

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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PHILIPPINES: END ATTACKS AGAINST INDIGENOUS PEOPLES

Amnesty International is deeply alarmed by the series of escalating attacks against Indigenous peoples in the Philippines. The organization calls on the Philippine government to put a stop to violence, arrests and harassment perpetrated against Indigenous peoples. The government should launch prompt and impartial investigations into these attacks, and prosecute and bring to justice those found responsible in proceedings in line with human rights standards regarding due process. It should also take concrete steps to ensure the protection, security and well-being of all Indigenous peoples, including those risking their lives to call attention to human rights violations in their communities and fight for Indigenous peoples' rights.

Farmers Japer Gurung and Junior Ramos of an Aeta community in Zambales province have been detained since August 2020 on charges of terrorism under the newly enacted Anti-Terror Law (ATA) and for illegal possession of firearms. The two farmers, considered to be the first to be charged under the ATA, also alleged to being tortured by soldiers for several days to force them to confess to being members of the New People's Army. The Armed Forces of the Philippines denies these allegations. The two were accused by the military of killing a soldier, but according to their lawyers, they were fleeing for safety following clashes between the military and New People's Army in their town of San Marcelino. Two female minors from the same community also remain detained and face charges of illegal possession of firearms and explosives.

Amnesty International is deeply concerned that the terrorism charges against Gurung and Ramos may be trumped up - brought by the military against unarmed Indigenous people seeking to flee violence, in retaliation for the death of a soldier. The organization is also alarmed by the charges of illegal possession of firearms against the four Aetas. Such charges have repeatedly been used as a method of arresting and detaining those perceived to be supporters of the New People's Army, human rights defenders or government critics, without credible evidence.

On 2 February 2021, Gurung and Ramos filed a petition before the Supreme Court joining the petitions of over 30 other civil society organisations challenging the enactment of the ATA. On 9 February, Philippines Solicitor General Jose Calida announced that the Aetas wished to withdraw their petition. However, their counsel from the National Union of People's Lawyers denied being informed about this and expressed fears that they may have been pressured. The Supreme Court subsequently said it had dismissed the petition before the Solicitor General announced the Aeta farmers' alleged withdrawal. A discussion about the farmers future counsel is currently ongoing.

On 20 January 2021, Cordillera police chief R'win Pagkalinawan issued a "shoot-to-kill" order against prominent Indigenous peoples' rights activist Windel Bolinget, the chairperson of the Cordillera Peoples Alliance, a group that works for the rights of Indigenous peoples to ancestral land, self-determination and socio-economic services. The threatening order stems from a murder charge that Bolinget is awaiting trial for that was filed in 2020 in relation to the killing of an Indigenous leader in Davao del Norte province, in 2018. Amnesty international believes that the murder charge against Bolinget may be politically motivated, and part of a well-established pattern of harassment by the Philippine authorities against him. Over the years, Bolinget and the Cordillera Peoples Alliance have repeatedly attracted the ire of local authorities for their successful campaigning against mine, dam and logging projects that may have a detrimental impact on Indigenous peoples in the Cordillera region.

AMNESTY INTERNATIONAL PUBLIC STATEMENT

In 2018, Bollinget was included on a list of over 600 names that the Philippine authorities sought to declare as “terrorists” under the former Human Security Act. The list included other prominent human rights defenders including the former UN Special Rapporteur on the Rights of Indigenous Peoples. The names were eventually removed after an outcry. Threats against Bolinget and his work have escalated over the past year. Since early 2020, he was increasingly vilified on social media, and repeatedly accused, without evidence, of being a member of the New People’s Army. In December 2020, his image appeared on flyers scattered in his neighbourhood, again accusing him of being linked to the armed insurgency. Bolinget surrendered to local authorities on 21 January 2021 and is currently under the custody of the National Bureau of Investigation and the Department of Justice, from which he sought protection.

On 30 December 2020, police and military officers reportedly forcibly entered the houses of targeted members of the Tumandok community in Panay Island, central Philippines, at 4 in the morning. They were allegedly part of the Synchronized Enhanced Management of Police Operations established by the Philippine National Police and claimed to be serving arrest warrants for illegal possession of firearms and explosives, a non-bailable charge that has repeatedly been used by the government to detain activists and human rights defenders indefinitely. Nine individuals were killed – Eliseo Gayas Jr., Roy Giganto, Mauro Diaz, Arcelito Katipunan, Mario Aguirre, Jomer Vidal, Dalson Catamin, Reynaldo Katipunan, and Rolando Diaz Sr. The police maintained the victims resisted arrest and fought back – the usual narrative for killings during police operations, including those under the government’s deadly “war on drugs,” but eyewitnesses claim that many of the victims were sleeping at the time of the raid. At least 16 others were arrested and charged after going missing for several days. 12 Tumandok people are still detained, after 4 were released on bail. All those who were killed and arrested were actively resisting increased military presence in their areas, as well as the construction of the Jalaur Mega Dam project that may affect many indigenous communities and displace thousands of Tumandok people. In January 2021, the police vowed to look into possible lapses committed during the raid, but nothing has to date been made public about this investigation.

Amnesty International is concerned that in all of the above cases, all those prior to being killed or arrested and detained, were “red-tagged” by government security forces – that is, they were accused of being members or supporters of the Communist Party of the Philippines and its armed wing, the New People’s Army. However, the government has repeatedly failed to prove that those who have been “red-tagged” - which include hundreds of Indigenous peoples - have taken up arms to rebel against the government or committed other criminal acts.

The organisation reiterates that simply believing in communism as an ideological stance is not a criminal act under domestic law and cannot be used as a justification to target any individual or group. Under the Duterte administration, “red-tagging” has increasingly been used by senior officials, including Antonio Parlade Jr., executive director of the controversial National Task Force to End Local Communist Armed Conflict (NTF-EICAC) to harass and intimidate those critical of the government, including those belonging to Indigenous peoples’ groups, resulting in killings, threats and harassment, and arbitrary arrests and detention of peaceful dissenters and human rights defenders.

In 2007, the Philippine government voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), with the Duterte administration reaffirming in 2017 its commitment to implement the Declaration. Amnesty International strongly urges the Philippine government to keep to its commitments under the UNDRIP and promote, respect and protect the rights of all Indigenous peoples.

AMNESTY INTERNATIONAL PUBLIC STATEMENT

The government should also work toward creating an environment that supports and enables them to carry out their human rights work without fear of reprisals.

Amnesty International calls for the authorities to ensure the charges against Gurung and Ramos, as well as the two minors are dropped, unless there is sufficient evidence to sustain them. While detained and during any subsequent prosecution, their rights, including fair trial guarantees, access to lawyers, and protection from torture, inhuman and degrading treatment, must be ensured. The organization also calls on the authorities to investigate allegations of multiple violations, including grave allegations of acts of torture against Gurung and Ramos, as well as the fabrication of evidence, committed by the security forces, thoroughly, impartially and effectively. Those suspected of criminal responsibility for violations must be prosecuted in accordance with the state's due process obligations.

The organization calls for the murder charge against Windel Bolinget to be dropped, unless there is credible evidence against him. The "shoot-to-kill" order against him must also be withdrawn and investigated, and those responsible for this grievous threat held responsible. The government should also ensure the safety and security of Bolinget and his family, and guarantee his rights to due process and fair trial.

Finally, the Philippine government should independently and effectively investigate the killing and detention of Tumandok leaders, and prosecute and bring to justice those found to be responsible for human rights violations. Amnesty International calls on the government to ensure an immediate and effective investigation into the killings, with a view to clarifying the circumstances of the incidents, and assessing whether there were legitimate grounds for the use of lethal force. Those arrested must be immediately and unconditionally released unless there is credible evidence against them.