

URGENT ACTION

PROTESTERS SEEKING RELIEF TO BE ARRAIGNED

Peaceful protesters, who had gathered to demand government aid during the COVID-19 community quarantine, were violently dispersed by the police on 1 April 2020, resulting in 21 protesters being arrested & detained. The protesters, who have since been released on bail, will be informed of the charges against them and expected to enter their plea on 28 August. We continue to call on the police to drop all charges against them as these are either contrary to international human rights law or carry penalties that will disproportionately affect the group and that the authorities investigate the police's use of force at the protest.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

PBGEN Ronnie S. Montejo
Director, Quezon City Police District
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Quezon City, Philippines 1101
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Email: dpcrdqcpd@yahoo.com; cc: prosecutoroffice123@gmail.com

Dear Police Brigadier General Montejo,

I am writing to express my concern about the ongoing prosecution, including the impending arraignment, of 21 residents of San Roque village, Quezon City who staged a peaceful protest on 1 April. The residents peacefully protested to call for government aid, after a supposed relief distribution by a private company did not happen. Because of the community quarantine that began on 17 March to address the COVID-19 pandemic, millions of Filipinos have been unable to earn a living.

The Save San Roque Alliance maintains that the police violently dispersed the protesters and hit people with wooden sticks. To date, there appears to have been no action taken by your department to investigate allegations of violence by the police force. I find it alarming that Philippine authorities have responded to the resident's pleas with violence, detention and potential criminal penalties.

The 21 individuals may face various charges, including "unlawful assembly" and "non-cooperation in a health emergency", with combined penalties of up to 20 months in jail and over PhP 1.1 million (USD 22,000) in fines each. Amnesty International calls on governments not to imprison people solely for breaching public health restrictions, which is a disproportionate measure in the current context. The charges are contrary to international human rights law or carry penalties with a disproportionate impact.

Furthermore, given the elevated risks of transmission of COVID-19 in certain places of detention, I wish you to consider that the enforcement of prison sentences is likely to further compound the public health problems caused by the pandemic and would fail to meet the test of necessity and proportionality.

I therefore call on your office to:

- **Drop all charges against the 21 residents of San Roque village, as the charges are either contrary to international human rights law or carry penalties that will disproportionately affect this group;**
- **Launch a prompt, independent and impartial investigation into the police's use of force, which may amount to torture or other ill-treatment, and bring anyone responsible to justice in a fair trial; and**
- **Ensure that all residents of San Roque have prompt and adequate access to food, medicines and other basic needs, and are empowered and supported to comply with the community quarantine.**

Thank you for your kind attention.

Yours sincerely,

ADDITIONAL INFORMATION

According to the group Save San Roque Alliance, on 1 April 2020, residents of San Roque village in Quezon City gathered along a portion of EDSA – a major highway in Metro Manila – upon receiving news that relief items were to be distributed there. When the distribution didn't happen, the residents stayed in the area to stage a protest to demand relief from the Quezon City government.

Members of the police supposedly asked the residents to leave the area and then, according to reports from civil society organizations and the police, resorted to force to disperse the protest and arrested those who refused to leave. The Save San Roque Alliance maintains that the police violently dispersed the protesters and hit people with wooden sticks. Amnesty International spoke to one leader of the group who said that victims included a man and his child, who were in the area to collect financial aid from his company whose office was also along EDSA.

A total of 21 protesters were detained at the headquarters of the Quezon City police. According to a group leader, relatives were prevented from talking or delivering food to them following several hours of detention. Five days later, on 6 April 2020, the 21 individuals were released after posting bail amounting to PhP 367,500 (USD 7,254) that was raised through donations. They face charges of “unlawful assembly”, “resistance to authority”, “spreading false information”, “non-cooperation in a health emergency” and “impeding road access”.

International human rights law allows for limitations on the right to peaceful assembly for the protection of public health, but restrictions need to be necessary and proportionate. In that sense, police must apply non-violent means before resorting to the use of force, which may be used only if other means have proven to be, or are likely to be, ineffective. Moreover, the absolute prohibition of torture and other ill-treatment is non-derogable, even at times of emergency.

Therefore, individuals should not be imprisoned solely for breaching restrictions imposed in the context of the COVID-19 pandemic. The implementation of fines can also have particularly adverse effects on specific groups, even if provisions are presented in neutral terms. In considering the application of fines for violating the conditions of the restrictions imposed, authorities must take into account the circumstances of groups at risk who may be disproportionately affected and consider alternatives to alleviate the disproportionate impact of fines.

The residents said they launched the protest after they did not receive any form of relief from the government. The local government of Quezon City has disputed this, and said that while relief distributions were ongoing, it will review the list of recipients to ensure no one is left out. In responding to COVID-19, the government has promised P200-billion cash aid for the poor, many of whom have lost their means of income under the lockdown. The cash aid includes provision of a monthly allowance of USD 100-158 to those in need, but the distribution has been riddled with delays and other alleged anomalies. On 19 June 2020, the government said nearly 300 local officials were being investigated for these anomalies and may face charges.

PREFERRED LANGUAGE TO ADDRESS TARGET: English

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 28 August 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: They/them

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa35/2127/2020/en/>