

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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PHILIPPINES: JOURNALISTS FACE JAIL AS VERDICT EXPECTED IN BASELESS TRIAL

Ahead of the verdict on the cyber libel case against former journalist Reynaldo Santos Jr and Rappler editor-in-chief Maria Ressa, Amnesty International reiterates its concerns that the pair are being prosecuted on politically-motivated grounds simply for the peaceful exercise of their right to freedom of expression. The verdict, due on 15 June 2020, follows the Philippine government's disturbing moves to shut down the country's largest media agency, ABS-CBN, in May 2020. The organization calls on the Philippine authorities to immediately halt its crackdown on media freedom, journalists, and critics of President Rodrigo Duterte's administration and its deadly "war on drugs".

The authorities must allow journalists and independent media houses to freely operate and carry out their work without any threats, intimidation and harassment.

The case against the two stems from an investigative article by Santos, published on 29 May 2012, which alleges that former Chief Justice Renato Corona used a vehicle owned by businessman Wilfredo Keng who had suspected links to illegal drugs and human trafficking. Seven years later, on 13 February 2019, Ressa was arrested by the National Bureau of Investigation and detained overnight before being granted provisional release on bail, after the Department of Justice had accused Ressa and Santos of cyber libel under the Cybercrime Prevention Act 2012 that carries a penalty of up to eight years in prison. The article was published more than three months before the Act was passed into law. After the trial began on 23 July 2019, the court concluded its examination in December, in what is believed to be one of the fastest libel trials in recent times.

Ressa, Santos, Rappler's managing director Glenda M. Gloria, and Rappler's board members collectively face several other lawsuits and investigations, including for alleged tax violations and violations of the prohibition against foreign control over mass media.

Rappler has been a consistent critic of President Duterte and his administration, publishing detailed investigations into some of the thousands of extrajudicial killings of poor and marginalized people committed by police and unknown armed persons during 'war on drugs' operations. The Philippine government's persistent persecution of Ressa, Rappler, and Rappler's board members and a former journalist are politically-motivated. These actions are particularly reprehensible and detrimental not only to media freedom, but the Philippine public's right of access to relevant and accurate information.

The attacks against Rappler reflect a wider government crackdown on media freedom and the right to freedom of expression. President Duterte has repeatedly attacked ABS-CBN for reportedly falling to run his paid political campaign advertisements during the 2016 elections, and claimed that the network's reporting was biased against him and his administration. On 5 May 2020, the National Telecommunications Commission ordered ABS-CBN to halt its TV and radio broadcasts, following several unsuccessful attempts to renew the network's franchise to operate, which had expired on 4 May 2020. ABS-CBN has produced numerous investigative reports highlighting extrajudicial executions and other human rights abuses committed as part of the government's anti-drugs war. Amnesty International believes that the closure of ABS-CBN is politically-motivated and sets an alarming precedent in violation of the right to freedom of expression, media freedom and the public's right of access to information.

The government has also suppressed peaceful criticism during the COVID-19 pandemic. The National Bureau of Investigation summoned individuals suspected of spreading "fake news" related to COVID-19, citing the Bayanihan to Heal as One Act, which grants special powers to the President to address the pandemic. However, human rights groups said these individuals included those who were merely airing their grievances online. A Cebu City-based artist was arrested without a warrant in April 2020 over a Facebook post that police considered to be "fake news". A Philippine government official also sought but failed to deport from Taiwan a Filipina worker for her criticism of President Duterte and the Philippine government's response to the pandemic.

Several United Nations Special Rapporteurs have raised concerns about “a pattern of intimidation” of independent news sources in the Philippines.¹ As a state party to the International Covenant on Civil and Political Rights, the government must uphold its commitments to human rights and halt any ongoing criminal and civil proceedings against media outlets, journalists, and peaceful critics of the Duterte administration and its “war on drugs”. All threats, intimidation, harassment, and obstruction of media work by authorities must immediately cease. Until the work of independent media is upheld, other governments should continue to put pressure on the Philippine authorities to meet its international legal obligations to respect, protect, promote and fulfil the right to freedom of expression and information, and media freedom.

BACKGROUND

In all, Ressa, Santos, and Rappler’s board members collectively face several court cases: the cyber libel case, tax-related charges, and charges for violating the Anti-Dummy Law, which limits mass media ownership to Filipinos and Filipino-owned corporations, and the Securities Regulation Code. All cases remain pending at various courts.

Since 2019, ABS-CBN, the country’s largest media conglomerate, filed several applications for the franchise renewal to Congress, but the applications were not considered and the closure was ordered by the National Telecommunications Commission. While the Commission claimed the order was in line with domestic law, such an order has never been issued before and other media agencies have been granted a temporary license pending the renewal of their franchise. Prior to the Commission’s closure order, the Solicitor-General filed a petition to revoke its franchise in February 2020, after the President threatened to shut the network down.

The Bayanihan to Heal as One Act, which grants President Rodrigo Duterte special powers to address the pandemic, includes a provision that punishes “creating, perpetuating or spreading false information” with up to two months in prison, or up to 1 million Philippine Pesos (approx. USD 19,800) in fines, or both.

¹ See for example Rupert Colville, “Press briefing note on Philippines and South Sudan,” 15 February 2019, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24171&LangID=E>