

MONOLOGUE BY CHR: “RED-BAITING AND HUMAN RIGHTS”

Chairperson Rosales represented the Philippine Commission on Human Rights (CHR) at the Conference on “Red-Baiting in the Philippines”. Labelling members of the civil society as communists still forms an integral part of the military’s internal security operations - often going along with massive human rights violations. Therefore, Rosales puts special emphasize on the claimed paradigm shift of the military towards respecting human rights, which has yet to comply with the reality.

What follows is the reprinted and abbreviated speech at the “Conference on Red-Baiting in the Philippines” on the September 30, 2011, in Balay Kalinaw, University of the Philippines, Quezon City.



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Activist, teacher and
politician who has served
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list representative of the
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from the 11th-14th Congress
(1998-2007). She is currently
the Chairperson of the
Commission on Human
Rights in the Philippines.

Good afternoon to all participants and guests [...], Thank you for inviting the Commission on Human Rights to participate and share its perspective on the issue.

Origins

“Red-Baiting” is not new in the Philippines but it has not its origins here. The term seems to have originated from the Cold War conflict between the United States and the Soviet Union and their respective allies along the lines of “democracy versus communism”. The communists were called “Reds” from the colour of their flags and banners of revolution. Inevitably, their sympathizers were also called “Reds”, even if they did not share their ideology while supporting their politics in whole or in part.

In that time “Red-Baiting” emerged as a practice and tactic among the security and intelligence services of the so-called “Free World” countries to expose and go after suspected communists and their supporters. In the United States, this reached its height during the time of Senator McCarthy and the investigations of the Committee on UN-American Activities that he chaired. In the Philippines, its counterpart was the Senate Committee on Anti-Filipino Activities. Red-Baiting is only a recent form of an old method of dealing with one’s perceived enemies. Demonizing enemies as “sub-humans”, not

possessing any rights, made it easier to deal with them using extreme measures such as torture and killings. During the time of the Indian Wars in the U.S., Native Americans who resisted conquest and subjugation were called “savages”. The popular expression at the time among the US military was “The only good Indian is a dead Indian.” This found its way to the Philippines during the Philippine-American War and the Americans’ so-called “pacification campaign” that followed – “The only good Filipino is a dead Filipino.” Members of the Philippine revolutionary army who refused to surrender and continued armed resistance in the early 1900s were called “bandits” and “brigands”. During the Cold War, the expression evolved to: “The only good communist is a dead communist!”

Continuing practice

The practice did not end with the end of the Cold War after the collapse of the Berlin Wall in 1989, and the end of the Soviet Union and the socialist countries of Eastern Europe in 1990. Communist and communist-led insurgencies continued in some parts of the Third World, including the Philippines where the Communist Party of the Philippines-led New People’s Army and National Democratic Front continued with their armed struggle against the government. It also took on new forms, as new enemies of the state

emerged and new terms were used like “terrorist” and “Muslim terrorist”.

Today, the practice continues under such terms as “labelling” and “tagging”. In the past administration, the military showed a video in the villages entitled “Know Your Enemy”, wherein certain civil society groups and party-list organizations were identified as front-organizations or supporters of the CPP-NDF-NPA. This included the party-list Akbayan, of which I was a Representative in the House of Representatives at the time. Even though top military officials and their assurances did not tolerate the practice and looked into the complaints, they were not able to stop it. It even grew worse.

Its more recent incarnation was cited in a complaint against the activities of a military unit in Central Luzon that was filed before the Commission on Human Rights. This unit would enter villages to conduct a so-called “census” among the residents. They would ask the people what organizations are active in the area. They would then name certain organizations and tell them to be careful with them, because they are supporters of the armed rebels. After this, the next questions they would ask are “Who are the leaders and members?” and “Where do they live?” This is the point where the innocent word “census” took on a very sinister meaning.

Effects

Needless to say, the effect was chilling – to the organizations named, but more so to the individuals concerned and their families. Out of fear for their safety, security and their lives, the people concerned took precautions by not going home to their families and hiding out somewhere else until they felt it safe to go home. Their livelihoods were affected, their families forced to live in fear, and their communities intimidated.



© IPON | Rosales during her speech on the conference.

Their fear is often well-grounded, because they have heard from neighbouring villages terrible stories of what happened to those who have been “invited” by the military, or else taken from their homes or picked up in the street in the middle of the night. There have been reported cases of torture inflicted on those taken into custody, and even some have been eventually found dead afterwards.

During the past administration, not too long ago, one former notorious general of the Philippine Army who was in command of a Division in Central

Luzon at that time was reported to have announced during a meeting with businessmen and civic leaders that the military only killed the armed rebels in the area. When asked why it was the unarmed people that were getting killed, he explained that it were these unarmed people, who belonged to aboveground organizations that were helping the underground rebel movement. He ended with the words: “We will kill them all!”

It is clear that “Red-Baiting”, as practiced by the military here in the Philippines, forms an integral part of its

counter-insurgency operations. Whether it led to disappearances, torture and extrajudicial killings, or were merely used to intimidate activists and immobilize their organizations, the practice continued.

The latest version of “Red-Baiting” terminology that we have heard from the military came from a general who delivered the closing remarks in a meeting just over two weeks ago of a regular church and police-military liaison committee monitoring the killing of priests and members of the clergy. Ignoring the remarks of a bishop that a distinction should be made between organizations who bear arms and fight the government and legitimate unarmed organizations who simply oppose the government within the rights and freedoms guaranteed in the Philippine Constitution, the general closed the meeting with a warning to the church people present to be on the lookout for what he called “dubious organizations”. He said he spoke on the basis of his long experience as an intelligence officer in Mindanao. The good bishop’s jaw dropped in disbelief at what he had heard.

Paradigm shift?

The Armed Forces of the Philippines claims that it is now implementing a paradigm shift in the conduct of its internal security operations. They say that their Internal Peace and Security Plan consists of 90% political means and only 10% military. Some quarters grant that the military leadership is sincere in this paradigm shift. They now have a Human Rights Action Officer attached to the office of the Chief of Staff. They also have human rights officers down to the battalion level. They have come up with trainings and manuals on human rights and international humanitarian law. They even have a manual on the “Human Rights-Based Approach to Intelligence Operations” [...]. However, the continuing practice of “Red-Baiting”, among others, casts serious doubt on this transformation that is supposed to be happening within the military establishment. The practice stands in complete contradiction of their policy. It is also in violation of the law. It violates the rights of citizens to due process of law guaranteed by the Constitution [...].



Violation of law and human rights Conclusion

Tagging organizations 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 our laws. The old Anti-Subversion Law, Republic Act No. 1700, used to provide that mere membership in the Communist Party of the Philippines was punishable. It has since been repealed. The existing law that allows the proscription of organizations is the Human Security Act, also known as the Anti-Terrorism Law to others. The law cannot be applied by mere provision of law, as in RA 1700, it needs a judicial declaration based on evidentiary showing. As far as I know, no organization has yet been declared as a proscribed organization under this law.

There are also recent legal developments that impose human rights and international humanitarian law standards on the conduct of both the security sector and their armed adversaries. The recent Act on International Humanitarian Law, RA 9851, was passed in 2009 and punishes war crimes, crimes against humanity and genocide, including torture, enforced disappearances and extrajudicial killings. They apply to both parties in the armed conflict, the government side and that of the rebels. Also passed in 2009 was the Anti-Torture Law, RA 9745, which criminalizes and punishes acts of torture in accordance with the Convention against Torture and our 1987 Constitution. Most recently, the Philippine Senate ratified the Rome Statute of the International Criminal Court. These measures make clear the distinction between combatants and non-combatants, and provide for the protection of the latter.

Clearly, there is a disconnect between the continuing practice of Red-Baiting and the paradigm shift of the Armed Forces of the Philippines (AFP) and our recently adopted legal measures. What needs to be done is for the AFP to show to the Filipino people and the entire country that it is serious in its 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 "Oplan Bayanihan". They should be able to show that it is possible to carry out internal security operations and adhere to these norms and standards at the same time. They should adhere to the basic distinction between combatants and non-combatants in international humanitarian law. They should respect the legitimacy of organizations and their leaders and members who are operating within the bounds of the law. If they have reason to believe otherwise, then they should take the appropriate steps under the law, including the possible filing of charges. They should discard the employment of "dirty tricks" in the conduct of their internal security operations that violate the rights of people, as a thing of the past that do not conform with their paradigm shift.

We don't know if the problem of Red-Baiting, along with other continuing violations of human rights and international humanitarian law committed by the military, is just the inertia of the past holding down and holding back the momentum of the present. If this is the case, the challenge to the human rights community is to help the military increase that momentum, so as to overcome the inertia. The lives, safety and liberty of innocent civilians will thereby be protected. ■

NEWSTICKER +++

Gina Ledesma (56) is a member of TFM, she lives and works near San Carlos. IPON came in contact with her shortly after her husband, a local farmer leader, was killed. Since then, many things have happened that made her live worse than before.

- + May 2010 - husband gets shot
- + May 2010 - suspect is at large
- + June 2010 - shots can be heard close to the village, Gina is scared
- + June 2010 - the suspect's family offers her 50,000 PHP if she does not take court action
- + June 2010 - takes court action to get justice for her husband but cannot afford a private attorney; her brother is one of the main witnesses
- + July 2010 - one member of the suspect's family gets killed
- + July 2010 - threats against Gina's family; especially death threats against her brother
- + July 2010 - complaint against Gina's brother
- + August 2010 - new offer: if her brother takes back his statement on the first murder, his complaint will be cancelled
- + End of 2010 - Gina decides to go on in her case
- + May 2011 - gets threatened by the suspect's family; feels uncomfortable; doesn't leave the Hacienda anymore.
- + May 2011 - considers taking the offer
- + September 2011 - after new threats and caused by the fact that she wants to help her brother, she decides to accept the offer

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