

Activists are not terrorists: the criminalisation of human rights defenders in the Philippines

As in many other areas of the world, Philippine Indigenous Peoples are being forced to defend their territories from extractivism; however, the main problem they are facing here is the State's attempt to criminalise them through accusations of terrorism. Massacres, persecution of leaders, illegal arrests, false evidence and police and military repression are just some of the emerging consequences of the new Anti-Terrorism Law.

By Signe Leth - 1st March 2021

The Cordillera region lies in the north of Luzón, the largest island of the Philippines, and is characterised by fertile mountains with a subsoil rich in natural resources. Its population of 1.7 million largely comprises Indigenous Peoples from eight different major ethno-linguistic groups, collectively known as the *Igorot*. The Indigenous Peoples of the Philippines have retained much of their pre-colonial traditional culture, social institutions, livelihood practices and ways of life. They generally live in geographically isolated areas, without access to basic services and with few economic, educational or political opportunities.

The conflict has arisen because the forests and rivers of this region contain most of the country's natural resources. Their high commercial value means that extractivist projects and land grabbing is taking place in violation of Indigenous rights and despite the existence of progressive laws such as [Law of the Republic No. 8371](#), known as the Indigenous Peoples' Rights Act (IPRA). Although this law was enacted in 1997 and received international praise for promoting respect for Indigenous cultural integrity, land rights and self-determination, [its full implementation has yet to be achieved](#).

Extractivism, criminalisation and the Anti-Terrorism Law

Large-scale mining began in the early 1900s. The settlers realised the existence of the minerals by observing how Indigenous communities practised this small-scale activity as part of their traditional means of subsistence. Today, it is one of the greatest threats to the Indigenous Peoples of the Cordillera who are suffering from a degradation in the quality of their farmland as a result of the numerous mining concessions the Philippine state has granted to foreign companies.

In addition, the Ministry of Environment is indiscriminately awarding wind, geothermal and hydroelectric power project concessions in the area, forming a threat to the land and the peoples' way of life. While some companies claim to practise free, prior and informed consent, as required by law, in truth these processes are characterised by corruption and threats. There are currently more than 100 mining applications covering 630,350 hectares and more than 100 hydroelectric and geothermal energy projects in place, despite opposition from Indigenous communities.

In addition to natural resource extraction, Indigenous Peoples in the Philippines are facing serious problems of militarisation, harassment, violence and criminalisation. There are eight brigades, five battalions and at least one national police platoon deployed in each of the Cordillera region's six provinces. To this must be added the paramilitary groups and private armies that camp out in schools and public buildings, intimidating community members, monitoring their every move and limiting freedom of assembly, expression and movement.

[Village leaders are accused of being part of the armed opposition, the so-called New People's Army \(NPA\)](#), and suffer unjustified arrests, extrajudicial killings and illegal surveillance. Since the failure of the peace negotiations, President Rodrigo Duterte has declared open war on the NPA. Unfortunately, mass demonstrations calling for the dialogue to continue have fallen on deaf ears.

The conflict worsened [on 3 July 2020 when Congress passed an Anti-Terrorism Law, signed off by the President](#). The vague way in which "terrorism" is defined in this law

means that it violates the right to free speech, bans the right to protest, and sets harsh penalties for alleged acts of terrorism, including life imprisonment without parole.

Continuing this repressive path, the government has also established an Anti-Terrorism Council (ATC) with the power to “designate” individuals and label organisations “terrorist”. The ATC may order the arrest of individuals without a formal warrant, holding them in unspecified facilities and without formal charge for a period of 14 to 24 days. [Quite apart from the unconstitutionality of this provision, the sole purpose of this law is to halt and prevent legitimate protest and to restrict fundamental rights and freedoms.](#)

An alliance to defend themselves from political repression

The [Cordillera Peoples’ Alliance](#) (CPA) is an organisation that has been fighting for Indigenous rights since 1984 and whose mission is to defend the ancestral land and self-determination of Indigenous Peoples. The CPA was the result of a [successful campaign against the World Bank-financed Rio Chico dam project](#) and against the forestry activities of the Cellophil Resources Corporation.

It was founded during the Marcos dictatorship, a period marked by a proliferation of extractive projects, infrastructure development, strong militarisation and constant political repression under the guise of anti-insurgency activity. Three decades after the overthrow of dictator Marcos and 23 years after the enactment of the IPRA, however, Indigenous communities throughout the Philippines continue to suffer the same problems.

Today, the Cordillera Peoples’ Alliance is an illustration of how Indigenous communities can mobilise to defend their lives, their dignity and their ancestral domains. Their work with the communities includes legal support, fact-finding missions, solidarity and support to evacuate activists in danger, plus emergency assistance to communities. It also advises communities on their resistance: building barricades, forming strategic alliances, drafting petitions and organising mass rallies.

The CPA has been receiving threats, intimidation and harassment both online and in person for a long time. Its leaders have been branded terrorists on the Internet and have even been arbitrarily arrested: while most have since been released on bail, [Kalinga leader, Betty Belen, is still in detention](#). The objective of the attacks is not only to discredit these leaders and delegitimise their organisation but also to silence the peoples' legitimate complaints.

The persecution of Windel Bolinget

The harassment and smear campaigns intensified in the last quarter of 2020. [The attacks were aimed particularly at Windel Bolinget, President of the CPA](#). In December 2020, an arrest warrant was issued against Windel for murder: the charge was false since the victim was an Indigenous leader fighting a hydroelectric project in Mindanao, a place Windel had never visited. Aware of the lack of independence of the justice system, Windel went into hiding.

In January 2021, a "shoot-to-kill" order was issued and posters put up around his neighbourhood offering a USD 2,000 reward to anyone who could lead police to his whereabouts. On 21 January 2021, Windel turned himself in to the National Bureau of Investigation (NBI) as a security measure and in order to prove his innocence of the false murder charge against him. The Cordillera Peoples' Alliance has clarified that Windel did not submit to custody as an act of surrender but to gain access to legal services and to challenge this charge.

The UN recently issued a press statement in his favour: "From information we have received, Mr Windel Bolinget has been falsely accused of being implicated in a murder of an Indigenous leader in a province he has never even been to," said Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders. Noting that [the charge should be dropped](#), the statement added: "Human rights defenders in the Philippines continue to be red-tagged, labelled as 'terrorists' and ultimately killed in attempts to silence them and delegitimise their human rights work. This must end."

As the UN notes, Windel Bolinget's case is not unique. There is a worrying trend in the Philippines whereby Indigenous leaders who defend their rights and territories are

being attacked. First, they are slandered and libelled through fake news campaigns and hate messages that accuse them of being terrorists or individuals lacking in morals. Once their reputation has been tarnished through social media, they disappear or are murdered against a backdrop of social indifference.

Criminalisation, arrests and murders

The *modus operandi* of the Philippine government is well-known: criminal charges are brought against Indigenous leaders and members, false evidence of (for example) firearms and explosives is planted to support the accusation and, finally, illegal arrests are made and due process denied.

Among the recent victims, the best known is Uma village leader Beatrice Belen, who was active in the struggle against Chevron's geothermal project in her community. Following an unlawful search, she was arrested on 25 October 2020 on trumped-up charges of illegal possession of explosives. Another leader illegally arrested is Gloria Tumalon, a Manobo Indigenous activist and mining opponent. She was arrested on the island of Mindanao and [is one of 468 people accused of being a member of the New People's Army](#).

Human rights violations have reached unprecedented levels. Four members of the Aeta Indigenous community in Zambales province were illegally detained by the military and subjected to torture, including force-feeding them faecal matter. Criminal charges were filed against them, including illegal possession of firearms, ammunition and explosives. [These are the first known criminal charges to be brought using the new 2020 Anti-Terrorism Act](#).

The most recent event took place on 30 December 2020 on the island of Panay when nine Tumandok Indigenous leaders were massacred during a joint operation by the Philippine National Police, the Army and the Criminal Investigation and Detection Group. Sixteen other Tumandok Indigenous persons were detained during the same operation after having firearms and explosives planted on them as false evidence. [The victims had been resisting the construction of the Jalaur and Pan-ay megadams: reason enough to be labelled as members of rebel groups](#).

Counterinsurgency focused on Indigenous Peoples

The counterinsurgency programme that has been in place since the 1980s was scaled up in 2020. Its objective is to crush the armed resistance on the ground and to stop the support allegedly coming from progressive non-governmental organisations based in urban areas. In this process, the government has marked out Indigenous Peoples' organisations and NGOs as legal fronts for the Communist Party of the Philippines and the New People's Army (CPP-NPA). As a result, [Indigenous defenders are branded "communists" or "terrorists"](#) in the media and in State propaganda.

Military intelligence reports state that Indigenous communities are the main supporters of the CPP-NPA. The military is therefore targeting Indigenous Peoples nationwide: Indigenous organisations, their leaders, support NGOs and defenders are all continuously persecuted and publicly defamed. This has been reflected in a notable increase in violations of individual and collective Indigenous rights.

The national government's persecution involves all three branches of government, the law, the military, the courts, the police and local government. This labelling as "terrorists" only worsened during the COVID-19 pandemic and all indications are that it will intensify with the implementation of the new Anti-Terrorism Act of 2020. The Armed Forces have even created numerous Facebook accounts to spread fake news about Indigenous leaders.

In its work to resist extractivism, land concentration, the militarisation of its ancestral territories and to defend Indigenous rights, the Cordillera Peoples' Alliance is seeking the support of the international community. Slogans such as "Stop the killings" and "Activists are not terrorists" are already spreading around the world in an effort to get the Philippine state to stop its attacks and to drop the trumped-up charges against Windel Bolinget and Betty Belen.

Signe Leth is Senior Advisor to the International Work Group for Indigenous Affairs (IWGIA) on Indigenous women and land rights in Asia.