the so-called permit-to-campaign system, wherein candidates have to pay for being given physical access and passage. Similarly, a "revolutionary tax" is collected from business people, landowners, and local politicians even outside the election season. These fees finance the continuing armed struggle, as well as locally implemented socioeconomic projects. This form of income generation has become more important in the post-split era as the RAs lost access to select sources of foreign funding.

POLITICAL VILIFICATION – RED-BAITING AND RELATED HUMAN RIGHTS ISSUES

The general suspicion against civil society organisations as fronts for communist insurgents dates back to the Marcos era. Counter insurgency measures such as Oplan Bantay Laya and Oplan Bayanihan continue to backfire on civil society organisations and individuals alike. Especially alarming is the fact that many of the victims are human rights activists.

Forms of Red-Labeling from Marcos until Aquino

Political vilification, popularly known as red-baiting or – labelling, has assumed a different degree of viciousness during the course of the US-sponsored War on Terrorism. It has become more widespread, systematic and intense, and red-labelling now increasingly employs the terms communist-terrorist, terrorist and enemies of the state, which are applied similarly to both armed and unarmed political opposition groups and individuals. It has to be remembered that following the 9/11 incident, President George Bush declared “if you are not with us, you are against us.” The statement, coming from the most powerful man in the world at that time, defined who the enemies are – namely those resisting US policies. The statement exacerbated the violations of human rights worldwide.

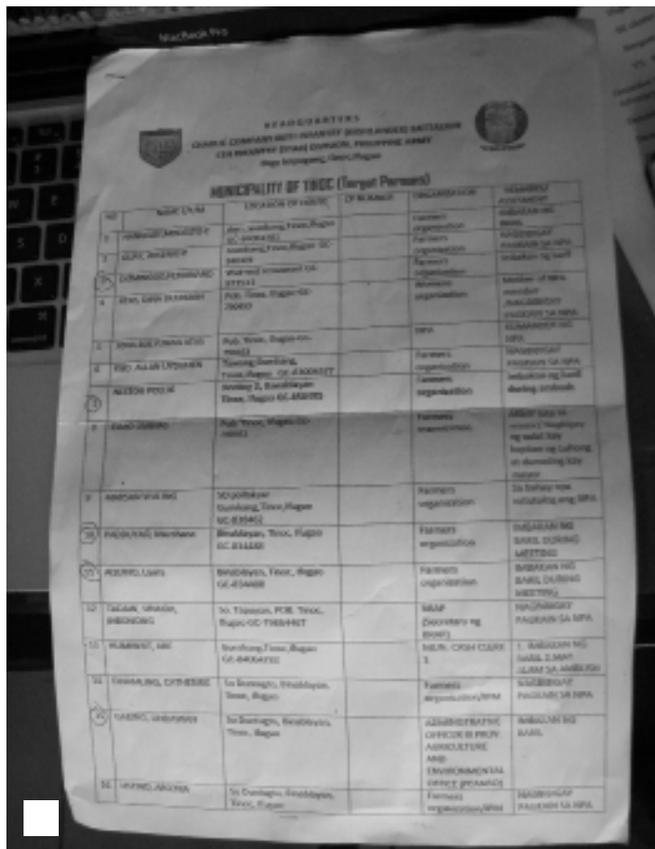
In the Philippines, the War on Terrorism was adopted by the Gloria Macapagal Arroyo administration through the state security policy OPLAN BANTAY LAYA. OPLAN BANTAY LAYA equated counter-insurgency to counter terrorism and expanded its targets to legal unarmed political opposition groups and their members who have become victims of both political persecution and military action. Under OPLAN BANTAY LAYA, more than 1,200 cases of extra-judicial killings were documented. Most of the

se victims were subjected to various forms of political vilification. Professor Phillip Alston, the former UN Special Rapporteur, affirmed the connection of the extra-judicial killings of activists, journalists, party list leaders and human rights defenders to the systematic practice of public vilification by the Armed Forces of the Philippines (AFP) in

national Democratic Front of the Philippines (NDFP) through a combination of public vilification and operational measures such as extra-judicial killings. One of the most widely used forms of public vilification is the widespread diffusion of the AFP power point presentation “Know the Enemy” where numerous legal organisations are listed as fronts of the CPP/NPA/NDFP.

The OPLAN BAYANIHAN of the Aquino administration is no different from its predecessor. In fact, in its 2-year implementation, it has proven to be even more vicious. Extrajudicial killings, enforced disappearances and other serious forms of human rights violations continue. Most notably, social services form part of a counterinsurgency under the guise of so-called “peace and development.” AFP troops combine military operations with the engagement in so-called “development” activities. Apart from stripping the civilian bureaucracy of its functions and utilizing development projects and social services for non-development objectives, the implementation of development activities by AFP troops as well as civilians endangers civilian lives. Furthermore, President Aquino expanded the use of paramilitary groups and tribal militias from counter-insurgency

to securing business corporations. After the Taganito incident in Claver, Surigao del Norte, President Aquino has sanctioned the use of militias by mining companies to secure their operations.



List of Names by the 86th Inf. Battalion, linking various HRDs to the NPA (source: DINTEG)

his country visit in 2007. He reported in detail that the counter-insurgency strategy includes dismantling “fronts” of the Communist Party of the Philippines (CPP)/New Peoples Army (NPA)/Natio-

Political Vilification in the Context of a Civil War and Global War on Terrorism

The ongoing armed movements in the country – be it the war of liberation waged by the CPP/NPA/NDFP (Communist Party of the Philippines/New Peoples Army/National Democratic Front of the Philippines) or the separatist movement under the MILF (Moro Islamic Liberation Front) and BILF (BangsaMoro Islamic Freedom Fighters) – are rooted in the widespread poverty and extreme stratification of Philippine society. These revolutionary movements have survived counter-insurgency programmes throughout different administrations. There is no indication that the movements are weakening, despite increasing budgetary allotment, not to mention the all-out support provided by the US.

The civil war in the country is rendered more complicated due to the subservience of the Philippine government to the US-driven War on Terrorism, a war being waged globally against an unclear receiving end – who and where are the other parties to the war? It is now popularly understood as a pretext for war of aggression against states resisting an exploitative and oppressive world order. Apart from rationalizing the war of aggression, the War on Terrorism serves to rationalise emerging concepts on redefining the scope of human rights laws – to exclude terrorists. At the forefront is the CIA, backed by then President Bush, which has been pushing for the legalization of the use of torture by the CIA to aggressively extract information from those they suspect to be terrorists. Wiretapping against terrorists and suspected terrorists is now legally sanctioned in the US. Suspected terrorists can be kept in undisclosed safe houses. They are deemed guilty until proven otherwise.

Similar redefinition and reinterpretation of human rights laws are contained in the Philippine Human Security Act of 2007 – suspected terrorists and terrorists can be detained without warrants, their communications can be intercepted, movements restricted, amongst others. Simply put, human rights laws and international humanitarian laws are not applied to terrorists and suspected terrorists. The Human Security Act is viewed by numerous human rights organisations as a law legitimising terrorism of the state rather than protecting the civilian population from terrorism.

Why Political Vilification is a Serious Human Rights Concern

Political vilification goes beyond the direct violation on the human rights of the victim/s. Society as a whole bears the impact of vilification as this builds a social consciousness that does not follow the logic of human rights and international humanitarian laws. Political vilification is a form of psychological warfare by creating a social consciousness that political dissidents, whether they are legal or armed revolutionary groups, are one and the same – they are all ‘communist terrorists’, ‘terrorists’ and ‘enemies of the state’ and as communist terrorists, terrorists, enemies of the state, they are outside the protection of human rights, rule of law and international humanitarian laws.

Political vilification has an impact in two different forms on two different types of victims. One victim is the person, organisation, or community being vilified, who suffers various forms of intimidation, slander, prejudice, exclusion from human rights protection. The other victim is the



Rhoda Dalang

1960 (Mountain Province/Philippines) director of DINTEG (Cordillera Indigenous Peoples Legal Center). Social activist in the struggle for right to ancestral land and the right to self determination.



DINTEG is battling political vilification of inconvenient civil society actors. (Source IPON)

entire civilian population whose social consciousness is being conditioned to accept sets of values and meanings that are contrary to long established human rights laws and international humanitarian laws.

The phenomenon is especially alarming because it is the state engaging in this psychological warfare. Moreover, these acts of political vilification are deliberately employed by the state as a strategy in countering insurgency. Vilifying civilians as a strategy of vilifying the CPP/NPA/NDFP equates to using civilians in countering an insurgency.

Challenges and Ways Forward: From Political Vilification to Other Related Human Rights Violations Committed Against Human Rights Defenders

While campaigning for the protection of human rights defenders against political vilification is a continuous task, there is an urgent need to look into other serious forms of human rights violations lodged against human rights defenders. One of these is the phenomenon of trumped-up charges and incarceration of human rights defenders on charges associated with activities of the New People's Army, and listing the HRDs in various forms of Order of Battle.

Indeed, the phenomenon of trumped-up charges has been as systematic as the practice of political vilification. Hundreds of human rights defenders are facing various forms of criminal charges, are listed in various forms of Order of Battle and are incarcerated in various jails in the country. All charges pertain to activities of the New People's Army. The cases on the right shall illustrate the vilification of indigenous peoples human rights defenders. Hundreds of similar cases in various parts of the country were documented and reported by KARAPATAN.

The widespread lodging of malicious charges directly linking human rights defenders with combat attacks of NPAs demonstrate a widespread violation of the rights of HRDs by the Philippine state. It is a core issue that human rights advocates must look into. ■

SOME EXAMPLES OF POLITICAL VILIFICATION

of Indigenous People Human Rights Defenders

Mildred Salang-ey, an Igorot student leader, was associated with a case of multiple murder and frustrated murder in relation to an attack of the NPA against military troops in February 2011. She was issued a subpoena in April 2011. Despite filing documents refuting the charges, a warrant for her arrest was issued in November. A month later, the court withdrew the complaint. Salang-ey was a student at the Mountain Province state College, regularly attending her classes and hence the court saw no probable cause to charge her. What would have happened if Mildred was an out-of-school youth?

Jude Baggo, the secretary general of the Cordillera Human Rights Alliance together with 27 other human rights defenders and development workers is listed in a "Target Persons, Municipality of Tinoc" of the 86th IB of the 5th ID Philippine Army. Each in the list is assigned various functions associated with the NPA, such as "brains of the NPA", "recruiter" or "supporter."

Rene Boy Abiva and Virgillo Corpuz, human rights defenders in the Cagayan Valley region are incarcerated in the Ifugao provincial jail since December 2012 on several counts of murder, which were actually ambushes of NPA against AFP units in Ifugao. Mr. Abiva is working under the Pantawid Pamilyang Pilipino Program of Baggao, Cagayan while Mr. Corpuz is an organiser of drivers under PISTON (Pagkakaisa ng mga Samahan ng Tsuper) at Opereytor Nationwide.

4 Lumad Banwaons of Nakadayas (Brgy. Mahagsay, San Luis, Agusan del Sur) were arrested on the 22nd July 2012 by the 26th Infantry Battalion on charges of being NPA member. After 4 days of incarceration, they were released – courtesy of a member of the Office of the Presidential Adviser on the Peace Process who took them in custody. The 4 are members of the indigenous peoples organisation TAGDUMAHAN in San Luis, Agusan del Sur.¹

Romulo Andaya, Chairperson of PIGDIWATAHAN, an indigenous peoples organisation in La Paz, Agusan del Sur is incarcerated since August 2012 in the Provincial Jail of Patin-ay, Prosperidad, Agusan del Sur. He was accused of being the leader of the NPA unit, which burned the equipment of the logging company Provident Tree Farms Inc. (PTFI).²

Genasque Enriquez, secretary general of KASALO-Caraga and nominee of the KATRIBU party list was charged with murder and multiple frustrated murders in August 2012 during an NPA-military encounter. He was accused of being the leader of the NPA unit that launched the attack. However, at the time of the NPA-AFP encounter, Genasque was on air at a local radio station, which provided sufficiently strong evidence to have the case dismissed.

37 indigenous members and leaders of the Manobo indigenous people's organisation Maluhutayong Pakigbisog Alang Sumusunod (MAPASU) received charges of rebellion, frustrated murder, arson, illegal possession of firearms and explosives and malicious mischief. All 37 Manobos of Surigao del Sur were named in an amended version of an earlier criminal case pertaining to an NPA attack on a Police Station in Lianga, Surigao del Sur on the 29th April 2011.³

1) Documented by the Kalipunan ng Mamamayan sa Pilipinas (KAMP)

2) Documented by the Kalipunan ng Mamamayan sa Pilipinas (KAMP)

3) Documented by the Kalipunan ng Mamamayan sa Pilipinas (KAMP) and Rural Missionaries of the Philippines

WITNESSING RED-BAITING AS IT HAPPENS



Elena Sotres

27, born in Spain. She studied law and economics in Madrid and Berlin and works in the domain of international fiscal law since 2010. She was a human rights observer with IPON in 2013.



Fabian Erwig

28 (Cologne), he studied European Studies at Maastricht University. He has been working as a human rights observer with IPON since July 2013.

Hannah Wolf, born in Germany, first came to the Philippines in 2004 as an intern of the United Evangelical Mission/ United Church of Christ in the Philippines. She is now freelancing for the German „Action Network Human Rights Philippines“ and currently works with her close friend Zara Alvarez, a human rights activist who faces fabricated charges of murder and robbery in band. Alvarez is incarcerated since 30th October 2012. IPON met Hannah Wolf in December 2013 in Cadiz City to talk with her about her perception of red-baiting.

IPON: What does the term red-baiting imply and why does it seem to be so predominant in the Philippines?

Wolf: The term itself stems from the McCarthy era in the 1950s and generally describes a political campaign against communists. Embedded in the situation of armed conflicts and a broad military counter-insurgency campaign (currently: Oplan Bayanihan) in the Philippines, state actors publicly demonize political activists as enemies of the state, and as communist terrorists while critical and outspoken non-governmental organisations as well as churches are labelled as

front organisations of the communist insurgency.

This practice of red-baiting turns activists into bogeymen and suggests a state of emergency in which national security is equally threatened by armed guerrillas and peaceful activists. The demonisation allows the state to place activists outside the realm of the law and creates a certain “state of exception” that legitimises all possible variations of repression and illegal measures against these supposed enemies. As part of the reigning system, powerful clans, the military, the police and last but not least the judiciary avail themselves of this exceptio-



human rights defender Zara Alvarez on a demonstration, talking with the Police (Source Zara Alvarez)

nal space where they remain immune from prosecution.

However, measures of repression often go beyond verbal vilification. Once an activist has become a target of the state and its military, he or she has to fear different forms of physical repressions. Activists have disappeared, were illegally arrested, detained, tortured or killed. The case of Zara Alvarez is an example for this widely applied practice. As human rights activist she was branded a communist and terrorist, unlawfully arrested and detained for trumped-up charges.

IPON: When were you first made aware of red-baiting in the Philippines?

Wolf: I think it was only through IPON that I encountered the term red-baiting. However, it was in 2004 when I first learned about this particular form of political repression, which was rather called vilification, criminalisation or branding of activists that had been going on for decades then.

IPON: If you are made aware of a case of red-baiting, how do you respond and what are your next steps?

Wolf: Well, I am not an organisation that people report to. In the recent years it depended on the networks in the Philippines and in Germany, what efforts were undertaken and how we campaigned or tried to draw the public and decision makers' attention to cases. I got involved in the particular case of Zara Alvarez because of our friendship. The local organisations are the ones who intervene first, that assist the victims and document the cases. Only through local organisations and their documentation, are international organisations able to fulfil a complementary role through campaigns and lobbying.

IPON: There are a couple of groups that are mentioned in the context of being victims to red-baiting. KARAPATAN and ANAKBAYAN, as well

as several other groups from the political left are part of it. In addition, numerous individual activists are also being targeted. Why these groups and persons in particular?

Wolf: Those organisations that are vocal in their state criticism seem to be most vulnerable, those who politically and socially organise large numbers of people and demand the greatest level of social and systematic change in Philippine society. However, any dissident who dares to speak out and to side with economically, socially and politically marginalised people appears to run the risk of being branded as a communist and/ or terrorist, perceived as a threat to national security, and thus becoming a target of the military counter insurgency campaign.

IPON: The administration of former President Gloria Macapagal Arroyo passed a number of controversial judicial tools with regard to security policy. How did, for instance, the Human Security Act (HSA) of 2007 influence red-baiting?

Wolf: Laws like the HSA generally tend to further encourage and legitimise red-baiting. The law's broad and indistinct definition of terrorism for instance did not correct the wrong interpretations of terrorism in the context of red-baiting but rather encouraged arbitrariness in terms of application. In the absence of clear and precise legal provisions the public discourse on terrorism in the aftermath of 9/11, the instigated fear and perceived national threat encouraged red-baiting, political repression and related human rights violations, including warrantless arrests, torture to name but a few.

IPON: According to your experience, is there a direct link between red-baiting victims and extra-judicial killings as well as enforced disappearances?

Wolf: In view of the earlier mentioned strategies and widespread political repression, red-baiting can

NEWSTICKER +++

+ **6th June 2013:** Successful installation of 79 Agrarian Reform Beneficiaries (ARBs) in Hacienda Victoria in Brgy. Camangcamang, Isabela town, Negros Occidental. The event was accompanied by IPON Observers, representatives of the Department of Agrarian Reform (DAR) as well as the Philippine Military and Police.

+ **1st August 2013:** Final approval of the Rationalization Plan of the DAR titled Executive Order (EO) 366, dating back to 2004. The aim is to streamline workload, reassign staff and to improve the general efficiency within the regional offices. Implementation will start on the 30th September 2013.

+ **5th August 2013:** Memorandum of Agreement (MoA) signed between Task Force Mapalad (TFM) Farmers and the legal representative of Hacienda Carmenchika, Mr. Edgardo Alonso. The Farmers accept the leasing terms, thus renouncing any claims for their own land within the Comprehensive Agrarian Reform Program.

+ **9th November 2013:** Super-Typhoon Haiyan/Yolanda makes landfall in the Visaya area. Much farmland was affected in the northern part of Negros. Over 275,5 million Peso (estimated 4,6 million Euro) damages were reported in lost crops and fisheries.

+ **23rd November 2013:** TFM organises relief and rehabilitation efforts to their ARBs in the area.

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Political Detainee Zara Alvarez in Cadiz City Jail, August 2013 (Source Hannah Wolf)

lead to different forms of human rights violations such as trumped-up charges, EJKs or EDs. The targets or those being victimised are the same. Zara Alvarez, for instance, had been branded as a communist and terrorist for years. We had to anticipate that the branding, surveillance and threats may eventually translate into more severe and even life threatening violations. She had to live with the constant fear and threat, expecting something to happen, not knowing what. When she was unlawfully detained, we were at least relieved, that we knew where she was and that she was alive. Facing the hardship of a political detainee, she still repeats over again: “At least I can still create new memories with my loved ones”. Once she will be released, the fear will return. It can happen again.

IPON: The Armed Forces of the Philippines (AFP) introduced the Internal Peace and Security Plan (IPSP) – also known as Oplan Bayanihan – to modernise the military and increase cooperation with civil society. Others say, however, the plan aims at controlling and suppressing national activist groups. How do you evaluate this initiative?

Wolf: In the first place, it should be the people on the ground and at the centre of the conflict and those who experience human rights violations who should evaluate the military’s initiative and whether changes can be felt or not. As an outsider, it is

hard to see any changes beyond the language. Oplan Bayanihan is presented as the “new” military approach that respects human rights and IHL. However, as a matter of fact, human rights violations remain alarmingly widespread, a reality that makes it very difficult to take the so-called paradigm shift seriously. Credibility does not stem from words but from action. A real paradigm shift would first of all mean accountability for previous and on-going human rights violations within the AFP. Yet, promotions of AFP officials involved in human rights violations continue, to name just one example. Furthermore, the IPSP is projected as a “whole nation” and “people centred” approach that also includes peace and development work and construction of social infrastructures, tasks that are originally civil in nature. Civil authorities should therefore be strengthened to improve and extend their services, especially in rural areas, in order to enable demilitarisation rather than militarisation.

IPON: You have had a long history of standing by the side of human rights activist Zara Alvarez in Negros. What is the background of this case and to what extent can it be considered as a typical red-baiting issue.

Wolf: Zara’s case is special in the sense that she stands for the women human rights defenders subjected to red-tagging, threat,

harassment, surveillance and trumped-up charges and it is unique because she is a single mother of a four-year-old girl who badly needs her. In terms of red-baiting and its modus operandi it is a fairly typical example though. She was engaged in the field of human rights since school and continued her efforts through-out her life. Her activism includes documentation of human rights violations, assistance to the victims, political campaigns and education with different organisations in Negros. Ever since, she has been accused and publicly labelled as a communist and terrorist. Due to her work she was prevented from entering communities where human rights violations are rampant. She was harassed, threatened and subject to surveillance. The charges of murder and robbery in band filed against her and believed to be fabricated resemble other cases. Her name was only amended based on the use of John/Jane Does and the testimony of an alleged rebel returnee. The warrant of arrest neither indicated her correct name nor address. She was denied due process. She was visited by military intelligence inside the jail and forced to cooperate in order

to avoid more “charges” and “witnesses”. She has been detained for more than a year now, transferred three times and continues to await the truth to be unfolded in an impartial judicial process.

IPON: According to your experience, what can be expected from national institutions and international organisations?

Wolf: That is a very broad area. On the very basic level, one should expect the President and governmental bodies like the Department of Justice, Supreme Court and Commission on Human Rights to condemn any violation against human rights and ensure fair and speedy judicial proceedings. Moreover, those involved in the fabrication of charges and who allow this grave abuse of judicial means for political repression should be held accountable. Foreign or international actors like IPON, Action Network Human Rights-Philippines, Asian Commission on Human Rights, Amnesty International, European Institutions such as the EU Parliament and its delegation in Manila, as well as different UN Offices can raise public and decision makers’ awareness,

but also condemn human right violations. Pressuring for crucial changes and strict implementation of given laws on different national and also regional levels is vital as well.

IPON: How do you evaluate the work of IPON towards the topic of red-baiting, especially the red-baiting-forum in Manila?

Wolf: My cooperation with IPON started only a couple of months ago, although I have heard of the organisation before. Concerning the case of Zara Alvarez, the last red-baiting-Forum in October presented a good opportunity to create awareness on the national level. IPON does not only talk to national, but also to regional actors – a rare and decentralised approach, which is, I think, badly needed to support human rights defenders and organisations in the regions. For Zara herself, it is a great moral support for her work. It is always good to know that the case is not forgotten and that other organisations are involved. ■



Presentation by a representative of the Philippine Army (Source IPON)

THE MODUS OPERANDI OF RED-BAITING – THE CASES OF TWO FEMALE HUMAN RIGHTS DEFENDERS IN THE PHILIPPINES



Nina Johnen

1986 (Cologne/Germany), Political Scientist with a focus on International Relations and International Area Studies. Country Coordinator of IPONs red-baiting project in 2013.

The following article portrays two female human rights defenders who directly or indirectly promoted and protected human rights through their actions as a political activist and a church worker. Their engagement for marginalized rural poor made them and their affiliated organisation a target of the Philippine military, which deliberately attempts to prevent them from their work by red tagging them as communist rebels and members of the New People's Army (NPA). They have been victims of various human rights violations and are currently facing trumped-up/fabricated charges that were filed against them in order to prevent them from pursuing their socio-political engagement.

Case Study I – Zara Alvarez – Political Activist

Zara Alvarez is a 32 years old human rights activist and HRD. She faces one trumped-up charge for frustrated murder from 2010 and one trumped-up charge for robbery in band from 2011. Alvarez learned about the first trumped-up charge filed against her in October 2012. Together with 43 other accused she was charged for murder of an Armed Forces of the Philippines (AFP) 1 Lieutenant in 2010. The charge led to her arrest on October 30, 2012, and her imprisonment in Cadiz City Jail. After her own personal inquiry, Alvarez received the warrant of arrest for a second fabricated charge in April 2013. It concerns a case of robbery in band from 2011 wherein she is accused of raiding a fish farm. After several transfers to different jails she is currently a political prisoner in Handumanan City Jail.

Professional Background

Originally trained to become a teacher, Zara Alvarez is a political activist since she was a student and an active member of the youth and student organisation ANAKBAYAN¹.

Within 6 years, she became General Secretary and then Chairperson of ANAKBAYAN. In the course of her career, she carried out jobs for prominent Philippine political, social and human rights or-

ganisations such as BAYAN² and KARAPATAN³ on Negros Island. Her engagement for those organisations put her in the public spot light, she visited political forums and gave interviews to local newspapers and radio stations, during which she exposed AFP and PNP (Philippine National Police) staff's human rights violations. In 2008, she was Deputy General Secretary of Bayan Negros and Education and Campaign Officer of KARAPATAN Negros. Alvarez led Quick Reaction Teams (QRT) and human rights fact-finding missions for KARAPATAN that investigate human rights violations by state actors.⁴ She was also active in ANAKBAYANs human rights Monitoring Teams (HRMT). Those conduct human rights workshops in communities which are prone to human rights violations committed by AFP and PNP. They educate peasants about their rights and teach them strategies on how to claim them. When the political situation is not too tense between activists and state personnel they also organise forums with local government units.

Alvarez is the single mother of a toddler. Besides the trumped-up charges that were filed against her, raising her child and taking care of it while she herself is imprisoned constitutes her biggest personal challenge at the moment. Up to the present day, both AFP and PNP publicly state that she is the Finance Officer of the communist guerilla group NPA and public vilifications regar-

1) Anakbayan is the comprehensive, national democratic mass organisation of the Filipino youth. Established on the 30th of November 1998-the anniversary of Andres' Bonifacio and pre-Martial Law organisation, Kabataang Makabayan-it seeks to unite the youths from different sectors of society to advance the cause of national democracy: workers, peasants, fisherfolk, urban poor, students, out-of-school youth, women, professionals, migrants, Moros, Christians, etc. URL: <http://www.anakbayan.org/about/> (last viewed 10 December 2013)

2) Bagong Alyansang Makabayan (Bayan) or New Patriotic Alliance was established in May 1985, at the height of the struggle against the US-Marcos dictatorship. It brought together more than one thousand mass organisations, with a total membership of more than one million, representing different classes and sectors of society and committed to the people's struggle for national liberation and democracy. Bayan is a multi-sectional formation struggling for national and social liberation against imperialism, feudalism and bureaucratic capitalism. It envisions a just society, free from foreign domination. URL: <http://www.bayan.ph/site/about/> (last viewed 10 December 2013)

3) KARAPATAN is an alliance of individuals, groups, and organisations working for the promotion and protection of human rights in the Philippines. KARAPATAN was founded in 1995, and set up to respond to the needs of its member organisations. URL: <http://www.karapatan.org/about> (last viewed 10 December 2013)

4) After encounters between the AFP and the communist guerilla group National People's Army (NPA), KARAPATAN sends Quick Reaction Teams (QRT) to the conflict areas. Arbitrary arrests, illegal detention, or torture are some of the human rights violations that occur during or after those encounters as the AFP often accuses local civilians to cooperate with and support the NPA.

ding her private life are still broadcasted by the AFP Radio.

Case Study II – Anecita Rojo – Church Worker

Anecita Rojo is a psychologist and church worker who spend eight month as a political prisoner in Cadiz City Jail until she was released on bail on August 13, 2013. After a murder and arson case against her was dropped, she still faces a trumped-up charge for robbery in band in 2011. Rojo was able to bail out in August 2013 after she had spent nine month in prison.

Professional Background

Anecita Rojo is involved in church community work since 1988. All her engagements focus on the improvement of rural poor’s living conditions on Negros Island and their social and political empowerment. Among other organisations, she worked for the Negros Rural Assistance Programme and for the Basic Christian Community (BCC) in Bacolod as an administrative officer. During all those years of activity, she and her co-workers were repeatedly

accused to be communists and close to the NPA. They also experienced regular harassment by military and police to demoralize and intimidate them and the communities they worked for. One such incident was when they gave five water buffalos to a rural poor community and all of them were shot by the military during the following night. Between 2005 and 2008, Anecita Rojo worked for GABRIELA women’s party⁵ in two different positions. Due to her professional background as a psychologist she volunteered as a guidance counselor regarding violence against women. In addition, she worked as a researcher and finance officer for a national research project on abortion. It is during this time, that the intelligence becomes interested in her as a potential asset as she is informed about and involved in the organisations’ activities.

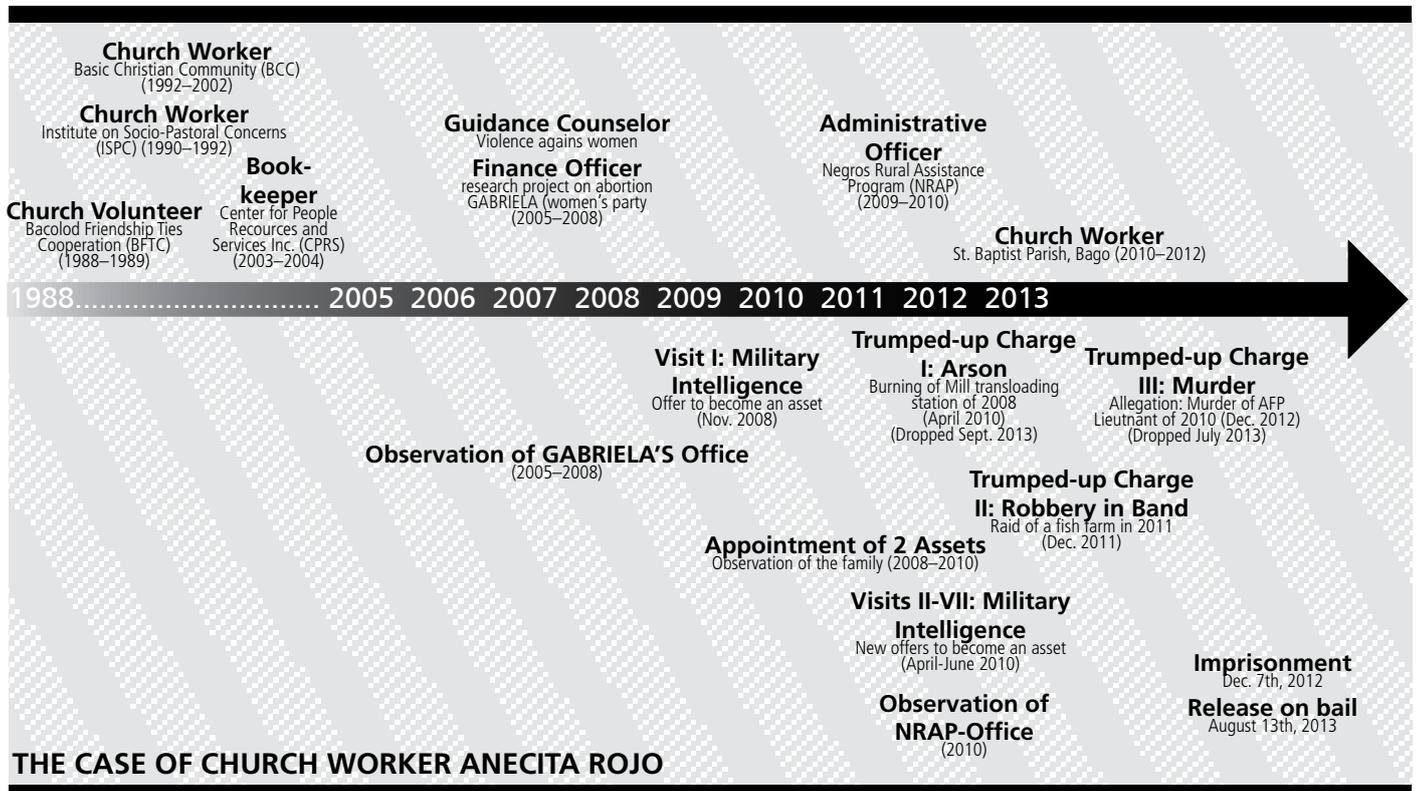
Rojo is married to an artist, together they have four children. In addition, she and her husband have been taking care of her sister’s child after her death in 2002. In the sequel to Rojo’s release from prison, the family life is still dominated by feelings of psychological and financial insecurity as the future deve-

lopment of the legal cases filed against her is uncertain.

Red-Baiting Strategies:

Military Instigated Resolutions

Military Instigated Resolutions are one measure of the so called barangay Defense System (BDS)⁶ of the AFP’s civil military and police operation unit. Civilian Armed Force Geographical Unit (CAFGU)⁷, Local Government Units, and barangay officials can file military instigated resolutions to, e.g., declare someone a “persona non grata” in a specific barangay. This measure is a common but non-legal strategy of the military to keep unwelcome activists out of the barangays. Affected people are restricted to enter the barangay and cannot pursue their work as HRDs. In most cases targeted activists never receive official documents of the order, despite the fact that they have the legal right to oppose such resolutions. Zara Alvarez’ involvement in Fact Finding Missions, Human Rights Monitoring Teams (HRMT), and the charges she filed against PNP and AFP



5) GABRIELA Philippines: Gabriela is a nationwide alliance of more than 200 women’s organisations that cut across sectors and regions, plus chapters and support groups of Pinays and non-Pinays in various continents of the world. URL: <http://www.gabrielaph.com/about/> (last viewed 10 December 2013)

6) The Philippine military/police organizes thousands of local residents in barangay Defense Systems to counter grow the presence of National People’s Army (NPA).

7) CAFGU was created in 1987 through Executive Order No. 264 entitled „Providing for the Citizen Armed Force“. Civilian Armed Force Geographical Unit (CAFGU) units are administered by, and under the operational control of, regular units of the AFP. The CAFGU units are made up of civilians and tasked to prevent the re-infiltration of insurgents into communities that have already been cleared of their influence by combat operations conducted by regular units of the AFP.

What are Legal Offenses/Attacks?
Legal offenses/attacks are the practice of mostly government representatives to file trumped-up/fabricated charges against HRD and/or their legal organisations in order to criminalise them and prevent them from their work/activities. Such charges usually exhibit two characteristics. The elements of crime are common crimes such as arson, robbery in band and murder. The group of co-accused is usually numerous and lumps together HRDs with common known NPA rebels.

personnel led to her and other KARAPATAN staff's public declaration as "personae non-grata" in barangay Linantuyan, in 2008.

Military Radio Show

The AFP's weekly one hour radio programme has the objective to inform civil society about internal peace and security threats. However, it is often used as a platform for public vilification and red-baiting of HRDs. The show helps the military to create an atmosphere of insecurity and fear both among barangay citizens and the mentioned activists. By implying that there are constant threats to the security situation of the country, they legitimise their often disproportional, law-violating actions against civil society and specifically against social and political activists. Activists mentioned on the programme can be sure that they are under constant surveillance and will sooner or later become target of further attacks such as trumped-up charges, threats, or harassment.

Alvarez is mentioned during those radio shows until today. To ruin her professional and private reputation to an extent that the local community stops cooperating with her, Zara Alvarez is labeled as a communist and terrorist and called a threat to the barangay's security. In addition, gossip regarding her private life is spread. Forums on Peace and Pulong Pulong's

To publicly portray HRDs as enemies of the state or communists the military's and police's "civil operation units" organise "forums on peace" at schools and universities and "pulong-pulong" in the barangays. During those public events the military informs citizens about potential threats of terrorism and threats to the existence of the state. They distribute photos of the so-called communists and spread rumours about their supposedly illegal activities. The names of those citizens considered as enemies of the state also appear on internal military blacklists formally called "Military Order of Battle"⁸. Although this practice has been officially abolished, the existence of such lists is undeniable as copies have been provided to human rights organisations such as KARAPATAN. There is no opportunity for HRDs to take their names off the lists, since these are kept top secret in order to protect the existence of the state. As a consequence of said public events, social acceptance of imprisonment and violence against activists grows. The people's natural understanding of the legitimate use of state power is dulled and estranged from reality.

Alvarez was mentioned several times at forums on peace in barangays where she had been active. Her photo has been distributed, she has been stigmatized as a terrorist and communist, and the organisations she worked for have been portrayed as front organisations of the NPA.

Threats and Attempts of Intimidation

red-baiting in practice may begin with relatively harmless measures: A victim may start receiving threatening text messages on his or her cell phone, e-mail account, or by mail. An unidentifiable motorbike driver passes by the victim's house the same day and time every week, or even every day. Military representatives visit a person's workplace or friends and inquire about daily routines. All these actions aim to demoralize the HRD at an early stage so he/she stops his/her activities so as to prevent themselves but also their families to be harmed.

Between 2004 and 2007, and also in 2012 short-

"I always only wanted to help and support the rural poor. But now I am sitting here in jail, punished for my engagement, separated from my family. And I don't know what the future will bring for me."

Anecita Rojo

8) Ronalyn V. Olea: Military Admits Existence of Order of Battle, 05/30/2009. URL: <http://bulatlat.com/main/2009/05/30/military-admits-existence-of-order-of-battle-groups-demand-probe/> (last viewed 10 December 2013)

ly before her arrest, Zara Alvarez received numerous text messages in which she was warned to be careful; she was told to be watched, and that she should not feel safe. Some of the messages also regarded the well-being of her three-year old daughter.

In the case of Anecita Rojo, it was her husband who received texts over months until he changed his phone number. In those texts the military asked him to finally convince his wife to become an asset, and pressured him to cooperate.

Surveillance

HRDs are recognisably kept under surveillance at home and at their workplace, either through technological means like wiretapping of the phone lines, or by police informants who permanently tail after the victims. Often Non-Governmental Organisations (NGO), Civil Society Organisations (CSO), and community members know about the identity of military intelligence staff. So their mere appearance creates an atmosphere of psychological insecurity and fear amongst the activists as they automatically assume they might themselves be the target of observation. Sometimes the military uses log-books, all barangay visitors have to sign when they enter the barangay. This practice is not legal but constitutes a common strategy of military and police to identify and monitor the movement of civilians in an area.

Zara Alvarez finds herself under constant surveillance since 2009. Even during her mother's funeral and her daughter's baptism intelligence officials roamed around the family's house. When the hearings of Alvarez' criminal charges began in 2013, military and police intelligence in plain clothes started to observe family, friends, and supporters. They followed them in public transport, took pictures of them, and were present during all hearings. They even visited Alvarez in prison and threatened her that another charge would be filed against her if she still refused to cooperate. Right after Zara Alvarez was transferred to Handumanan City Jail in October 2013, military and police appointed two sol-

diers to permanently live in the jail and observe her and her visitors. Together with one other woman, who at the time had already been imprisoned for several years, Alvarez has been the only political prisoner, wherefore it is obvious that the soldiers were sent uniquely due to her presence.

When Anecita Rojo worked at GABRIELA, office staff noticed that the office was under observation. Some person lingered around the office entrance all day and observed the coming and going of visitors and staff. Between 2009 and 2010, Anecita Rojo was the administrative officer of Negros Rural Assistance Programme. During that time the organisation's office was observed by a man from an opposite building for a period of three months. The staff's suspicion was confirmed by the house owner, an old lady, who admitted that the man belonged to the intelligence.

After Rojo's denial to become an asset, military intelligence appointed two assets to spy on her family between 2008 and 2010. The first was a young man who found shelter in the Rojo's house in 2008 after he had to leave his home due to family problems. His identity was uncovered when he visited Rojo's husband together with military intelligence in 2010. Rojo's husband was suspicious and approached the young man, whereupon the latter committed to be an asset and informed Rojo's husband about another asset that had been strategically appointed within the family's community.

Asset Recruitment

Asset recruitment does not directly constitute a practice of red-baiting but it indirectly serves the cause to weaken left-wing organisations that are often targets of red-baiting, and it spreads insecurity and fear among NGO and CSO members. Considering this, IPON decided to define it as an indirect strategy of red-baiting.

The recruitment of assets in order to infiltrate left-wing NGO and CSO is a country-wide practice to gather information on the organisation's activities, finances, staff, and affiliated organisations. NGO and CSO staff on the lo-



Church worker Anecita Rojo was accused of arson, robbery in band and murder (Source IPON)

cal and regional level constitute the biggest target group of such attempts as they are generally suspected to be front organisations of NPA.

NGO staff with different backgrounds reported to IPON that every single one of them had received offers of cooperation on regular accounts. Hereby, military recruiters follow a specific pattern. It is usually two people in plain clothes that visit the barangay and socialize with the locals. They visit the family's houses, and while one stays outside as watch-out the other one brings alcohol and is friendly with the family until he eventually unfolds the military's offer. Usually, recruiters make sure that husband or wife of the targeted person is also present, so they involve them from the beginning. Compensation offers rank from weekly financial support to the payment of children's tuition fees. All NGO staff IPON talked to reported that they received threats via text message shortly after they denied cooperation, and that they were approached at least once more afterwards.

Anecita Rojo and her husband were visited by a representative from the military intelligence for the first time in 2008. The man in plain clothes had been led to their house by a local from their village. When it was just the three of them, the man revealed his true identity. He asked Anecita Rojo if she was willing to become an asset for the local

intelligence. He told them he was looking for a person who could inform the local military and police about activities of GABRIELA women's party. At that time, Rojo had been working at GABRIELA for three years. The couple was offered not only monthly financial assistance but also help to resolve a criminal case that concerned a family member of the husband. When they repelled the offer, the recruiter wanted to set a date for another meeting, but they declined. The next four months, Anecita Rojo's husband received text messages that asked for the couple's cooperation. The messages stopped only when he changed his number. Since the first visit in 2008, military and police intelligence visited him eight more times, and he also began to receive text messages again, pressuring him to cooperate with the military. During those visits, the military did not only offer financial support but also to drop the arson charges in exchange for the desired cooperation. The last time the intelligence officials visited was in June 2010. During that visit they invited Anecita Rojo's husband to meet their boss at a hotel for a personal talk. He again refused.

Trumped-Up Charges

During the last years, legal attacks constituted one of the most utilized strategies to red-tag HRDs. The practice of legal attacks against government critical individuals itself is not new to the Philippines. Under Marcos, this practice has been a country-wide phenomenon to pacify unwelcome political critics, and even after the dictatorship ended, the strategy persisted under all following administrations. However, since the Aquino administration's turn in 2010, CSO and NGO representatives in all parts of the Philippines observe a constant rise of legal attacks on HRDs. Overall, as of November 30, 2013, a total number of 338 political prisoners is detained all over the Philippines, waiting for justice. The majority of them are pre-trial detainees.⁹

Zara Alvarez learned about the first trumped-



Zara Alvarez is a political detainee. Two trumped-up charges are pending.

(Source IPON)

up charge filed against her in October 2012. Together with 43 other accused she has been charged for murder of an AFP 1 Lieutenant in 2010. In the original information she is not included; but her name was added to a later point of time. The warrant of arrest was served to her during her arrest by more than 30 fully armed men, a composite of the police's Special Action Forces (SAF), on October 30, 2012. The murder charges are non-bailable.

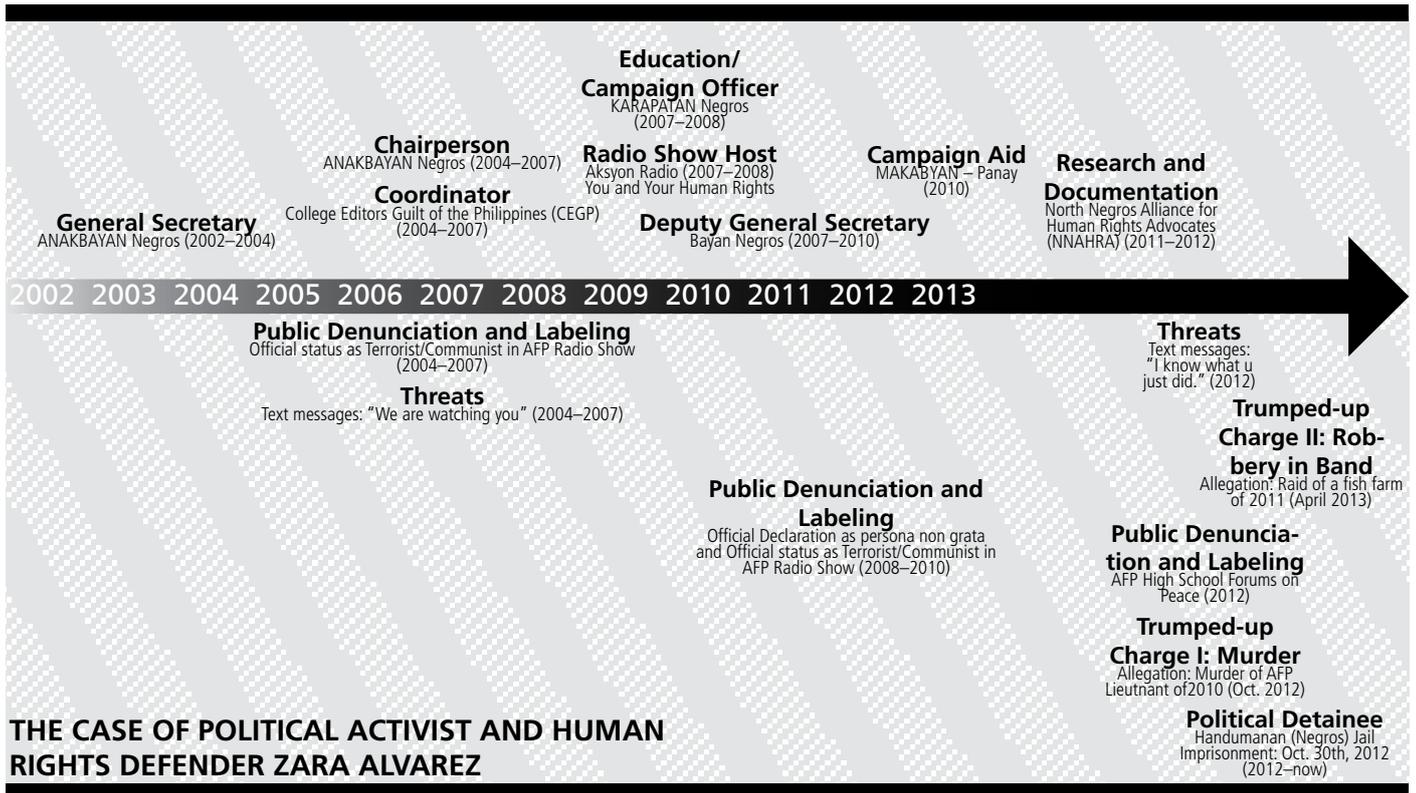
After her own personal inquiry, Alvarez received the warrant of arrest for a second fabricated charge in April 2013. It concerns a case of robbery in band from 2011 wherein she is accused of raiding a fish farm. Alvarez had already learned about that charge in 2012, when one of her co-workers from Bayan Negros, who was arrested for the same charge, learned that she was one of his co-accused. The arraignment of the robbery in band case was on May 9, 2013, the murder cases on May 28, when Zara Alvarez had already been imprisoned for seven months. The trials for both charges are going on until the time of writing of this report.

Anecita Rojo learned about the first trumped-up criminal charges filed against her on April 5, 2010. Together with five others, she has been accused of arson, more specifically of burning the loading station of a milling company. However, the name of the accused did not match her real

„What happened to me and the many other newly incarcerated political activists is a warning for everybody, that if you will stand for your rights, talk about the plight of the farmers and workers, about human rights and human rights violations, you will face the same fate we are having now. Still, one voice is a noise, but more voices is a voice of freedom. Time will come that no amount of fear can stop us in cultivating everybody's freedom.“

Zara Alvarez

⁹ Documented number by Task Force Detainees Philippines (TFDP) in 2013.



THE CASE OF POLITICAL ACTIVIST AND HUMAN RIGHTS DEFENDER ZARA ALVAREZ

name: it was on Anecito Rojo and not on Anecita Rojo. An official document on the case was only presented when some military and police representatives visited the Rojo’s house in their absence and showed a copy of the charge to one of their sons. After that visit, Anecita Rojo left her family, including two minors, for fear of an illegal arrest and moved to her work place. When a subpoena finally arrived in 2011, Anecita Rojo immediately filed a counter affidavit but it took another two years until the charges were finally dropped in September 2013.

In 2011, Anecita Rojo had to face a second legal attack. Collectively with 46 others, she has been charged for robbery in band of a fish farm. She and her family only learned about the charge by accident. When the Rojo’s son in law, also an HRD, was arrested for the same charge, he saw that one of his co-accused was his mother in law. The warrant of arrest for this case was issued based on Rojo’s own personal inquiry when she was already imprisoned. The arraignment of the case took place on May 28, 2013, after she already spent five months as a political detainee. In 2012, the military filed the third trumped-up charges against her. Together

with 51 others, she has been charged for murder of an AFP 1 Lieutenant in 2010. This time, the charges led to her arrest on December 7, 2012, and her imprisonment in Cadiz City Jail. In the morning of that very date, two persons came to the convent and invited her outside for a talk. They did not present any documents but suddenly grabbed her in concert with three other people and forced her into a van. She was not allowed to contact her lawyer or the priest where she was employed but was brought to the next police station without any further comments. The murder charges have been dropped in August 2013, and she was able to leave on bail. The trial of the robbery in band case is going on until the time of writing of this report.

The social and political impacts on Philippine civil society of the above mentioned practices are severe. HRDs with different backgrounds told IPON that they perceive themselves as participants in an on-going civil war between citizens and state actors on the regional and local levels. This impression is nurtured by the fact that HRDs experience state actor’s presence only when they are targeted as state enemies,

but not in regards to the implementation of policies and measures that contribute to a peaceful conflict solution. The political and social impact of such understandings and developments is not foreseeable, yet; but it will undoubtedly have an effect on the state of Philippine civil society in the present and future, as an active civil society is one of the most crucial factors of stabilization to a democratic system. It is the Philippine security sector itself that jeopardises regional and local security by perpetuating a political and social conflict through their legal attacks on members of civil society that would usually contribute to its stabilisation. ■

TAKING ACTION: IPONs 3rd FORUM ON RED-BAITING PAVES THE WAY TO IMPLEMENTING A PREVENTIVE GUIDELINE



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The phenomenon of red-baiting in the Philippines is diverse in its causes and effects. Recent research of IPON indicates the return of a rather old strategy of red-baiting: The filing of trumped-up charges against human rights defenders (HRDs). At IPONs third and last forum on the issue, victims of red-baiting and trumped-up charges participated for the first time and shared their experiences with the present state actors as well as members of civil society organisations (CSO). In the end, the objective to come up with initial ideas for a specific policy to prevent military personnel from red-labeling HRDs was successfully achieved and put actions to be taken in concrete terms.

The filing of common crime trumped-up charges against HRDs is not an unusual practice in the Philippines. Government representatives, among them the military and the police, use fabricated accusations against HRDs as preferred strategy in order to muzzle the activists or stop them from their dedication (cf. p. 16 in this issue). They usually file several cases against one person, which are mostly not bailable and built solely on eye-witness reports. "Some charges are obviously trumped-up and the testimony evidences are big problems", stressed Carlos H. Conde from Human Rights Watch, while discussing the phenomenon. In this context, IPON as well as other participants agreed upon the necessity to strengthen the judges at the Regional Courts which are prone to intimidation and influence to suppress those made up charges in the first place. One of the attendees highlighted that the HRDs usually have to face multiple cases and warrantless arrests. But not only this: The practice of filing cases against multiple unidentified suspects as "Jane/John Does" constitutes one of the easiest and most used strategies to criminalise HRDs. The names of "Jane/John Does" can easily be substituted with the names of inconvenient activists, which then have to face trumped-up charges. "This happens in several cases because of the flaws in the judiciary and the executive branch", said Dr. Aurora Parong from Amnesty International Philippines. Hence, the participants stressed the necessity for a more profound investigation regarding doubtful cases against HRDs.

Case Studies

The grim reality of HRDs who have to deal with trumped-up charges was underlined by the speeches of Rhoda Dalang from DINTEG

(the Cordillera Indigenous Peoples' Legal Rights Center), Nina Johnen from IPON as well as Zeus G. "Noki" Calunsag from GREEN Mindanao (Geographic Rediscovery of Endangered Environment and nature in Mindanao) and Chito Trillanes from the Catholic Church Social Action Center Cantilan. The presented personal cases exemplified that trumped-up charges and red-labeling can affect everyone who is engaged in human rights issues, such as women rights, indigenous rights or environment protection.

"We are trying to protect the forest reserve against the mining operation in the area. During our information and education campaign activities we were being followed by some military personnel. I am currently under threat by Government and Non-Government elements", told Chito Trillanes the audience.

Tackling Mistrust and Foster Mutual Cooperation

After discussing cases, causes and origins of trumped-up charges as one key strategy of red-labeling HRDs, the indispensable question arose: What preventive measures can be undertaken and how can suspected HRDs receive help from Philippine state agencies?

Basically, trust in the reliability and objectivity of state agencies needs to be restored. Col. Parayno, Chief of the military human rights office, emphasized the paradigm shift that came along with the new Internal Peace and Security Plan "Bayanihan" and replied to the critical questions of the participants (cf. p. 16 in this issue). "We are welcoming information about any possible case of red-baiting and are taking a look at the files. We are open for communication and depend on the reports of the citizens",



Participants of the 3rd forum on red-baiting in Manila 2013 (Source IPON)

he told the audience. However, as Chito Trilanes pointed out, it is not as easy as it might seem for the victims to trust the military and refer their cases to the Human Rights Office, due to the fact that most accusations come from military personnel itself. Col. Parayno stressed the efforts the military is undertaking in order to disseminate the advocacy and information work, for the foot soldiers but also for higher ranking officers so that “basic human rights are respected, soldiers understand the rule of law and the military is brought to a higher moral ground.”

However, tackling the problem does not solely rely on rebuilding trust relationships and mutual cooperation among the citizens and the state agencies – in particular the military. The perception of

HRDs as state enemies as well as using red-labeling as a strategy to victimize HRDs needs to be approached per se.

Action to be Taken

Sensitivity for the issue of red-baiting in the military is one key element to prevent this kind of human rights violation in the first place. Hence, IPONs 3rd forum aimed to summarise initial recommendations for a guideline to military personnel and use the gathered knowledge and experience to go one step further than the two years before and start to “walk the talk” (cf. p. 4 in this issue). In the afternoon, the participants¹ from CSO, NGO, the media, state agencies as well as the Commission on Human Rights joined three regional working groups (Luzon,

Visayas, Mindanao) and exchanged their experiences and presented possible instruments and methods. The results from the engaged and fruitful discussion were then presented to the audience and led to a set of recommendations for the military. A first summarising draft for the final version of “A Guideline AFP ground line personnel on the prevention of red-baiting/red-labeling of HRDs and/or their legal organisations in conflict and non-conflict situations” has just been submitted by Col. Parayno. It is aimed at a contribution to the finalising process of the guideline by members of the regional working groups (cf. p.28 in this issue). As a non-intervening international observer, IPON wishes to observe and accompany the process and thus to push the involved parties to take action. ■

1) Altogether, the following organisations and agencies joined the forum: ALG (Alternative Law Group), AFRIM (Alternative Forum on Research in Mindanao), Ateneo Human Rights Center, Bantay Bayanihan/ Libertas, Balay Rehabilitation Center, Bayan Muna, CRC (Children Rehabilitation Center) DINTEG (Cordillera Indigenous Peoples Legal Center), CBCP-NASSA (National Secretariat for Social Action), FLAG (Free Legal Assistance Group), PhilRights (Philippine Human Rights Information Center), UP IHR (University of the Philippines Institute of Human Rights), Green Mindanao, Social Action Center Cantilan, Surigao del Sur, CMCR (Central Mindanao Regional Committee), Free Cocoy Tulawie Movement, Bacolod Diocese, AI Philippines (Amnesty International Philippines), AMP (Action Network Philippines), AFAD (Asian Federation Against Involuntary Disappearance), Forum ZFD, FES (Friedrich Ebert Foundation), Forum Asia/TFDP (Task Force Detainees of the Philippines), HRW (Human Rights Watch Philippines), HSS (Hanns-Seidel Foundation), ICRC (International Committee of the Red Cross), Aksyon Radyo, Armed Forces of the Philippines, Philippine National Police, CHR (Commission on Human Rights), Department of Justice, Presidential Human Rights Commission, Office of the Presidential Advisor on Peace Process, European Union, United Nations OHCHR, Gesellschaft für International Zusammenarbeit (GIZ).

“WE NEED A CHANGE IN MINDSET”

INTERVIEW WITH COL. RODERICK M. PARAYNO

by Nina Johnen



Among Philippine state actors the Philippine military allegedly commits most of the human rights violations such as enforced disappearances, extra-judicial killings, torture and red-baiting. The former Chief of the national Army Human Rights Office, Colonel Roderick M. Parayno, became the Chief of the Armed Forces of the national Philippines (AFP) Human Rights Office in May 2013. Besides providing human rights, international humanitarian law and rule of law education to military representatives, the main objective of the office is to tackle the high number of human rights violations. IPON met Col. Parayno to talk about the AFP Human Rights Office's aims, work and policies that specifically address the issue of red-baiting.

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Anna Hollendung

1983 (Bremen/Germany), Research Associate at InIIS (Institute for International and Intercultural Studies/ Bremen University). IPON-Observer in 2010.

IPON: The Philippine security sector finds itself in a transformation process since the Aquino Administration started its term in 2010. The AFP Internal Peace and Security Plan (IPSP) “Oplan Bayanihan” is the new administration’s counter-insurgency programme, which constitutes one of its most important reform attempts in order to secure the protection of international human rights standards. What are the objectives of “Oplan Bayanihan” in comparison with the former counter-insurgency program “Oplan Bantay Laya”?

Parayno: Foremost, all of our campaigns have the intention of preparing the country for a situation where a positive development can easily be reached: A peaceful environment, in which the insurgency is put down to a level where local executives can exercise their roles and can do their job, so that a positive change can be made. To do this you have to at least lessen the presence of the armed red groups. The difference of “Oplan Bayanihan” – compared with earlier programs – is that it calls for the assistance, participation, help and even concern of the other sectors. The main difference is that its crafting already involved civil society organisations (CSO) and different stakeholders. Earlier plans were crafted by our leaders and sub-leaders only. Of course, there were subcommittees but in the end the decisions were taken in the headquarters.

That is why Bayanihan is called Bayanihan [a Tagalog expression for being a town, nation or community helping each other]. The name urges for a paradigm shift in the way we think. The problem of insurgency is no longer perceived as a military

problem alone. Not only because we have learned that a military solution is not a solution to this problem. We need the concerted efforts of the different sectors of society, including even ordinary private citizens. We need a change in mindset. Everybody needs to understand that he/she is part of the solution – I can do something to help.

IPON: Have you set priority issues that you want to focus on during your term as the Chief of the AFP Human Rights Office?

Parayno: My question is: How to accomplish this work? In my short stint here as the chief of the Human Rights Office, I have come to realize that despite our efforts to advocate for human rights and educate other units of the AFP and different stakeholders, I need to prove the AFP’s credibility by telling and showing the people that we are taking this task seriously. So, how can I do that?

Probably the first step is a faster resolution of cases. If cases are brought to my attention, then I can easily initiate an investigation if needed.

I am very happy; when I have talked to commanders and even ordinary soldiers within the last two months, they often knew what we have been discussing about human rights and international humanitarian law. Some commanders even asked for my opinion whether their plan of action is in compliance with existing rules of international humanitarian law and human rights. I think I made a dent already in this endeavor.

So what I am doing is: I am partnering with different groups and the Commis-

sion on Human Rights to get their inputs on some aspects of military operations; and if warranted, I can draft a guideline or directive so that it can be implemented in the field. My work with the Red Cross and their trainings taught me that we should include directives or instructions that relate to human rights and international humanitarian law as early as possible in the planning stage of our actions. When we plan our work we should already include inputs that will protect human rights in the conduct of operations.

IPON: How would you explain that a human rights violator such as Col. Jovito Palparan, who was also involved in incidences of red-baiting, is still not brought to justice and manages to hide from the authorities?

Parayno: Palparan's name always comes up and it is really unfortunate for the AFP because he belongs to that group of soldiers, which has that tendency to do the wrong things; to commit violations to accomplish their missions. The armed forces used to be under a dictator. Probably they were corrupted by the system and that is where the tendency to violate and undermine the rights of other people comes from. It is unfortunate that Palparan went up the ladder and reached the rank of a general with that kind of mindset. This is now my challenge: How to eradicate that kind of mindset or change those who think that way? When we are about to do something, say an operation, we have specific instructions included in our plan. Palparan was alleged to have committed violations, which cannot be included or qualified as specific instructions. They are in effect violations of human rights and international humanitarian law. Our orders are specific. We don't have those in our orders (alleged violations). For a lieutenant, it is hard to believe that Palparan would have ignored giving the right instruc-

tions. I am very confident, happy and hopeful that our lieutenants will appreciate human rights already once they become senior officers. That is what we are hoping for.

IPON: What other state actors does the AFP Human Rights Office cooperate with in order to develop strategies that will improve the overall human rights situation in the Philippines?

Parayno: We work with CSO that were previously perceived as anti-AFP or anti-government; and now we try to listen to their concerns. Now, we are open to critics. Their inputs can help us with our transformation. We collaborate with the Commission on Human Rights and even with various international groups such as foundations. It is encouraging for me. We never run out of groups who want to help us. I am telling the CSO not to stop criticizing the AFP. I just ask them to also give us a pat on the back if we are doing something right, so that I can tell the troops that we are doing fine in this aspect.

IPON: How would you explain that red-baiting of human rights defenders by AFP and the police persists especially on the regional and local level? What are the root causes of this issue?

Parayno: I think the main cause for it is that there was a school of thought that considered these different groups and persons as enemies and that is being corrected right now. So the IPSP Bayanihan specifically states that the enemies are only those espousing armed struggle. You may be critical of the government; that is allowed as long as you are not espousing armed struggle. We welcome critics.

IPON: However, as red-baiting has already been in existence for such a long time, what would you say are the root causes? Why does it

MEMORANDUM OF AGREEMENT: THE ILLUSION OF A SOLUTION

The last issue tackled the precarious situation of the indigenous Mindanao-based HRDs of PADATA. Ten years ago, PADATA applied for an Ancestral Domain title so as to gain the exclusive power of disposal over their tribal territory, based on the Indigenous Peoples Rights Act (IPRA). However until now, large parts of the area are occupied by the private rancher Ernesto Villalon who controls this area with the help of private security guards, despite the expiry of his license in 1997. The land conflict culminated in 2010 when violent acts against PADATA members resulted in the assassination of Welcie Gica. Almost three years later, justice seems to be more elusive than ever: the last perceivable effort of the police to execute outstanding warrants of arrest dates back to July 2012. Meanwhile no noticeable progress in the processing of PADATA's land title claim was made. While both the police and the NCIP remain inactive, thereby neglecting their duty to safeguard the rights of the PADATA members, the Department of Environment and Natural Resources intervened more frequently than ever. It engineered what might first look like an acceptable compromise: it negotiated a so-called Memorandum of Agreement (MoA). This MoA is supposed to create a "win-win"-situation for all parties involved and bring about lasting peace. It stipulates that PADATA and some other peasant groups receive segments of the total area

still happen that military staff on the regional and local ground red-tag people?

Parayno: Well, number one, we have not been able to reach out to every soldier to explain the concept of red-baiting and that is why our new guideline (being drafted) will be of great help because it will facilitate dissemination. Number two, we have to continuously remind our soldiers that we have this new paradigm. In all my rounds, I have to continuously remind them of the concept of IPSP Bayanihan. It was announced in December 2010. The first six months of 2011 were allocated for its dissemination and to advocate for it. Then, I was assigned with the training and doctrines command of the Philippine Army and I think, we need more time for dissemination. So you can say that we were doing that for the whole of 2011, and continued its dissemination in 2012. If you will look at the violations, it is only in 2013 that we can really claim that there is a big drop in the human rights violations.

IPON: You have mentioned that the AFP Human Rights Office is in the process of developing a guideline to ground line per-

sonnel tackling the issue of red-baiting under your guidance? What is the overall objective of the guideline? And what exactly does it include?

Parayno: The number one objective is not to wittingly create enemies out of innocent people. Because prior to this I received reports from different groups, IPON included, that the practice existed. That is why I want to raise consciousness for this issue among different leadership levels in the AFP. Under my watch, the practice is considered as a human rights violation. That way soldiers will be conscious to ask at least what red-baiting is. Those who were practicing red-baiting did not know that what they were doing is already red-baiting... For the longest time they have been doing it and they thought that it is just right to do so. In their mind, these people or groups are enemies. So we have to tell them – as a result of the paradigm shift – that is not the right perspective to look at them. So the guideline will bring more consciousness.

At the same time we encourage asking questions: What is red-baiting, what is red-tagging or red-labeling? That way we



Col. Erick Parayno, Nina Johnen from IPON and Atty. Marlon Manuel appreciate the results of the 3rd forum on red-baiting (right to left) (Source IPON)



Col. Roderick M. Parayno, Dominik Hammann, Jan Pingel (f.l.t.r.) at the Red-baiting Forum 2012, Manila (source IPON)

will initiate discussion and more and more members of the AFP will be knowledgeable about it. Knowing the concept of red-baiting allows you to understand the directive and gives you the moral ground to follow it and not to violate it.

IPON: Do you have any plans on how to abolish the military's practice of publicly labeling and accusing human rights defenders and their affiliated organisations as communists, rebels and state-enemies?

Parayno: The guideline will actually stop that practice. The important question is how fast we can disseminate the guideline to lower units. This will entail a very busy schedule for me personally because my way of doing this is to personally discuss the guideline with the commanders.

IPON: IPON has observed an increase of legal attacks on human rights defenders. Do you have any plans to tackle this issue?

Parayno: I intend to include that in the discussion of red-baiting. Red-baiting starts the commission (act of committing) of different violations. So once we have explained that red-baiting is wrong, people will understand and follow a new practice. I am inclined

to have a formal meeting with people from the operations and intelligence family to discuss this wrong practice. We have to improve the treatment of civilians. Because these are civilians who are wrongfully accused! And if the AFP tells the people that we are following the rule of law, then indeed we have to follow it, right?

IPON: What impact does the presence of international nongovernmental organisations, such as IPON, have on your work?

Parayno: They are of great help and I welcome them. As a matter of fact I want more organisations to come. They keep me not only on my toes, the organisations also give personality to issues and they legitimize complaints. Moreover, being a partner of these different groups helps to facilitate dissemination of important human rights concepts and principles and international humanitarian law. So I welcome them.

IPON: Thank you very much for the interview! ■

The interview was conducted by Nina Johnen, transcribed by Tobias Lorch, and edited by Anna Hollendung

currently occupied by Villalon, subject to the condition that they "terminate all actions pending in courts or other bodies" against the opponent parties. This is strictly speaking a governmental instigation to impunity. The charges filed against the assumed murderer of Welcie Gica are part of the pending actions. The situation surrounding the signature of the MoA was as questionable as its content: the date was preponed on short notice, thereby not allowing the participants to prepare sufficiently, and the clause on dropping all charges as a precondition for the validity of the MoA was only mentioned in the English version, which was signed by all parties, but not in the Visayan version which was read out aloud to PADATA members. Furthermore it ignores that the jurisdiction lies with the courts and only a judicial order can declare a warrant of arrest null and void. Knowing this, both Villalon's lawyer and security guards persistently tried to persuade the Gica family to drop their cases against the alleged murderer. Although no physical violence was used, the frequent visits ended up demoralizing Welcie Gica's relatives and they decided to settle on receiving monetary compensation. To make any further criminal proceedings impossible, the lawyer also convinced all witnesses of the murder to change their affidavits. Believing that this was necessary to finally have the MoA implemented, the witnesses did as they were advised by Villalon's lawyer. Consequently in juridical terms, it appears that Welcie Gica was never murdered; he might as well died in an accident, simply disappeared, or have never existed at all.

ABU-SAYYAF-BAITING – BEING A MUSLIM, BEING A TERRORIST?



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While the problem of red-baiting is more and more noticed by the Philippine state and media, criminalization in other sectors is still underrepresented in public. Especially the situation of muslim human rights defenders in the ARMM-Region (Autonomous Region of Muslim Mindanao; in the west of Mindanao) is alarming. Temogen "Cocoy" Tulawie is detained for more than two years because of an alleged connection to the Islamic-fundamental Abu Sayyaf Group.

A lack of international attention on a region supports an environment of human rights violations by local governments, individual authorities or groups, who are de facto ruling the area. Therefore, it is especially important that local human rights defenders (HRDs), as a group or as individuals, earn special protection by the state in these regions. Regarding to the Universal Declaration of human rights, which is ratified by the Republic of the Philippines and implemented in the national constitution, the state itself is responsible for the protection and improvement of human rights.

In Southern Mindanao, the Sulu-Archipelago is one example for a territory that faces a wide range of different problems from extreme poverty and a high criminality rate to Islamic terrorism. It became part of the Autonomous Region in Muslim Mindanao (ARMM) after the Muslim independence movement in the late 1980's. However, the aim of radical Islamic groups, such as the Abu Sayyaf Group (ASG), operating in the area is not an autonomous region but a complete independent Islamic theocracy in Southern Philippines.

The most common government response to the increase of terrorist acts is to give more authority to investigating agencies and stricter punishments to sentenced persons. In a corrupt judicial and political system, the given authority can be easily misused by powerful state agencies for their own advantage or for blaming political opponents. Especially in the conflict between Civil Society Organisations (CSO), in which HRDs are mainly organized, and state authorities the fear of trumped-up charges, invented connections to radical groups and not-prosecuted harassment are a tremendous danger and barrier for the commitment of HRDs.

The case of Temogen "Cocoy" Tulawie is an example of how a HRD got in conflict with

state authorities due to his political commitment. Temogen "Cocoy" Tulawie is an active HRD in the mentioned Sulu-Archipelago. In his engagement as a HRD in a region that is mainly known because of violent conflicts, he chose a peaceful way in trying to solve conflicts between the people and state authorities. After a long time he was able to convince many people in his hometown and the whole Sulu-Archipelago that demonstrations and petitions are better than the use of arms.

During his struggle, he rapidly came in contact with Governor Abdusakur Tan, who wanted to introduce a privacy-intrusive and discriminating identification system. Tulawie was able to mobilise the masses to demonstrate against the identification system. As a result, the Commission on Human Rights (CHR) evaluated the planned projects as a "blatant violation of human rights". During the next years Tulawie and Tan also came into conflict about other events, such as aerial bombings.

When Governor Tan decided to declare the state of emergency for the region of Sulu, Tulawie finally decided to contact a higher, not regional, but national authority and appealed directly to the Supreme Court (SC). As a result of his action, it has become evident that Tulawie is a serious opponent of a despotic government that disregards its precarious human rights situation and the legal aspect of its decisions.

While the petition against the state of emergency was still pending at the SC, the situation for Tulawie deteriorated. After a bomb attack against the Governor, he was accused to be the mastermind behind the attack based on his alleged Islamic-fundamental background. The true reason behind the accusation obviously seems to be his political activism.

Tulawie, who has fought his whole life for



Cocoy Tulawie and IPON Observers signing the mandate contract
(source: IPON)

a peaceful and nonviolent change, was now classified as a potential terrorist. Overall, Tulawie is an example of a civil society member getting in conflict with powerful state authorities and as a result is suddenly facing trumped-up charges.

It is one of many known cases of trumped-up charges made against government opponents and critics, which are accused of having Islamic-fundamental ties.

An indication for the state's recognition of the problem is the establishment of the National Commission on Muslim Filipinos (NCMF). The NCMF noticed the need for a better protection of Muslim Filipinos against untenable accusations. All of its members are directly appointed by the President and it is their very special task to improve the position of Muslims in the Philippine society. Therefore, they established – in cooperation with the Department of Justice (DOJ) – a program that should investigate whether Muslims are falsely accused of being members of the ASG and are imprisoned despite an obvious lack of probable cause.¹ The recurring releases of wrongly suspected persons shows the importance of such a program.

Although the program is a step in the right direction, it was already misused by some powerful state authorities, which wish for a stop of the HRDs' activities as they perceive their work as a hazard for their own course of action. In order to reach their goal, some state authorities planned on buying witnesses to have them confess against

HRDs. In order to get the witnesses they used the opportunity to free persons, who were evidently ASG member, if they in return made testimonies against HRDs.

The given examples show that the Philippine state cannot be called inactive in its efforts to protect Muslim HRDs, but until now the established programs are not sufficient but vulnerable for corruption and abuses. Especially after extensive violent conflicts like the Zamboanga War it is necessary that the state's fight against terrorism is performed with appropriate sensibility and stays free of human rights violations or threats against HRDs. It is necessary that the Philippine state supports the work of CSO and grants access to information and detainees to guarantee that HRDs and their supporters can safely advocate for human rights and uncover the misuse of power by influential individuals. ■

What does „fair trial“ mean in case of trumped-up charges? Observers from IPON are present in a pre-trial of Cocoy Tulawies case (source: IPON).



1) The term „Abu-Sayyaf-Baiting“ has first been introduced by Alexia Knappmann (cf. Knappmann, Alexia (2011): Terrorist or Terrorised? Abu Sayaf-Baiting in the Philippines In: OBSERVER, vol. 3, no. 2, pp. 28-31).

IPON AND THE INSTRUMENT OF HUMAN RIGHTS OBSERVATION

The International Peace Observers Network (IPON) is a German independent non-intervening and non-profit organisation which aims for improving the human rights situation in the Philippines by sending observers to conflict areas.

The Instrument of human rights observation is based on the idea that, if a country has ratified the UN "Universal Declaration of Human Rights" (and/or other relevant international declarations on human rights), it is therefore responsible to enhance, respect, and implement human rights. If a country does not follow these responsibilities independent international observers will document these violations of human rights and bring it to public attention. IPON follows this legalistic approach to human rights.

Since 2006 IPON accompanies organisations of human rights defenders (HRD) in the Philippines, starting with the request of the farmers organisation KMBP (Kilusang Magbubukid ng Bondoc Peninsula) in Bondoc Peninsula, Quezon Province. Since 2008 IPON observers are present in Negros Occidental accompanying the HRD of TFM (Task Force Mapalad). IPON will

not intervene in any internal conflict and will not interfere in the strategies of the accompanied HRD.

The organisation only goes into a conflict area after a request from a human rights defending organisation and after preliminary studies which include an examination whether the instrument of human rights observation is suitable for the present situation.

The work of IPON is based on four pillars:

Presence: The IPON observers will be present at the side of HRD who are exposed to human rights violations because of their work. Their presence is supposed to prevent assaults and enable the unhindered work of the HRD. The presence of international observers is believed to rise the inhibition threshold for encroachments.

Accompanying: HRDs are accompanied to different ventures like political actions, meetings with governmental institutions, or conferences. In some cases individuals who are especially endangered get company by IPON members.

Observation: It can be difficult to get unfiltered information from conflict areas. The possibility to document events in situation makes the reports of the IPON observers very valuable. The documentations always take place in regard of human rights. Because of the legalistic approach the role of the state actors is essential in the critical analysis of the human rights situation.

Informing action: The information that has been gathered directly in the conflict area and has been analysed by the observers are brought to the attention of an international public. IPON is in touch with different institutions of the Philippine state and points out their responsibility of implementing human rights. In Germany the reports are handed over to the public. They serve as a basis for the work of organisations, pressure groups and politicians. This way the international pressure on the Philippines to guarantee human rights rises. IPON is convinced that the publication of human rights violations will finally lead to their decrease and prevention.



Partnergroups in the Philippines:

PADATA (Panalsalan Dagumbaan Tribal Association)

TFM (Task Force Mapalad)

Current Project:

IPON highlights red-baiting in the Philippine human rights discourse and offers platforms both to state and civil society actors to tackle the issue.

AIMS AND SCOPE

OBSERVER: A Journal On Threatened Human Rights Defenders offers a forum for analysis, strategies and debates regarding human rights observation in the Philippines with a focus on human rights defenders. How is the implementation of the UN Human Rights Charta performed by Philippine institutions? Which are the elemental dangers human rights defenders in the Philippines are exposed to? These are some of the possible topics. Comparisons with other countries will expand the handling and perspectives of human rights observation. Each publication has its own thematic emphasis. Guest articles from different disciplines and organisations are welcome.

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