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Indigenous, peasant activists in Northern Mindanao charged with trumped up anti-terror case

Dear friends,

The Duterte government stepped up its attacks against activists and dissenters. In Mindanao, in two separate but related incidents, leaders and members of a local farmers group and an indigenous organization were illegally arrested and spuriously charged with illegal possession of firearms and explosives, rebellion, and violations under the Human Security Act (HSA) or the Anti-Terror Law.

The Human Security Act, or RA 9372, is the Philippines's answer to the anti-terror backlash over the September 11, 2001 attack at the World Trade Center in New York. This law was passed in 2007 amid criticisms on its possible dire impacts on civil and political rights of Filipino citizens and its use against those critical of government. One of the major views levelled against the anti-terror law was its weak and vague definition of "terrorism," which may encompass legitimate redress of grievances like union strikes, public rallies and the like. Also, a suspected "terrorist" may be arrested without a warrant, and detained indefinitely without charges. His assets may be frozen and, when convicted, may be incarcerated for 40 years without parole.

Worse, the Duterte regime is fashioning even more rigid and draconian modifications to the HSA. Proposed amendments to the HSA contain very dangerous provisions including longer detention periods for suspected terrorists and legitimization of a wide array of surveillance operations. Unsatisfied, this government is also proposing to remove accountability mechanisms that may deter security officials from arbitrarily using the law. Certainly, given the human rights record of this government, its abusive state forces, and its propensity to subvert the law, the HSA and its amendments will be overturn many safeguards ratified to protect our rights and will further legitimize repression. Please see link for more information on the HSA and its proposed amendments:

[https://www.karapatan.org/Position+Paper+on+the+Proposed+Amendments+to+the+Human+Security+Act+of+2007+\(Draft+Substitute+Bill+to+House+Bills+7141+and+5507\)](https://www.karapatan.org/Position+Paper+on+the+Proposed+Amendments+to+the+Human+Security+Act+of+2007+(Draft+Substitute+Bill+to+House+Bills+7141+and+5507))

In Mindanao, where martial law remains in place for almost two years now, the Duterte government has begun to widen its legal arsenal by using the HSA against legitimate dissenters. The government is perpetuating a human rights crisis situation in Mindanao, in an attempt to curtail the rights of human rights defenders. If unchallenged, the use of the HSA in the regime's legal offensive will set a dangerous and perilous precedent, particularly in congruence with operations under the Inter-Agency Committee on Legal Action (IACLA). We thus enjoin all organizations and individuals to expose this blatant attempt at subjugating our rights and legalizing outright violations to the people's rights. This cannot be the new norm. Join us in calling for the immediate dismissal of the trumped-up terrorism charges against local and community leaders, and in opposing the HSA and its proposed amendments.

Account of the Incidents

On January 28, 2019, **Datu Jomorito Goaynon**, from the Lumad tribe Higaonon and leader of Lumad (Indigenous Peoples) organization Kalumbay, and **Ireneo Udarbe**, a peasant organizer, were on their way to Talakag town in Bukidnon to meet Reynaldo Itong, a staff of the Kilusang Magbubukid ng Pilipinas – Northern Mindanao Region, a local chapter of the national farmers organization. However, by noon, Itong became worried when Goaynon and Udarbe did not respond to any of his phone calls. The staff of KMP and Kalumbay began calling relatives and friends of the two, but none of them knew their whereabouts. They eventually released a public advisory that the two activist leaders were missing.

Early in the morning of the following day, January 29, a concerned citizen relayed information that he/she had seen the police arrest two people at a checkpoint. Karapatan eventually received a confirmation that Goaynon and Udarbe were with the Philippine National Police Criminal Investigation and Detection Group Regional Field Unit 10 in Camp Evangelista, Brgy. Patag, Cagayan de Oro City.

According to Goaynon and Udarbe, they were on a jeepney when men in civilian clothes stopped the vehicle as they passed the intersection going to Camp Evangelista, a Philippine Army camp in Brgy. Patag, Cagayan de Oro City. They were dragged outside the jeep without being presented with any warrant by the unknown men, and their bags deliberately taken by one of them. They were brought to the office of the Philippine National Police Criminal Investigation and Detention Group (CIDG) in Camp Evangelista. After a few minutes, they were brought back to the intersection where they were arrested. They saw that their bags were already in a Toyota Innova vehicle. They were inspected in the presence of barangay officials and here, the CIDG alleged that they “found” grenades, gun and ammunition. The CIDG then took photos of these so-called evidence.

Goaynon asked the authorities if he can call his relatives to inform them that they were arrested, but his plea was disregarded. The CIDG 10 then released a statement that the two were arrested and that they had a warrant of arrest for the two. However, the warrant they were referring to did not include Goaynon. It was also for a case wherein Udarbe had already posted bail on January 10, 2019.

Currently, Goaynon and Udarbe are facing trumped-up charges of illegal possession of firearms and explosive, violation of the election gun ban, rebellion and violations of the HSA and are presently detained at the CIDG office inside Camp Evangelista.

To add insult to injury, the office of the Misamis Farmers Association, a member of the KMP-NMR, was raided on January 30, right after a press conference on the cases of Goaynon and Udarde. Leaders and staff in the said office were also arrested.

Among those arrested were Gerry Basahon, 48, chairperson of the Misamis Oriental Farmer’s Association (MOFA), Gerald Basahon, chairperson of the Gingoog City United Farmer’s Association, a member organization of MOFA. Gerald is also a council member of the Kilusang Magbubukid ng Pilipinas – Northern Mindanao Region.

According to accounts, Gerry and Gerald went back to their office in the afternoon after the press conference. In the office with them were staff members Mylene Coleta, 19, her two-year old nephew, Rojeme Karl Manseguiao, Marivic Coleta, 21, sister of Mylene and also a MOFA member who was breastfeeding her one-year old son. Also with them was the 16-year old girlfriend of their brother.

Suddenly, they saw soldiers in full military uniform and carrying long firearms jumped over their fence. One of the soldiers pointed his gun at Gerald, while they tied Gerry with a plastic cord. When Mylene started to invoke their rights, a soldier pointed his gun at

the child and told Mylene, “Don’t speak. You don’t have a right.” Gerald was also manhandled, ordered to lie face down on the floor. One of the soldiers stepped on his back, dragged him out of the room, forced against a wall and was commanded not to look at what the soldiers were doing in the house.

Marivic, her child and the 16-year old girl were brought to the second floor of the office . A soldier stepped on the baby’s leg and he started to cry. When Marivic attempted to get the baby, the soldier told her that he would shoot the baby if she would take it. The soldier also aimed the barrel of his gun at the baby’s face. Marivic saw that another soldier placed something in the size of a fist inside the bag of the 16-year old girl, which was in her line of vision from the floor.

All of them were then brought outside the house. When the supposed witnesses, the barangay or village officials came, the police read their warrant and all went inside to do a “search,” finding the evidence that the soldiers planted earlier.

The “search” supposedly yielded a taped grenade inside the baby’s bag, a caliber .45 gun under the baby’s pillow and a grenade inside the 16-year old’s bag. In the kitchen, the CIDG allegedly retrieved another bag, which contained a long wire and some materials the women could not identify. This was the bag Gerry saw a soldier carrying earlier in the raid.

The four MOFA staff, the two children and one minor, were brought to the police station. Marivic was prevented from breastfeeding her child who was taken by the social services personnel, saying they would only release the children if a relative would come to take them in.

Gerry and Gerald Basahon, Mylene and Marivic Coleta, now face trumped-up charges for allegedly possessing firearms, explosives, subversive data, and charges under the HSA.

By using the anti-terror law against human rights defenders, the Duterte government is adding another layer of impunity to its list of crimes against the people. Aside from extrajudicial killings, bombings, forced evacuation, the criminalization of activism has come to a new low – trumped up charges linked to terrorism and terrorist-labelling.

We enjoin you to defend the human rights defenders unjustly imprisoned based on these trumped up charges.

Recommended Actions

We call on the Philippine government to:

1. Immediately release of Jomorito Goaynon, Ireneo Udarbe, Gerry Basahon, Gerald Basahon, Mylene Coleta, Rojeme Karl Manseguiao, and Marivic Coleta, and dismiss the respective trumped-up charges filed against them;
2. End the criminalization of the work of rights defenders and community leaders through filing of fabricated non-bailable criminal charges against activists or persons targeted by the military and other state security forces, commonly supplemented by acts of harassment, planting of evidence, perjured testimonies, among others;
3. Rescind the Human Security Act of 2007 and its proposed amendments as these contain provisions that legitimize repression and are detrimental to the realization of people’s rights;

4. Abolish the Inter-Agency Committee on Legal Action (IACLA) which has been largely utilize to criminalize activists, human rights defenders, community leaders, and members of progressive organizations;
5. Prioritize the enactment and full implementation of a Human Rights Defenders Protection Bill that will safeguard rights defenders in the conduct of their work, in accordance with the UN Declaration on the Rights of Human Rights Defenders;
5. Withdraw its counterinsurgency program Oplan Kapayapaan, which victimizes innocent and unarmed civilians, and members of progressive organizations; and
6. Adhere and respect the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, and all major Human Rights instruments that it is a party and signatory.

We urgently appeal for your support and solidarity through:

1. Issuing statements of solidarity for circulation to the public and media circles. Publish these on your websites, social media platforms among others. Please send a copy to karapatan@karapatan.org.
2. Reporting malicious posts on social media and flagging said posts, users, and pages as false news or hate speech.
3. Conducting or joining mass actions and campaigns to support rights defenders under attack.
4. Assisting efforts to raise financial and material support for the legal defense and safety fund for the activists and human rights defenders. Please email karapatan@karapatan.org on the details.
5. Informing and lobbying with officials of government and inter-governmental bodies in other countries.

You may send your communications to the following Philippine-based authorities:

Mr. Rodrigo Duterte
President of the Republic
Malacañang Palace,
JP Laurel St., San Miguel,
Manila, Philippines 1005
Voice: (+632) 564 1451 to 80
Fax: (+632) 742-1641 / 929-3968
E-mail: op@president.gov.ph or send message through <http://op-proper.gov.ph/contact-us/>

Carlito G. Galvez Jr.
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7/F Agustin I Building, F. Ortigas Jr. Road,
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Ret. Maj. Gen. Delfin Lorenzana
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Please send us a copy of your email/mail/fax to the above-named government officials, to our address below:

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