



Human Rights and Canada’s Support for the Counter-terrorism Campaign of the Philippine Government

The International Coalition for Human Rights in the Philippines – Canada (ICHRP-Canada) and the undersigned organizations call on the Government of Canada to stop funding counter-terrorism measures of the Philippine Government. Specifically, we recommend that the Philippines be excluded from Canada’s funding to counter-terrorism programs of the member states of the Association of Southeast Asian Nations (ASEAN) provided through the Counter-terrorism Capacity Building (CTCBP) and other programs of Global Affairs Canada (GAC) and other departments. ICHRP Canada and the undersigned believe that the counter-terrorism activities of the Philippine Government are not conducted within international norms and standards and Canada risks being complicit in the human rights violations arising from them.

Canada’s support to the counter-terrorism campaign of the Philippine Government

From 2017-2021, the Philippine Government was among the recipients of Canada’s \$13 million funding to ASEAN countries through the Anti-Crime Capacity Building and Counter-Terrorism Capacity Building. The funding provided by the Counter-Terrorism Capacity Building Program (CTCBP) assisted ASEAN countries with training, funding, equipment, technical and legal assistance to prevent and respond to terrorism activity within international counter-terrorism and human rights norms, standards and obligations. The Philippines received funds from three (3) CTCBP programs, namely:

- Capacity-building program to reinforce ASEAN counter-terrorism capacity and expertise (TRACE): identify and track terrorists and violent extremists
- Project Sunbird: enhance counter-terrorism efforts through capacity building activities and information sharing among ASEAN countries and ASEAN and Interpol
- Support to counter the financing of terrorism: anti-money laundering and combatting the financing of terrorism by providing training and resources to relevant institutions, including police forces, ministry of finance on effective enforcement of UN counter-terrorism financing instruments and other international standards.

(cf. New Canadian assistance in Southeast Asia – Canada.ca)

In addition, the *Statistical Reports on International Assistance* issued by Global Affairs Canada show that funds were provided for “counter-terrorism capacity building” from Official Development Assistance and other bilateral assistance in the amount \$620,000 in 2018-2019 and \$350,000 in 2019-2020. GAC also provided funding for unspecified “security and political affairs” programs in the amount of \$1.8 million in 2018-2019 and \$320,000 in 2019-2020.

Why Canada should stop supporting the counter-terrorism campaign of the Philippine Government

The Philippine Government is using the counter-terrorism campaign to criminalize dissent, target human rights defenders and critics of the Government and constrict democracy. This has resulted in thousands of killings, false charges, arbitrary and irregular searches, arrests and detention and other severe human rights

violations and the vilification of those who challenge them by accusing these individuals of being terrorists or communists.

Following the creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in December 2018, the human rights network, Karapatan, documented 204 cases of extrajudicial killings, 12 enforced disappearances and 2,085 forced and fake surrenders of ordinary citizens falsely accused by security forces as “suspect” members or supporters of the New People’s Army, an arm of the Communist Party of the Philippines. Of the 424 reported extrajudicial killings since President Rodrigo Duterte came to power in 2016, 216 of the victims were human rights workers and advocates.

Among the thousands of victims of the Philippine government’s counter-terrorism campaign were:

- Randy Echanis, a peace consultant and peasant rights activist, was killed on August 10, 2020 in Manila. Eight days later, Zara Alvarez, a human rights worker, was killed in the city of Bacolod. Both were among the 656 individuals in an unverified list of “terrorists” filed by the Department of Justice with the Regional Trial Court in February 2018. Their names were subsequently removed from the list, but Alvarez and Echanis continued to receive threats to their life.
- Nine Tumandok Indigenous leaders who opposed a dam construction were killed in police operations conducted on December 31, 2020 on the island of Panay. On March 3, 2021, the legal counsel of the victims, Angelo Karlo Guillen, was attacked by assailants, who stabbed him in the head and neck. Two days after President Duterte ordered security forces to “finish off” communist rebels, 9 activists were killed in police operations on March 7, 2021 in the CALABARZON region. The victims had been red-tagged.
- The bank accounts of Haran Center of the United Church of Christ in the Philippines were frozen by the Anti-Money Laundering Council in March 2021, alleging that funds were used to finance terrorists. Haran Center provides sanctuary to Indigenous peoples and their alternative school displaced by military operations. NTF-ELCAC Spokesperson, Lorraine Badoy, branded the church and the center as “communist terrorist group enablers”.
- Cristina Palabay, Secretary General of Karapatan and 2021 awardee of the Franco-German Prize for Human Rights and the Rule of Law, and 9 other officers of Karapatan, Rural Missionaries of the Philippines and the women’s alliance, Gabriela, were served with defective arrest warrants for perjury charges filed by NTF-ELCAC Vice Chairperson, Hermogenes Esperon after the HRDs sought legal protection by filing a petition for the Writ of Amparo and Habeas Data.

Laws and policies have been crafted by the Philippine Government to implement the counter-terrorism campaign in ways that have a severe impact on human rights. (*Statement by Michelle Bachelet, U.N. High Commissioner for Human Rights, June 30, 2020*).

In December 2018, President Duterte issued Executive Order #70, creating the NTF-ELCAC which institutionalizes the “whole of nation approach” by “synchronizing the government’s instrumentalities of power” purportedly to end the communist insurgency. Unlike in the past when the insurgency problem was solely the responsibility of the Armed Forces of the Philippines and the Philippine National Police, all Government agencies and their corresponding units at all levels are mobilized for the counter-terrorism campaign under the NTF-ELCAC. (*cf. <https://www.ntfelcac.org>*)

The NTF-ELCAC has institutionalized “red-tagging” and has been conducting red-tagging campaigns against human rights defenders (HRDs) with greater intensity. “Red-tagging” is the practice of branding perceived threats to the government, including human rights defenders, lawyers, journalists, political opposition, religious and labour leaders, environmental and Indigenous rights defenders and even actors as “terrorists” or “communists” without competent, credible or admissible basis and in violation of due process. In many

cases, those red-tagged are subsequently killed, attacked by assailants or arrested, (*International Commission of Jurists, Philippines: Cease dangerous practice of red-tagging human rights defenders.*)

Under the NTF-ELCAC, the delivery of basic services, development and socio-economic programs are militarized in the service of the counter-terrorism campaign. The bulk of the NTF-ELCAC budget goes to Barangay Development Programs (BDP) which incentivize barangays (local government units) to conduct clearing operations to eliminate “rebel influence”. (cf. <https://www.ntfelcac.org>)

The human rights organization, Karapatan, reports that the militarization of basic services and development programs has led to human rights violations. The BDP enables and rewards the killings, arrests, harassment and forced and fake surrenders of community leaders, human rights defenders and activists perceived by local authorities as threats to the State and branded as terrorists. Barangays which received the highest amounts of BDP funds are reportedly among the regions with the highest numbers of extrajudicial killings and arrests. In 2019, the Department of Education, an implementing agency of NTF-ELCAC, closed 55 alternative schools set up by Indigenous communities in remote villages of Southern Mindanao to ensure that their children have access to basic and culturally appropriate education. The military accuse the schools of training rebels, attacked and occupied their campuses and killed some of their officers, staff and students. (*Rappler, “Lumad schools continue to suffer closures, attacks during pandemic,” Sept. 18, 2020*)

In July 2020, the Government approved the Anti-Terrorism Act providing the government with a wholesale package to legalize attacks on the basic rights of its critics in the name of, or under the guise of, fighting “terrorism”. The Act’s definition of terrorism remains vague and overbroad such that it blurs the distinction between criticism of the government and criminality. Executive arrests and extended detention without charges are sanctioned. The exercise of civil rights such as advocacy and peaceful protests, as well as humanitarian assistance could be interpreted or branded as acts of terrorism by security forces.

The Anti-Terrorism Act (ATA) also created the Anti-Terrorism Council, consisting mostly of Cabinet members who are at the same time key officials of NTF-ELCAC, giving it vast powers to unilaterally designate individuals and organizations as terrorists and ask for the freezing of bank accounts of individuals and organizations without sufficient basis. Given the ATA’s sweeping definition of terrorism, this has led to arrest and detention of activists and HRDs and the freezing of bank accounts of non-governmental organizations such as Haran Center and the Rural Missionaries of the Philippines.

Conclusion

The counter-terrorism campaign of the Philippine Government and the implementing mechanisms it has created underlie the widespread and systematic violations of human rights, aided by the weaponization of the law. It amounts to a declaration of war against human rights defenders, lawyers including judges and prosecutors, activists and political opposition, labour, peasant, community and religious leaders, journalists, environmental and Indigenous rights defenders and other citizens who exercise their civil and democratic rights.

As such, the Philippine Government’s counter-terrorism policies and programs to prevent and respond to terrorism activities do not conform with international counter-terrorism and human rights norms, standards and obligations.

By providing financial, programmatic and technical support, Canada is inadvertently enabling the Philippine Government to use the counter-terrorism campaign as a tool of repression, to curtail the rights and freedoms of citizens, to brand those who dissent as enemies of the state and make them targets of its dubious counter-terrorism campaign.

In so doing, Canada risks being complicit in gross and systematic violations of the human rights of citizens in the Philippines that result from the Philippine Government's counter-terrorism policies and programs.

Signatories to the Brief

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Public Service Alliance of Canada

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Vancouver and District Labour Council

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Latin American and Caribbean Solidarity Network

Malaya Canada

Bayan Canada

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Anakbayan Canada

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