

## REVIEW: CONFERENCE ON RED-BAITING IN THE PHILIPPINES



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*The Philippine security services still seem to 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 and freedoms guaranteed by international human rights covenants as well as the constitution. Over the years, labelling of legal opposition as enemy of the state has been an issue which was either confirmed or denied – according to the political force you range yourself with.*

Red-Baiting is not an issue of state authorities and civil society alone. It is a complex issue of Philippine politics and society in general. Tackling the problem means tackling prejudices and mistrust by talking about it, by presenting different views and arguments and by changing perspectives – hence, the IPON conference on Red-Baiting offered a platform to relevant actors.

On the last day of September 2011, IPON held a conference on Red-Baiting in the Philippines – one

frequently held, but never really a dialogue about the issue of Red-Baiting in the Philippines. The dialogue was part of IPON's current project on Red-Baiting, which also included a baseline-study and interviews with all relevant actors on the local, regional and national level. A follow-up process is taking place after the conference.

The aim of the conference was to bring together the relevant stakeholders and to provide a platform for exchange of arguments and perspectives. Civil



© IPON | Podium and guests at the Red-Baiting conference.

of the first conferences confronting specifically this ubiquitous issue<sup>1</sup>. Dr. Aurora Parong, Section Director of Amnesty International Philippines, mentioned that human rights forums had been

society actors and state authorities were able to discuss the origins, dimensions and potential solutions at the conference on "Red-Baiting in the Philippines" on September 30th held by

1) "Conference on Red-Baiting in the Philippines", 30<sup>th</sup> September 2011, Balay Kalinaw Conference Centre, University of the Philippines Campus, Quezon City.

International Peace Observers Network (IPON).

On September 30th 2011, representatives of civil society actors like Atty. Jose Manuel Diokno, Chairperson of the Free Legal Assistance Group (FLAG); Josua Mata, Secretary General of the Alliance of Progressive Labour (APL); Max de Mesa, Chairperson of the Philippine Alliance of Human Rights Advocates (PAHRA); and Dr. Aurora Parong, Section Director of Amnesty International Philippines (AI) as well as representatives of state actors like Undersecretary Severo Catura, Executive Director of the Presidential Human Rights Committee (PHRC); Loretta Ann P. Rosales, Chairperson of the Commission on Human Rights (CHR); Col. Domingo Tutaan Jr., Chief of the Armed Forces of the Philippines Human Rights Office (AFP HRO); and Atty. Gregorio A. Pua, Assistant Chief of the Philippine National Police Human Rights Affairs Office (PNP HRAO) seized this opportunity to express their point of view. The conference was moderated by Atty. Marlon Manuel, National Coordinator of the Alternative Law Groups.

## Origins of Red-Baiting

"Red-Baiting is not new in the Philippines but it did not start here." With these words the CHR Chairperson Rosales started her speech. She, as well as Dr. Parong, Atty. Diokno and Undersecretary Catura emphasised the origins of Red-Baiting in the national and international context. Labelling legal opposition as enemies of the state did not start in the Philippines and is still not only an issue in Philippine politics and society. This method emerged as a tactic among the security and intelligence services of the countries of the so-called "Free World" to flush out and go after suspected communists and their supporters.

Red-Baiting is a recent form of an old method of dealing with one's perceived enemies. Demonising enemies as "sub-humans" who do not have any civil

liberties, made it easier to deal with them with extreme measures, including torture and killings. Chairperson Rosales pointed out that Red-Baiting, as it is practiced by



© IPON | Exchanging arguments between civil society and state actors.

the military, forms an integral part of its counter-insurgency operations. Whether it led to disappearances, torture and extralegal killings, or was merely used to intimidate activists and immobilize their organisations, the practice continued. The last few decades have seen the repealing of the anti-subversion act in 1992, the democratic transition after the Marcos dictatorship and the existence of democratic institutions, several government pronouncements of upholding human rights and rerun paradigm shifts of the security sector. Nevertheless, Red-Baiting, with all its consequences, remains a practiced concept in the Philippines, Dr. Parong said.

## Dimensions

These consequences have clearly been pointed out during the conference by different actors. The tagging can have different forms and dimensions as Atty. Diokno explained, ranging from simple letters to detailed power point presentations such as "Knowing the Enemy", a presentation by the armed forces branding individuals and organisations, including his NGO the Free Legal Assistance Group.

Max de Mesa, presented recent high-profile Red-Baiting cases of individuals or organisations that have been victims of killings and torture. He commented that

these single cases of extralegal killings, enforced disappearances and torture are never done alone or in isolation; there is always a group respectively a command behind the actions. Having this in mind, he spoke about an evolution within the security sector from a "command responsibility" towards a "command conspiracy".

Speaking from a victim's perspective, Josua Mata, brought out that Red-Baiting can be seen as an effect of the inequality and the injustice in the Philippines. He explained that being a trade unionist in the country is dangerous. On the one hand, they are labelled as communists by the security sector and the media. The military and the police are targeting them while, on the other hand, they are attacked by the armed rebels and indicted of being supporters of the capitalist system.

According to chairperson Rosales tagging organisations as supporters of armed groups and thereby putting their members in harm's way and exposing them to all kinds of possible adverse actions from the military goes against the spirit and intent of Philippine laws. Moreover, the effect of the tagging is more than chilling for the named organisation, but in particular for

the individuals concerned and their families. Their livelihoods are affected, their families forced to live in fear, and their communities intimidated.

Dr. Parong underlined the role and importance of universal human rights declarations. Red-Baiting often goes along with denying rights and



© IPON | Presenting a victim perspective – Josua Mata of APL.

dehumanisation. She explained that basic human rights can't be revoked at any time and that every human being holds rights – from the day it is born to the day it dies. The state has the obligation to respect, protect and fulfil these rights in times of peace and in times of war.

### Positive consequences of the paradigm shift?

The attendant representatives of the security sector, Atty. Pua (PNP) and Col. Tutaan Jr. (AFP) explained that Red-Baiting was and still is a matter of serious concern. Both stressed that labelling or tagging of individuals and groups should never govern operations of the security sector. For instance, people should not be arrested because of their ideology, their religion or their race. They should only be arrested if there is evidence for a committed crime.

According to Col. Tutaan Jr., the AFP already took the issue of Red-Baiting into consideration. The new "Internal Peace and Security Plan" or "Oplan Bayanihan" (Operation of Collective Effort)<sup>2</sup>, developed in consultation with other stakeholders from the government and the civil society, copes

with the issue. This current strategy of the AFP follows two main strategic approaches: the "whole of nation approach" and the "people-centred approach". Especially the latter puts primarily concern on the human security framework. Under "Oplan Bayanihan", the soldiers on the ground shall act and operate based on national and international rights. The chief of the AFP Human Rights Office pronounced that there is a zero-tolerance policy in the armed forces regarding human rights violations and that the armed forces will subordinate to human rights, the international humanitarian law and the rule of law. Yet at the same time he emphasised on the fact that investigations and prosecution have to follow due process and that the final jurisdiction lies with the judges.

The paradigm shift of the security sector can be seen as an effort to improve the human rights situation. However, Atty. Diokno underlined the importance of the psychological attitude as the core issue of Red-Baiting. The fundamental belief that communism is evil and that it must be eradicated by hook or by crook still seems to be ever-present in the security sector. Atty. Diokno pointed out that a lot of money has been spent on trainings for the military and police over the last few years without addressing the key issue – the psychological attitude and fundamental beliefs. It's been almost twenty years that the anti-subversion act<sup>3</sup> was repealed by congress. Ever since, it is no longer illegal to be a member of the communist party and other organisations – including the New People's Army (NPA). But the military establishment refuses to accept this reality up to now, Atty. Diokno added.

As mentioned before, Red-Baiting is not only an issue of state authorities and civil society organisations, it is about fundamental attitudes that are taken up and shaped by society. Dr. Parong stressed the fact that Red-Baiting, with all its extensions, seems to be accepted by society. "He is a communist anyway" (sabagay komunista naman siya) or "he is a criminal anyway", are widely used expressions related to all kind of human rights violations.

### How to improve the situation?

The actors also grasped the opportunity to discuss potential ways to handle the issue of Red-Baiting.

2) in: Regarding the new Oplan Bayanihan cf. Grabowski, Ritter (2011): Political Changes – Changes in Human Rights Policies? A Record, In: Observer vol. 3, no. 1, p. 6.

3) Republic Act 1700, "An act to outlaw the communist party of the Philippines and similar associations, penalising membership therein, and for other purposes."

Atty. Diokno said that the situation is not hopeless and that there are aspects which can be improved. On the one hand, he referred to the psychological attitude of the security sector as the core issue of Red-Baiting. In order to address fundamental beliefs, human rights trainings for police and military staff should already start in the academies. The psychological and operational foundations for future actions are laid here. Furthermore, the trainings should not only focus on the schooling and the soldiers on the ground but also include the intelligence units of the security sector. These units are often the ones involved in serious human rights violations.

On the other hand, he presented practical steps to directly address the issue. To begin with, the Secretary of Justice and the national prosecution service should immediately stop all “John Doe”<sup>4</sup> cases. In order to improve transparency, a congressional supervisory body for intelligence funds and operations should be implemented. Atty. Diokno pointed out that the right of access to information should be finally asserted. The security sector obviously has information about activists and human rights defenders without their knowledge. Against this background, the right of access to information has to be asserted – especially for the vulnerable poor and oppressed.

The current “Oplan Bayanihan” strategy of the armed forces can potentially be an important step to improve the human rights situation. The AFP claims that it is now implementing a change in the conduct of its internal security operations. They also confirm to have a Human Rights Action Officer attached to the office of the Chief of Staff and human rights officers at the battalion level. The military has also come up with trainings and manuals on human rights and international humanitarian law. The impact, however, is doubted and the efforts are probably not sufficient. Hence, CHR Chairperson Rosales added that the armed forces

need to show the Filipino people and the civil society organisations that they are indeed serious about the paradigm shift. The challenge for the security sector is to truly adhere to and comply with human rights and international humanitarian law standards in the implementation of their Internal Peace and Security Plan. They should be able to show that it is possible to carry out internal security operations while adhering to these norms and standards. They should also follow the basic distinction in international humanitarian law between combatants and non-combatants. It is vital to respect the legitimacy of organizations and their leaders and members who are operating within the bounds of the law.

### Résumé

Although some relevant actors were missing, the conference brought together important stakeholders of the civil society, the security sector and state authorities.

forces and the police to accuse, denounce and persecute individuals and NGOs as members of communist organizations such as the CPP-NDF-NPA in order to obstruct their work. The security sector recognizes that they have already taken this into consideration. Although “Oplan Bayanihan” is limited to ten months to serve as a foundation for (counter-insurgency) operations, legitimate doubts about the real impact of this new strategy on the improvement of the human rights and Red-Baiting situation can be raised. Atty. Diokno is right when he emphasizes the fundamental attitudes within the security sector as the key problem.

The procedures implemented to tackle the issue are accurate and important. Notwithstanding, Red-Baiting, its dimensions and the modus operandi should be a topic in further meetings, dialogues, forums and conferences – including more victims and perpetrators, the media and international voices.

Red-Baiting remains a serious problem in the Philippines. The conference



© IPON | How to improve the situation? Open discussion during the conference.

The participating representatives used the platform for a fruitful discussion and changed ideas and arguments. All actors agreed on the importance of the topic. Red-Baiting in the Philippines used to be and still is a political strategy of state institutions such as the armed

organised by IPON only provided the aforementioned platform and served as a “timely reminder”, as Rosales called it. The participating actors seized the opportunity to openly discuss the issue and potential solutions. Now, they have to make sure to walk the talk. ■

4) The name „John Doe” is used as a placeholder name in a legal action, case or discussion for a male party, whose true identity is unknown.