

# OBSERVER

A JOURNAL ON THREATENED HUMAN RIGHTS DEFENDERS IN THE PHILIPPINES



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## CRIMINALIZATIONS OF HUMAN RIGHTS ACTIVISTS

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## PRICE

SINGLE ISSUE: 3.00 EURO

## EDITORIAL BOARD

Nele Asche, Sarah Potthoff, Johannes Richter,  
Jeanalen Roth, Patrick Seeger, Christian Syrbe

## EDITOR

I.P.O.N.  
International Peace Observers Network  
Netzwerk Bildung und Projektarbeit e.V.  
Hinrichsenstr. 40  
20535 Hamburg, Germany  
www.ipon-philippines.org  
editor@ipon-philippines.org  
+49 [0] 402 5491947

## OFFICE ADDRESS IN THE PHILIPPINES

23 c Rizal St., Brgy. IV  
Mulanay, Quezon  
observer.bondoc@ipon-philippines.org  
+63 [0] 42 3197661

68 Florida Street, Brgy. Villamonte  
6100 Bacolod City  
observer.negros@ipon-philippines.org  
+63 [0] 34 7040185

## SUBSCRIPTION INFORMATION

OBSERVER: is published biannual.

## DONATIONS & MEMBERSHIP

Netzwerk Bildung und Projektarbeit e.V.,  
PURPOSE: „Observer“  
Registered non-profit institution; donation receipt and supporting  
membership possible.

**SWIFT/BIC-CODE:** NOLADE21SPL

**IBAN:** DE73 2305 0101 0001 0646 41

**BANK:** Sparkasse zu Lübeck AG  
Breite Straße 18 – 28  
23552 Lübeck, Germany

## EDITORIAL DEADLINE

Number 2: 15th November 2009

## FINANCIAL SUPPORT

Auswärtiges Amt (The Federal Foreign Office) and Institut für  
Auslandsbeziehungen (Institute for Foreign Cultural Relations); not  
responsible for the content.



Auswärtiges Amt

ifa

Institut für Auslands-  
beziehungen e. V.

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## EDITORIAL

Being a human rights defender in the Philippines means to lead a dangerous life and to be threatened constantly. The number of political killings and the disappearance of human rights defenders (HRD) has constantly increased since President Arroyo assumed office. Many of the victims are members of political left organizations, journalists, labour unionists and local farmer leaders. Usually the culprits are unknown and often masked men who escape on motorbikes. So far there have been no relevant criminal investigations or consequences in these cases.

Besides the threats of violence HRD have to suffer, they are often additionally criminalized by jurisdiction. The Commission on Human Rights in the Philippines came to the conclusion that the scope of criminalization through the legislation increased significantly nation-wide. Politically motivated prosecution and arbitrary arrests are consequences HRD have had to face as a result of their work.

Although HRD have different aims – some are fighting against the expropriation of their land and the following environmental pollution caused by mining firms, others struggle for a piece of land, which was granted to them by law – they still have in common the commitment to a peaceful fight and the appeal to human rights.

The United Nations acknowledged, in their resolution in 1998, the need for a special protection of HRD and decided: “Everyone has the right, individually and in association with others,

to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (Art.1). With the acceptance of this declaration the Government of the Philippines commits itself to guaranty the safety of human rights defenders.

To support HRD in exercising their rights, volunteers around the globe accompany HRD during their work. The presence and accompaniment and the documentation of possible human rights violations by international groups shall give space to the HRD to follow their way. This journal wants to accommodate the importance of HRD and address the described instrument of human rights observation as well as the prosecution of HRD in the Philippines.

The emphasis in this edition is put on the criminalisation of the peasant group Kilusang Magbubukid ng Bondoc Peninsula (KMBP) who are HRD coming from the economic emergent region Calabarzon, 200 km south of the capital, Manila. The activists of KMBP fight for their own piece of land, for which they are eligible under the Government’s agrarian reform.

The articles present structures, which favour politically motivated prosecution of HRD by courts as well as by public prosecutors. In the article by Susann Weitzel the criminalization of HRD is exemplary shown in a case study, in which 68 human rights activists from a small coastal village are prosecuted for lapidary reasons i.e. coconut theft. A analysis by Janina Danenberg, Anne Lanfer and Johannes Richter underlines the systematic ap-

proach by the perpetrators, which the responsible state authorities ignore. Two articles analyse the role of the courts by Jan Pingel and the prosecutors in the criminalization of the HRD by Patrick Seeger and David Werdermann. Only through the state authorities can HRD become criminalized, as they accept political motivated cases filed against them. Both institutions seem to close their eyes in favour of the landed elite, who file cases against the HRD in order to dissuade them from claiming their own land. Even though the state introduced instruments to avoid political motivated cases related to agrarian reform issues, these instruments are either not implemented or they are diluted. One example is the establishment of an agrarian jurisdiction, which sets out to examine all agrarian-related cases. However, this does not happen. Sarah Potthoff discusses in her article the impact of criminalisation on human rights defenders.