POLITICAL PRISONERS:
LIVING EVIDENCE OF REPRESSION IN THE
PHILIPPINES

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HISTORICAL OVERVIEW

Political detention is one of the outstanding features of repressive regimes.

In Philippine history, political detention and its accompanying evils are hallmarks of colonialism and neo-colonialism in crisis. Political detention continues to be one of the standard responses of the ruling powers to the Filipino people’s struggle for freedom, justice and democracy.

Today’s political prisoners belong to the long list of political prisoners throughout the different periods in Philippine history. There were Dr. Jose Rizal and Tandang Sora, both arrested and imprisoned by the Spanish colonial regime (1521-1898); Apolinaro Mabini, revered as the “Brains of the Philippine Revolution,” imprisoned during the Filipino-American War and the American Occupation (1898-1941); and the thousands of Filipinos imprisoned and tortured by the Japanese soldiers during the Second World War (1941-1945).

The American neo-colonial period (1946 - ) where “liberation” and the “grant of independence” by the Americans came with economic and military treaties designed to perpetuate U.S. presence and domination also saw the rise of the nationalist movement in the mid-1960s. The most prominent political prisoner then was Amado V. Hernandez, journalist, trade union leader and poet laureate.

Under the U.S.-Marcos dictatorship (1965-1986) tens of thousands of men and women were arrested and detained, among whom were Jose Maria Sison, Fidel Ageaolii, Satur Ocampo, Sister Mariani Dimaranan, Benigno Aquino, Crispin “Ka Bel” Beltran and Senator Jose “Ka Pepe” Diokno.

The national democratic movement continued to advance and the armed struggle continued to grow even after Marcos was driven out of power. All post-Marcos governments, which were heavily supported by the United States, namely Corazon Aquino (1986 - 1992), Fidel Ramos (1992 -1998), Joseph Estrada (1998 - 2001) and Gloria Macapagal-Arroyo (2004 - 2010) operated under the guise of democracy, responded with the same iron fist, and the same repressive laws. Human rights violations were, and continue to be, the norm.
Gloria Macapagal-Arroyo (2004 – 2010) systematically perpetrated gross and human rights violations against a broad range of legal social activists, against the National Democratic Front of the Philippines and against the revolutionary movement with the government’s counter-insurgency program Oplan Bantay Laya (Operation Freedom Watch). Arroyo is responsible for the more than 1,200 extrajudicial killings, hundreds of frustrated killings, more than 200 involuntary disappearances, numerous cases of torture, and the uprooting of hundreds of thousands of civilians. The United Nations Special Rapporteur Stephen Alston, in his investigation of the human rights violations in the country, laid the responsibility for the extra-judicial killings and disappearances on the military and the culture of impunity in the Philippines.

The incumbent President Benigno "Noynoy" Aquino III (2010 - ) has failed to hold his predecessor Gloria Macapagal – Arroyo and the military accountable for the human rights violations against the people and has failed to secure the release of political prisoners. On these counts, Noynoy Aquino condones these human rights violations and guarantees the continuation of the culture of impunity. He has ensured the continuation of the Arroyo’s counter-insurgency plan and renamed it Oplan Bayanihan (Operation Cooperation). Human rights violations continue under the climate of impunity.

POLITICAL PRISONERS: WHO and WHY

There are 356 political prisoners in detention centres and jails around the country, according to the Philippine Alliance for the Advancement of People’s Rights or Karapatan (as of Oct 2011). Of these, 78 were arrested under the Noynoy Aquino’s government. Thirty-five (35) are women, 10 are elderly and 43 are sick. Thirteen consultants of the National Democratic Front of the Philippines (NDFP) to the peace process remain in jail despite the Aquino government’s declared commitment to work for their release. See http://www.karapatan.org/node/471

Political prisoners constitute a broad spectrum of Philippine society, with workers, peasants and the urban poor accounting for the majority of the prisoners. Their common binding thread is their desire to better their conditions of life, defend their rights and dignity, and uphold national freedom and democracy.

Political prisoners are the living evidence of the continuing repression of the Filipino people.
Political prisoners are those who have been arrested, detained and imprisoned for acts in furtherance of their political beliefs. They may be charged with political offenses such as rebellion and sedition. More often than not, they are charged with criminal offenses or common crimes, such as illegal possession of firearms and explosives, drug dealing, murder or kidnapping, which are non-bailable offenses. They continue to be detained while undergoing trial, which can take years.

In the history of the Filipino people, political prisoners have been vilified by the Spanish and American colonial governments by calling them filibustero, insurecto, ladron (bandits), insurgents, among other pejoratives. In the recent past, political prisoners have been referred to as public order violators, national security offenders, terrorists, alleged political offenders and criminals. The dictator Marcos, when it was convenient, even publicly denied the existence of political detainees or political prisoners.

This malicious practice of the criminalization of political offenses takes away the political nature of their imprisonment and deprives these prisoners of their rights as political prisoners. This practice is also contrary to the Hernandez Doctrine against the criminalization of political offenses. The Hernandez doctrine became part of Philippine jurisprudence when, in 1956, the Supreme Court ruled in the case People of the Philippines vs. Hernandez that a person who commits a political offense could be charged with rebellion but not with common crimes such as murder, arson, robbery, etc.

Soon after their arrest or for weeks thereafter, torture and other forms of maltreatment are inflicted on the political prisoners, especially during tactical interrogation, while being held incommunicado from families, lawyers and the public. The recent case of the detained health workers, tagged as the “Morong 43,” publicly exposed the use of torture, interrogation and maltreatment and other human rights violations by the military.

**PRISON STRUGGLES**

Iron bars and high walls have not stopped political prisoners from asserting their just and legitimate demands. Over the years, prison struggle has become a significant aspect of the overall struggle of the Filipino people for their rights and legitimate interests.

Over the years, political prisoners have raised their main and general
demand which is the release of all political prisoners. They have also raised various demands from welfare issues (e.g. visiting rights, provision of recreational facilities, removal of undue restrictions, medical attention) to the release of nursing mothers and their children, the end to solitary confinement, and political issues such as the denial of the right to bail, recognition of status as political prisoners, etc.

Since 1974, prison struggles have taken various forms. These forms range from petitions, protest letters to military custodians and the government, the wearing of black bands at their court hearings, banging of cell bars or their canteens against the walls to create a noise barrage, to staging protest fasts and hunger strikes. The weapon of the hunger strike is used as a last resort by political prisoners to pressure the government and military to act on their demands.

Military reprisals against these prison protests, as evidenced in the history of prison struggles, are harsh and have ranged from seizing suspected leaders and placing them in isolation or transferring them to another detention centre, stopping prison visits by relatives and family, and padlocking of their cells.

**FREEDOM FOR ALL POLITICAL PRISONERS!**

The demand is loud, the main call is clear: Free All Political Prisoners!

Freedom for political prisoners is a demand integral to the various democratic demands of the Filipino people, an integral part of all proposals for ending the civil war and for building democracy in the country. It is a matter of justice and redress for everything that has been inflicted on the political prisoners, from the moment of their arrest, to the trumped up charges against them and to their continuing detention.

Political prisoners were arrested because of their involvement, in one way or the other, with the people’s legitimate struggles. Hence, their arrest and imprisonment constitute an anti-people, anti-democratic act by the government. Consequently, the political prisoners’ protest against their arrest and detention is just; their demand for redress through the restoration of their freedom is equally just.

A proclamation of a general, unconditional and omnibus amnesty is an expeditious way of freeing the political prisoners. It would be **general** in scope to cover all political prisoners, including those who have been maliciously charged with criminal offenses and common crimes, and
including those who have been convicted and are already serving their sentence. It would be *unconditional* which means no conditions are attached to their release. It would be *omnibus* which means that all legal charges against political prisoners are dropped and threats of re-arrest and repeated detention are removed. It would also revoke the sentences of those who have already been convicted and serving them. Such a demand would release all political prisoners in one legal act, rather than the present practice of selective and slow release of political prisoners.

**Why the Call for General, Unconditional and Omnibus Amnesty Now?**

Philippine President Benigno “Noynoy” Aquino III declares that he is completely different from his fascist predecessor Gloria Macapagal-Arroyo. He never forgets to remind every one of his legacy -- that his parents fought against the Marcos dictatorship and that his father, a political prisoner under the Marcos regime and an exile, was assassinated when he returned home. By extension, “Noynoy” Aquino III claims to be a human rights victim and a human rights advocate. Part of that legacy is that his mother Corazon Aquino who was catapulted into the Presidency by the people’s power revolt granted general amnesty to political prisoners as one of her first political acts in 1986 as the successor of the dictator Marcos.

The challenge for President “Noynoy” Aquino III is to put this legacy into action through the peace talks with the release of political prisoners.

The peace negotiations between the Government of the Republic of the Philippines (GPH) and the National Democratic Front of the Philippines (NDFP) briefly resumed in February 2011 but are indefinitely stalled again as the government continues to renege on its obligations to release the NDFP peace consultants detained in violation of the standing GRP-NDFP Joint Agreement on Safety and Immunity Guarantees (JASIG). The JASIG is supposed to protect peace consultants from surveillance, arrest, detention and other antagonistic acts.

The issue of political prisoners is high on the agenda of the current peace talks with regards to the implementation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL). Under this Agreement, it states that “The Government of the Republic of the Philippines shall abide by its
doctrine laid down in People vs. Hernandez . . . , as further elaborated in People vs. Geronimo . . . , and shall forthwith review the cases of all prisoners or detainees who have been charged, detained, or convicted contrary to this doctrine, and shall immediately release them.”

Atty. Alex Padilla, Chairman of the GPH Peace Panel, affirmed this during the exploratory talks in January 2011, in the presence of Norwegian facilitators, when he said that “the GPH panel agrees that the political prisoners must all be released.”

The continuing failure of the Aquino regime's to fulfill its pledge to immediately release political prisoners is a serious obstacle to the peace talks and discussions on socio-economic reforms as well as on political and constitutional reforms.

The National Union of People’s Lawyers (NUPL) spokesperson Julius Garcia Matibag, declared that the lawyers also call for the release of all political prisoners. “The Aquino government should look at this as an outstanding opportunity to demonstrate good faith and goodwill in its quest for the resolution of the armed conflict in the country. It is also a basic issue of justice.”

Alan Jazmines, one of the NDFP consultants arrested a few hours before the resumption of the long-delayed peace talks in Feb 4, 2011, wrote from prison, “In the meantime that fascist and anti-peace authorities are keeping us, we are determined to fight prison. This smaller prison that is but a part of the bigger prison that is the entirety of the failed and defunct, exploitative and oppressive political and socio-economic system in the country, that …the Filipino people are determined and struggling to change. The smaller prison we are presently confined in, after all, is a means of getting rid of those who cannot be tolerated by the fascist forces but are still kept alive in the bigger prison of the present system. The fight in the smaller prison goes in tandem with the fight in the bigger prison.”

Now more than ever, the climate is favourable to revitalize and push forward the campaign to free all political prisoners in the Philippines and to demand an end to illegal arrests and detention. The task is not without its difficulties because this demand for “Free All Political Prisoners” is not easily achieved given the fascist character of the reactionary state and the strong opposition by U.S. government and the militarists inside and outside government. An exceptionally strong and broad political pressure here and abroad will win this campaign.
WHAT CAN WE DO?

Pressure from within and out of the Philippines is imperative. The full force of moral pressure can be brought to bear down on even the most authoritarian of regimes, compel it to listen and maybe release political prisoners as a politically calculated and necessary act.

This call is also addressed to international solidarity networks, human rights organizations and international friends to raise the long standing demand to free all political prisoners. In addition to pressure from within the Philippines, international pressure can push the Aquino government, which has shown itself to be sensitive to foreign public opinion and diplomatic pressures, to take action.

Let us collectively make this demand a politically prominent issue in the international front through public action and international solidarity. This campaign is in full support of the human rights campaign in the Philippines led by the Philippine human rights alliance Karapatan and the organization of former political prisoners SELDA, the nationalist alliance Bayan and other human rights organizations.

From simple letter writing to using social media and networking, we can all work on the demand to free all political prisoners. The possibilities of what we can do are endless and work becomes lighter when we do it together. Some ideas include…

- Set up a Free Committee (or a Friends Committee) for a group of political prisoners or for a particular political prisoner
- Join the International Day of Solidarity with Political Prisoners and Prisoners of War (Dec 3) initiated by the League of Peoples’ Struggle in 2005
- Take part in the International Human Rights Day (Dec 10) actions
- Get involved in the “Free All” campaign organized by the Canada Philippines Solidarity for Human Rights
- Get updates from these useful links: http://www.humanrightsphilippines.net/
  http://www.karapatan.org/node/471