

State Terrorism

Primer on Human Security Act

Communist Party of the Philippines

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How must the people confront the Human Security Act of 2007?

**A primer prepared by the Information Bureau of the Communist Party of the Philippines
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Introduction

Since 2001, the Filipino people's strong and widespread opposition has blocked attempts by the US-Arroyo regime to enact an "anti-terrorism" law. Despite such opposition, however, the Arroyo regime has insisted on enacting such a law and has considered this a priority since October 2005 in compliance with the dictates of its US imperialist master and as a means of clinging to power.

US President George W. Bush has likewise been pushing for an "anti-terrorism" law in the Philippines patterned after the US Patriot Act. The US wants to have a legal instrument in the Philippines that would serve as an extension of its international "war against terrorism." US Director for National Intelligence John Negroponte even came to the Philippines in December 2005 to push for the prompt enactment of such a law.

Following US desires, Arroyo fast-tracked the enactment of an "anti-terrorism" law to coincide with the adoption by the ASEAN of a Convention on Anti-Terrorism during its summit in Cebu.

It was the Marcos dictatorship's fascist defense minister Juan Ponce Enrile who authored the "anti-terrorism" bill. It was dubbed the "Human Security Act" (HSA) to conceal its viciousness. The Senate passed the bill on February 8, 2007 in a special session called by Malacañang and Congress passed it on February 19. Arroyo eagerly signed the bill into law on March 6.

Most senators voted in favor of the bill, including Sen. Aquilino Pimentel who did so after the approval of 96 out of 98 amendments he had proposed. Pimentel believed that the law had been defanged with the insertion of his amendments.

The amendments are, in fact, just token in nature. They merely sugarcoat HSA provisions granting the Arroyo government broad powers to sow state terrorism even as the regime had wanted much more. One example is the martial law power to detain a suspected "terrorist" for up to three days without charges

In the Senate, only Sens. Consuelo “Jamby” Madrigal and Mar Roxas voted against the HSA. Madrigal likewise filed a pe-4 State Terrorism tition against the HSA before the International Parliamentarians Union and the United Nations Office of the High Commissioner on Human Rights (UNOHCHR). The UNOHCHR has responded by stating that the HSA violates the United Nations Universal Declaration of Human Rights and its conventions, particularly the International Covenant on Civil and Political Rights. The UNOHCHR has likewise expressed concern that the law would trample on human rights in the Philippines.

On March 12, Martin Scheinin, the United Nations Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism called on the Arroyo government and Congress to review the law and amend it if not abrogate it altogether even before it takes effect.

Opposition to the HSA continues to broaden. Archbishop Angel Lagdameo, president of the Catholic Bishops Conference of the Philippines appealed to Arroyo this June 9 to reconsider the HSA. Senator Madrigal has filed a bill to junk the HSA, which she called the most dangerous piece of legislation ever enacted by the Philippine Congress. Meanwhile, various lawyers’ groups are planning to file a petition before the Supreme Court to repeal the HSA.

Despite such widespread opposition, Arroyo has obstinately declared that the HSA will be implemented as soon as it takes effect on July 15.

What is the Human Security Act?

THE HSA is a law that stipulates penalties for the crime of “terrorism.” It is the first-ever Philippine law on “terrorism.”

The HSA defines as “terrorism” various crimes already mentioned in the Revised Penal Code as well as other laws and decrees if such acts were done “to sow and create conditions of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand.”

Among the criminal acts to be considered as “terrorism” as defined by the HSA are piracy, rebellion or insurrection, coup d’état, murder, kidnapping, serious illegal detention, destruction of property, arson, hijacking and illegal possession of firearms. Those adjudged guilty will be meted 40 years’ imprisonment (the equivalent of a life sentence) without the benefit of parole, while accomplices will be meted 17-20 years’ imprisonment.

What is the essence of the HSA?

IT is extremely ironic that the anti-terrorism law has been dubbed the “Human Security Act” with the alleged objective of “protecting the people and state against terrorism.” In fact, the HSA’s ultimate objective is to enable the state to further sow fascist terrorism against the people.

The HSA is essentially a rabidly fascist law, through which undeclared martial law may be imposed. It grants broad powers to the reactionary state to use fascist instruments (the military, police, the courts and prisons) to sow more intense, widespread and open terrorism against the people.

The HSA has overextended the definition of “terrorism,” thus making it possible even for legitimate expression or the conduct of street demonstrations to be considered “terrorist” crimes on the pretext that such acts “create extraordinary fear and panic.”

Based on the HSA, legitimate organizations may be proscribed by branding them “terrorist” or charging them with maintaining links with, or providing assistance to, other “terrorists.”

The HSA’s principal goal is to utilize the state’s full coercive power to suppress the patriotic, democratic and progressive forces and stifle struggles in the legal and parliamentary arena. Its enactment forms part of the Arroyo regime’s existing overall counterrevolutionary campaign under Oplan Bantay Laya II.

In the international context, the HSA likewise forms part of the terrorist war being waged by US imperialism in various parts of the world, including the Philippines. The US considers the Philippines as the “second front” in its worldwide “anti-terrorist war.”

***What are the HSA’s main provisions?_**

THE HSA is replete with provisions that directly trample on civil and human rights. Foremost among these are the following:

Surveillance. The HSA expands the state’s right to conduct surveillance against organizations categorized as “terrorist” or on suspected “terrorists.” The HSA shunts aside even the limited protection provided by the Anti-wiretapping law.

Even those suspected of aiding or supporting suspected terrorists may be placed under surveillance by the police by wiretapping their private communications.

Legalizing the surveillance of suspected “terrorists” and blocking and recording conversations and other communication among themselves and with their alleged accomplices violate the individual right to privacy of communications, as stated in the United Nations International Covenant on Civil and Political Rights and guaranteed even in Article III, Section 3 of the constitution of the reactionary state.

Indefinite detention and warrantless arrest. Section 18 allows the warrantless arrest of suspected “terrorists” and their detention for up to three days without charges.

On the other hand, Section 19 states that in the event of an actual or imminent terrorist attack, suspects may be detained for more than three days with the approval of officials without judicial powers, such as those in so-called Human Rights Commissions from the municipal level up.

These provisions of the HSA are clearly violative of basic human rights against illegal detention and prolonged detention without charges. Granting non-judicial officials such rights opens the floodgates to abuse by government officials.

In fact, even at present, the state's security, military and police forces do not comply with limits on the number of days a "suspect" may be held without charges. Many people have found themselves in this situation for months and even longer, and abductions are mounting as a means of circumventing the law. Almost a thousand activists and supporters of the democratic movement have been killed by the state's fascist forces in the last seven years since Arroyo took power.

House arrest. Section 26 states that even in cases where evidence of guilt is not strong, suspects may be subject to "house arrest" or their right to travel restricted within a city or municipality if so ordered by a court. The HSA provides that a court may ban suspects from using telephones, email, computers, the internet or any other means of communication.

These provisions of the HSA violate the right to free travel. Likewise, imposing penalties or limiting rights even in the absence of strong evidence is violative of the principle that a person must be presumed innocent until proven guilty in a court of law.

Opening and controlling bank deposits, accounts and records. Sections 27-30 state that the police may be allowed to open and control bank deposits, accounts and records of financial institutions belonging to "suspected terrorists" and even sequester or freeze such accounts and records.

Who will comprise the HSA's implementing agencies?

SECTIONS 53-54 state that the HSA's implementation will be supervised by the Anti-Terrorism Council (ATC) under the overall leadership of the Executive Secretary, with the Justice Secretary as his deputy. Other members of the ATC are the National Security Adviser and the secretaries of the Departments of National Defense, Interior and Local Government and Finance. Complaints will be heard by the Grievance Committee to be composed of the Ombudsman, Solicitor General and the undersecretary of the Department of Justice.

It is extremely ironic that the members of the Anti-Terrorism Council will be composed of persons currently comprising the Cabinet Oversight Committee on Internal Security—infamous militarists and rabid reactionaries like Executive Secretary Eduardo Ermita, Justice Secretary Raul Gonzalez and National Security Adviser Norberto Gonzales. They are the masterminds behind the campaign of terror and relentless killings and suppression of democratic forces, staunch oppositionists and the people.

Through the ATC, we can expect even more unbridled attacks against activists, lawyers, church people, media persons and other forces opposed to the Arroyo regime.

Fascist violations of human rights loom with the implementation of the anti-terror law resting on their bloodstained hands. Following the HSA, anyone may be accused of being a "terrorist" and

be treated according to the aforementioned fascist provisions upon orders of the Anti-terrorism Council.

How will Gloria Arroyo use the HSA?

THE Arroyo regime will use the HSA to create or consolidate a climate of fear and sow terror against the legal democratic movement and intensify its counterrevolutionary war. It will utilize the HSA, just like the defunct anti-subversion law, to criminalize rebellion and deprive the people of the right to defend themselves against tyranny.

The Arroyo regime plans, as one of its first measures, to declare as “terrorist,” and illegalize, the Communist Party of the Philippines and New People’s Army. With this as basis, it will brand as “terrorist” militant, patriotic, democratic and progressive organizations by linking them to the CPP and NPA.

The HSA will thus serve as a brutal counterrevolutionary and fascist instrument akin to Marcos’ martial law. Arroyo will use it to gag the people and suppress their mass movement. Mass actions and calls for Arroyo’s resignation or ouster will be branded as “terrorist” to justify the dispersal of protest actions and attempts to stem their expansion.

The Arroyo regime will likewise use the HSA to pave the way for Charter Change.

It has been pushing changes in the constitution that would legalize the violent prohibition and persecution of all opposition.

These changes will in turn open the floodgates to more reactionary provisions favorable to local and foreign capitalists.

The HSA is expected to create the illusion of stability in exchange for the support of foreign enterprises and their big comprador business cohorts in the country. Protest actions calling for higher wages, land reform and defense of patrimony will be suppressed to assuage the fears of big foreign and comprador investors and secure or maintain their support for Arroyo.

Arroyo will likewise use the HSA to show her loyalty to the US’ “war against terrorism” and obtain her imperialist master’s blessings and support for her stay in power. Arroyo also expects the continued flow of military assistance from the US and support for the AFP modernization program.

How will the HSA be used against the mass movement?

INVOKING the overly expanded definition of “terrorism,” various forms of legitimate people’s protest actions may be suppressed in accordance with the HSA. Peaceful demonstrations against the regime may be considered as “terrorism”, especially gigantic mass actions like people power—which, ironically, was what put the current hated regime in power.

Workers' strikes, peasant struggles against exploitative landlords, student boycotts in schools and people's protests on various social issues may be categorized as acts of "terrorism."

Thus, protest actions will be suppressed in factories, schools and communities which will all be in a state of virtual martial law. Expect acts of repression against activists in the legal arena to become much more brutal. The systematic suppression of rallies and other protest actions will all the more intensify. Cases of extrajudicial killings, arbitrary arrests and even secret abductions will rise.

How will this law affect the human rights situation in the country?

THE Arroyo regime's bloody record of perpetrating widespread violations of human rights will take a turn for the worse once this law is implemented. The HSA will serve as a legal umbrella for the regime's nationwide campaign of extrajudicial killings and suppression of the people. It will serve as legal license for the Arroyo government's death squads to step up extrajudicial killings, abductions, imprisonment, torture and other atrocities against progressive forces and the people.

It will run roughshod on the provisions of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and violate international humanitarian laws, among them the United Nations Universal Declaration of Human Rights and its covenants as well as the 1951 Geneva Conventions on the civilized conduct of war.

It will be directly violative of the people's individual and collective rights as well as the rights of communities against unreasonable searches. It will rescind guarantees to such rights and against any illegal operation of agencies of the Government of the Republic of the Philippines (CARHRIHL, Part III, Art. 2, No. 6). It will also deprive the people of the right to invoke the privilege of the writ of habeas corpus against unreasonable and unjust detention (CARHRIHL, Part III, Art. 2, No. 5).

What implications does the HSA have on the peace talks?

THE HSA serves as a major and serious legal obstacle to the peace talks' advance. It further diminishes, if not renders impossible altogether the possibility of moving the talks forward. The HSA is an additional roadblock and comes on top of the US' interventionist act of including the CPP, NPA and NDF Senior Political Consultant Prof. Jose Ma. Sison in its "terrorist" listing. It is this listing that has served as the main stumbling block to the peace talks since 2004.

As soon as the Arroyo regime formally declares the CPP, NPA and NDF as "terrorist" under the HSA, all agreements previously ratified in the process of the peace negotiations will be discarded. The HSA likewise contradicts the human rights provisions of the CARHRIHL.

We can expect the Arroyo regime to disregard the Joint Agreement on Safety and Immunity Guarantees (JASIG) all the more. It is the JASIG that provides protection to members of the

NDF and GRP panels involved in the talks. The Arroyo regime has early on campaigned to have Prof. Jose Ma. Sison included in the US and Europe's "terror" lists. Through the HSA, the Arroyo regime will certainly step up its repressive moves against Professor Sison and other NDF peace negotiators and consultants.

In enacting the HSA, the US-Arroyo regime proves its utter lack of interest in genuine and lasting peace.

How will the US benefit from the HSA?

THE puppet Philippine government's enactment of the HSA attains added significance in the face of the international isolation suffered by US imperialism and the Bush government's terrorist war conducted in the name of antiterrorism. Through it, the puppet regime demonstrates its support for its imperialist master intensely despised the world over.

The HSA and the "war against terror" may also be invoked to justify the continuing deployment of American troops to the Philippines. It adds even more momentum to US military and intelligence operations against the revolutionary forces in the Philippines.

The HSA will also be used to suppress anti-imperialist struggles and mass struggles and ensure the interests of foreign monopoly capitalists in the Philippines. It therefore consolidates the current Philippine state's puppetry and tightens the US' stranglehold on the country's political, economic, military and security affairs.

How will the Filipino people resist the HSA?

THE Party calls on all democratic forces and the entire Filipino people to wage all-out struggle against the Human Security Act of 2007.

The struggle to junk the HSA is closely linked to the struggle to end the US-Arroyo regime's fascist rule.

1. Advance the mass movement and expand the united front against the HSA to include the democratic mass organizations, progressive parties, organizations advocating civil liberties and human rights, the political opposition and all other organizations, groups and individuals who may be drawn in to this cause.

2. Expose the HSA's fascist content and objectives. Use public and other discussion fora, the mass media, the internet and all other possible means of waging propaganda in schools, communities and factories and other places to expose to the broad masses how the HSA will suppress civil liberties and intensify the people's suffering.

3. Wage all possible forms and creative means of protest. There is need to wage ever bigger protests in the streets, in schools, factories and communities to show the people's anger and opposition to the HSA.

4. Expand international condemnation of the Arroyo regime by exposing its bloody record of human rights violations. Encourage various international organizations, agencies and personalities to express solidarity with the Filipino people and voice out their opposition to the HSA and fascist suppression.

What is the revolutionary response to the HSA?

It is the revolutionary movement's urgent task to use all possible means to oppose and resist the HSA and state terrorism. Foremost in this task is to lead the people in advancing a broad, strong and allout struggle against the HSA.

In response to the HSA's enactment, the NPA will continuously intensify and wage more frequent tactical offensives nationwide. Each tactical offensive will serve as a substantial contribution to punishing the Arroyo regime and its minions for other atrocities against the people, masterminding and implementing political killings, terrorism and other atrocities against the people.

[From: <http://www.philippinerevolution.net/documents/state-terrorism> (downloaded on Feb. 24, 2012)]