

KSO Condemns Philippine Court of Appeals' Failure to Protect Red-tagged Land Defenders

August 15, 2024

Nearly one year ago, on September 2, 2023, Philippine environmental defenders Jonila Castro and Jhed Tamano were abducted by Philippine state agents in Orion, Bataan, while conducting research on the conditions of coastal residents affected by flooding related to extensive "reclamation projects" ongoing in Manila Bay.

Although on the face of it "reclamation project" may sound environmentally positive, these are in fact projects wherein the state and corporate entities create artificial islands by dumping soil into the bay. As of April 2023 there were 22 planned and ongoing land restoration projects in Manila Bay, including for the New Manila International Airport. While the state and corporations may gain from these reclamation projects, there are a large number of fisherfolk who make a living catching fish in the bay. These reclamation projects have led to massive pollution in the water of Manila Bay, which has decimated fish populations, and to massive flooding, severely damaging the local ecosystem and undercutting the livelihoods of the masses of fisherfolk living around the bay.

It was in a courageous effort to resist this state-sanctioned destruction of both the environment and the lives of working-class Filipinos that Jonila and Jhed were conducting their research in Bataan, a province in the north of the bay. Following their abduction by state agents, they were held in secret state prisons for 13 days. In her statement before the International People's Tribunal, which convicted the Marcos Jr. regime of war crimes this past May, Jonila described the brutal physical and psychological torture that she was subjected to during her time in captivity, which included an assertion by state agents that they would kill her if she continued her activism.

The government's National Task Force to End Local Communist Conflict (NTF-ELCAC) scheduled a press conference in Plaridel, Bulacan wherein Jonila and Jhed were expected to present themselves as Communists who voluntarily surrendered to the state. Instead, they used the opportunity to tell the true story of their forcible abduction by state agents.

They were released, but are still not safe from state violence. There have been 105 extrajudicial killings under the Marcos Jr. regime, most of which have been committed against individuals who are openly critical of the regime's policies or actions. And the attacks predate Marcos Jr: 210 environmental defenders were killed in the Philippines between 2014 and 2010. Given the environmental harm that the Marcos regime is causing, all environmental defenders are therefore vulnerable to abduction or murder by the state. It is for this reason that Jhed and Jonila filed a petition in the legal system for a writ of amparo and writ of habeas data.

Per a Rappler article on the situation: "The privileges of the writ of amparo, if it had been granted, would have acted like a restraining order against members of the 70th Infantry

Battalion of the Philippine Army, and the privileges of the writ of habeas data would have prevented members of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) from red-tagging the two."

Red-tagging refers to the practice of labeling human rights activists and others as Communists and terrorists as a justification for the further repression of these individuals and their organizations.

On August 12, 2024, the Court of Appeals (CA) handling the case made a ruling denying their petition for said protective writs. A summary of the court's justification from the Rappler article follows: "Castro and Tamano failed to prove that they were subjected "to any form of threat to their life, liberty, or security during the latter's stay at the military camp of the 70th Infantry Battalion," or from September 12 to 15, 2023. The CA also said the two "miserably failed to prove the existence of an imminent or continuing threat" since being released on September 15, 2023."

In response to this, the Philippine environmental justice organization Kalikasan People's Network for the Environment (Kalikasan PNE), released a statement in which they strongly opposed the court's decision. In their statement, Kalikasan PNE rightly stated that environmental defenders are regularly red-tagged by the NTF-ELCAC and its cohorts, and that the court's ruling in this case therefore presents a serious threat to the safety of Jonila and Jhed, as well as continues to uphold the precedent of ruling against environmental defenders and in favor of "large businesses and compradors, in partnership with corrupt politicians who own and have interests in mines, ecotourism resorts, large-scale reclamation projects, mega-dams, solar, agribusiness, logging, and more."

We in Kalikasan Solidarity Organization stand in solidarity with Jhed, Jonila, Kalikasan PNE, land defenders, and all of the struggling masses of the Philippines. We as an organization condemn this court ruling as a case of blatant miscarriage of justice for the sole benefit of the ruling class in the Philippines: the big landlords, the comprador big bourgeoisie, and the corrupt bureaucrat capitalists who run the country for their own profit. It is clear at this point that if there is to be justice in the Philippines and in the world, then the massive inequality of power and resources that currently exists must be upended.

In this vein, we in the US demand that the rulers of our country cease all military aid to the Philippines until the Marcos Jr. regime stops committing human rights abuses. This could be achieved through the passage of the Philippine Human Rights Act (PHRA) and the opposition to the Philippine Enhanced Resilience Act (PERA), which aims to give \$2.5 billion in military aid to the Philippines by 2029. Furthermore, we demand the Oregon Investment Council (OIC) divest Oregonian taxpayer dollars held in the Oregon Public Employee Retirement system (PERS) from companies causing environmental devastation and contributing to war crimes in the Philippines, including Tesla, Boeing, OceanaGold, Teleperformance, and JPMorgan Chase.

Defend Jhed, Jonila, and all land defenders! PHRA not PERA! Stop the plunder! End US-backed war crimes in the Philippines!

SOURCES:

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