

TERRORISTS OR TERRORISED? ABU SAYYAF-BAITING IN THE PHILIPPINES



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While in Red-Baiting victims are accused of being members of the CPP-NDF-NPA or other communist organizations, in ASG-Baiting victims are accused of being members of the Abu Sayyaf Group. In consequence the victims face arbitrary arrests, suffer from torture and some of them are detained for months or even years. In the Philippines these cases occurred even before 9/11 but with the global war against terror the number increased. And it doesn't seem to change much under the Aquino-Administration.

Ever since the attacks on the World Trade Center in the United States on September 11th 2001, the fight against terrorism has become the overriding global preoccupation of the last decade. In the US-led global war on terror, the assumed threat of national security became the key argument for the confinement of civil liberties and human rights by law in and outside the USA. With this human rights abuses and violations in the name of counter-terrorism increased worldwide (HRW 2003).

In the Philippines, however, little of this is really new. In fact, counterinsurgency and the fight against "terrorism" started long before 9/11. As the communist and Moro insurgencies are among the world's longest-running armed conflicts, so is the counter-insurgency (HDN 2005: 2f). In Mindanao where 15 of the 21 provinces with the largest number of armed conflicts are located (ibid: 3), the fight against Muslim insurgents and separatists started in 1969 when the Moro National Liberation Front (MNLF) was founded. Even though the MNLF and later, after a split within the MNLF 1977, the Moro Islamic Liberation Front (MILF), are not categorized as terrorist groups, the emergence of ASG-Baiting mechanisms can be traced back to these times. In 1991 the Abu Sayyaf Group (ASG) emerged (HDN 2005: 70). This militant group, sometimes referred to as a group of bandits or rebels, is officially portrayed as a terrorist group. And in fact the ASG uses terrorist means such as kidnapping for ransom and bombings to achieve their stated aim to establish an independent Islamic state in Mindanao (Turner 1995: 1-8).

"You have to pick a Muslim" – ASG-Baiting

While it is clearly understandable that state authorities are trying to fight the ASG and the threat posed by the group, some of the measures have to be criticized as they lead to human rights abuses and violations in the name of counter-terrorism. ASG-Baiting, the act of labeling a random person to be a member of the ASG, mostly linked to a direct accusation of the participation in a certain terrorist attack is one of the most frequent examples. Such cases are therefore usually found after an actual terrorist act, for example after the detonation of a bomb or kidnappings. In the search of a suspect, victims are then accused of being members of the ASG as well as of being the perpetrators of the recent terrorist act. In the bottom line what this means is: Blaming the act of terror or the kidnapping on a random – well, actually not entirely random – person. "For you to be credible, you have to pick a Muslim" explains Atty. Zainudin Malang, Executive Director of Mindanao Human Rights Action Center (MinHRAC) in Cotabato City¹. The target group – or the vulnerable group for ASG-Baiting therefore includes the entire Moro community.

Military crackdowns and random arrests

That ASG-Baiting, however, is in no way limited to one person or always directly linked to an actual terrorist act, can be illustrated by the happenings of July 2001: Following a series of kidnappings by the ASG and the captivity of 21 hostages in

1) Interview with Atty. Zainudin Malang, Executive Director of Mindanao Human Rights Action Center (MinHRAC) in Cotabato City. Davao, Sept. 16, 2011.

Basilan/Mindanao, former president Gloria Macapagal-Arroyo declared the island to be a “state of lawlessness” on July 13th 2001, which allowed the military to join the police to arrest suspects without a warrant of arrest (The Telegraph 13.07.01). Furthermore a memorandum to the Armed Forces of the Philippines (AFP), signed by the former Department of Justice Secretary Hernando Perez “watered down the Rules of Criminal procedure requirement from lawful information based on probable cause to the lesser standard based only on verified information” (Sabangan 2011a). The AFP reacted with an intensive military crackdown conducted from July 13th till July 15th 2001 in which more than 200 person were arrested (Olea 2011). According to Moro Christian People’s Alliance, an NGO supporting the suspects, until now – ten years later – 73 of the victims of the crackdown are still held in detention in Camp Bagong Diwa in Taguig City waiting for their trials, together with many more alleged ASG members. The human rights lawyer Pura Ferrer-Calleja, who is defending over 100 Abu Sayyaf suspects detained at the camp, maintains, according to a report by Sabangan, “that most of her clients are victims of arbitrary arrests, torture, and of what she calls’ forced, not just mistaken, identity” (2011a). She further estimates that 70-80% of the suspected ASG members held in Camp Bagong are not guilty (ibid.).



Marion Doss | Where is the public enemy?

Impacts of the global war on terror

After 9/11 the Philippines answered the US-call for the global fight against terrorism, a war in which, according to George W. Bush „no nation can be neutral” (Bush 2001), and quickly found itself on the side of the USA. The US opened it’s so called “second front” in the global war in the Philippines and extended direct military support

to the Philippines in combating the ASG, as they assumed direct, even if only sporadic links to the Al-Qaida Network and to the Indonesian based terrorist group Jemaah Islamiyah. For this purpose the USA committed 1, 300 U. S. military personnel in 2002 to support Philippine military operations against the ASG (Vaughn et. al. 2007: 16). The USA not only supported the Philippines in direct and strategic military support, furthermore they

allocated reward money for the capture of ASG-leaders and members under the Reward for Justice Program of the USA. The Philippine Government also put bounty on certain ASG members and leading figures. This didn’t stay without consequences: In the post 9/11 years, the arrest rate of suspected ASG members tripled and an “environment for reckless, wrongful arrests, torture, and the undermining of the entire war on terror” (Sabangan 2011a) evolved.

Mistaken Identity – in no way just an error Tortured into admitting to be Abu Sayyaf

As the Philippines is a signatory to all relevant international human rights treaties the Philippine state is bound to respect and abide these international instruments and the provisions stipulated therein. Also the Philippine Constitution, particularly the bill of rights prohibits the use of torture. Furthermore the Philippines passed the Republic Act 9745 which is also known as the Anti-Torture Law of 2009, as it criminalizes acts

There was much hope for a positive change regarding human rights after the election of President „Noynoy“ Aquino 2010, but sadly when it comes to ASG-Baiting not much seems to have changed, which is clearly demonstrated by the most recent case: Abdul-Khan Balinting Ajid who was working as a baker for eight years, was arrested inside his house in Basilan, Mindanao on July 23rd, 2011 in connection with the infamous



© Zainudin Malang | Evacuation camp in Maguindanao: Another consequence of the military crackdowns in the hunt for members of militant groups is thousands of internal displaced people.

of torture. However, the problem didn't change and until today the main characteristics of ASG-Baiting are the same: Random victims are arrested without a valid warrant of arrest, meaning that they are either arrested without a warrant at all, or they suffer from what is known as mistaken identities. In such cases, the suspects are accused of being a person – one of the members of ASG – who they are really not. If the victims claim to be who they really are, the officials will simply put their real name as an alias (aka.) behind the name of the person, they are accused of being (ibid.). Following their arbitrary arrest, many of the victims are also tortured to confess they are ASG members. And, as seen in the case of 73 detainees in Camp Bagong Diwa, are sometimes facing years of detention without a fair trial.

2001 Lamitan siege. A group of uniformed men, allegedly members of the Special Operation Task Force Basilan of the AFP, kicked his door open, forcibly entered his house, and immediately ordered Ajid to lie face down on the floor. They kicked him in his back and tied his hands with a cable tie. After searching his house, the men grabbed Ajid and dragged him to a truck. He was blindfolded and brought to a military camp for interrogation.

On the first day he was asked if he was a member of the ASG and if he knew any ASG members. Every time he denied, however he was hit with wood on his back, stomach and shoulder "he was also kicked on the head" (TFDP 2011). On July 24th he was asked if he possessed two guns. Again, when he denied, he was tortured. When Ajid still

denied being a member of Abu Sayyaf on July 26, 2011, he was called a liar and according to a report of Task Force Detainees of the Philippines (TFDP) he was “put upside down in a drum filled with water until [he] nearly drowned. A bottle was also inserted in his anus for four times. Gasoline was then poured from his head to his lower abdomen and he was set on fire.” At 2.00 pm the next day he was brought to the Regional Trial Court Branch 1 in Basilan, where, Ajid’s family was able to see him again for the first time after the arrest. Later he was finally brought to the hospital. On August 1, 2011 the Philippine Daily Inquirer reported that four members of the AFP have been placed under “technical arrest” for allegedly torturing a suspected ASG-bandit. According to the Inquirer, Colonel Domingo Tutaan Jr. the head of the Human Rights Office of the AFP stated that “the effect of the investigation is to send the message that we will not tolerate human rights violations.” Five days later it was reported in the Inquirer, that Ajid also was a victim of mistaken identity as he was arrested “on suspicion he was Kanneh Malikilivo, an alleged Abu Sayyaf member.”

The lack of public protest

All these cases are publicly known and so are many more. But still they are oftentimes considered to be only single cases and the protest is very low. One of the reasons is that ASG-Baiting is

hardly acknowledged as a problem in society, and similar to Red-Baiting, a profound discourse targeting the issue as a whole is lacking. Furthermore the fear of actual terrorist threats and the latent public bias towards Moslems in the Philippines make it easy to convince the public that a suspect might be an ASG member, even if evidence is lacking as Atty. Malang points out: “The moment they know he is a Moslem the public forgets about the evidence.” As a matter of fact a stratified random sample survey conducted by the Human Development Network in 2005 exposes a significant degree of anti-Moslem bias “reflected in people’s tendency to agree with negative stereotypes of Muslims” (HDN 2005: 13). The survey shows that 55% of national respondents believe that Muslims “are more prone to run

amok” (ibid.) and 47% believe that “Muslims are probably terrorists or extremists” (ibid: 56). Furthermore, the Abu Sayyaf Group is the most oft-cited group associated with the word terrorism (30%) followed by Muslims (27%) as the second most named group (ibid.).

What can be seen from all these cases is that ASG-Baiting and Red-Baiting have much in common: On the bottom line, they both describe the labeling of innocent civilians as terrorists with very similar consequences. Different, however, is the reason behind it which is also closely linked to the second difference: the targeted group. While in Red-Baiting the victims usually are members of the civil society in ASG-Baiting all the victims have to be a member of, is the Moro Community. ■



© Mario Ignacio | Moro Detainees at Camp Bagong Diwa pause to pray at noon.

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