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RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. What is the history and current legal situation of the Akbayan political party, in Batangas and nationally?
2. Do you have details of its office holders and contact addresses?
3. Is there evidence of harassment of the party and its members/supporters by the armed forces, in Batangas and nationally, particularly in Manila?
4. Would anyone suffering such harassment be able to gain state protection?

RESPONSE

1. What is the history and current legal situation of the Akbayan political party, in Batangas and nationally?

According to the available information, Akbayan is a legal broad left[1] political party, which began in the 1990s as an independent leftist democratic alternative to the dominant Left tradition of armed struggle. The party has participated in local and party-list elections since 1998 when it won seats in the House of Representatives. In May 2007 national and local elections were held. Results pertaining to the new elected Representatives were not found in the available information. However, prior to these elections three Akbayan members were Congressional Representatives. Regarding the party in Batangas, although Akbayan's official website states that the party is in "54 provinces, 237 municipalities and cities and 1,632 barangays nationwide", no specific information on the Batangas chapter of the party was found in the sources consulted. Akbayan describes itself as an independent and "democratic

[1] In the Philippines, the terms "the left" or "leftists" encompass a broad range of political meaning. Terms commonly used to differentiate groups within this spectrum include "rebels" or "guerrillas" for members of communist revolutionary armed groups; "militants" for various mass-based unarmed people's organisations; "progressives" for members of left-leaning political parties; and "cause-orientated groups" for various left-leaning sectoral (urban poor, peasants, workers etc.) non-governmental organizations working on social justice issues (Amnesty International 2006, 'Philippines: Political killings, human rights and the peace process', AI website, http://web.amnesty.org/library/print/ENGASA350062006 – Accessed 16 August 2006 – Attachment 1).

Left party". According to the available information, this independent stance has drawn the enmity of some of the more extreme left organisations. Conversely, senior government officials have publicly linked the party with the revolutionary communist forces, and Akbayan Congressional Representatives and party leaders and members have subsequently faced harassment. The media also contained conflicting reports on the party's relationship with the government administration in the lead-up to the recent elections. These recent news articles are detailed in this response in the section titled 'Akbayan in the media' (for information on the party history, see: Rocamora, J. 2006, 'IPD: Twenty Years In Retrospect', Institute for Popular Democracy website, 25 September http://ipd.org.ph/main/index.php?option=com_content&task=view&id=23&Itemid=32 – Accessed 20 June 2007 – Attachment 2, and; 'Brief History' 2007, Akbayan website, 1 May http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=50&Itemid=73 – Accessed 14 June 2007 – Attachment 3; for information on party organisation, see: 'AKBAYAN FAQs' 2007, Akbayan website, 9 April http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=17&Itemid=44 – Accessed 14 June 2007 – Attachment 4; for information on Akbayan and other leftist groups, see: 'Akbayan chides Bayan Muna & affiliates for falling into the AFP's "divide & rule" strategy' 2007, San Francisco Bay Area Independent Media Center website[2], 3 March http://www.indybay.org/newsitems/2007/03/03/18371891.php – Accessed 19 June 2007 – Attachment 5; for information on the targeting of leftist parties by the government, see: Amnesty International 2006, 'Philippines: Political killings, human rights and the peace process', AI website http://web.amnesty.org/library/print/ENGASA350062006 – Accessed 16 August 2006 – Attachment 1).

History

A 2006 article on the Institute for Popular Democracy (IPD) website provides information on the formation and growth of Akbayan, which it claims has "become the main democratic Left party in the Philippines." The article highlights the difficulties faced in building an independent leftist political party "in a country where Left strategy has been dominated by armed struggle for three decades." It is pointed out that Akbayan's ideologies ran up against both the elite parties and the "dominant Left tradition of underground, democratic centralist parties controlling above ground parties" (Rocamora, J. 2006, 'IPD: Twenty Years In Retrospect', Institute for Popular Democracy website, 25 September http://ipd.org.ph/main/index.php?option=com_content&task=view&id=23&Itemid=32 – Accessed 20 June 2007 – Attachment 2).

A 2006 *Business World* article discusses the different ideologies of the Left groups which emerged in the 1990s. According to this information, armed revolution is the "strategic agenda" of groups such as Bayan Muna (one of Akbayan's main leftist political rivals at present), while Akbayan is one of the groups that "recognizes and accepts the intrinsic value of formal democratic institutions". The article states:

> There was a schism in the local communist party which started sometime in 1992…dividing the party into the "reaffirmists" or RAs (among them those who joined Bayan Muna) and the "rejectionists" or RJs (among them those who joined Akbayan). The RAs hold to the view of "democratic institutions and processes as mere instruments for tactical gains, such as for propaganda, resources and legal cover, which serve the strategic agenda of armed revolution,"

[2] The San Francisco Bay Area Independent Media Center is a non-commercial, democratic collective of Bay Area independent media makers and media outlets, and serves as the local organizing unit of the global Indymedia network.

> while the RJs and the so-called emerging democratic left "recognizes and accepts the intrinsic value of formal democratic institutions... because they at least make free and open debate possible, and can be deepened to become more participatory and egalitarian".
>
> As a result of the schism, there was a purge, with the RAs as the purgers and the RJs as the purged. Which is why the reader may recall that a few years ago, Akbayan party-list representatives headed by Etta Rosales disclosed that they were in fear of their lives because they allegedly were included in an NPA hit list (Monsod, S. 2006, 'CALLING A SPADE Truly chilling', *Business World*, 10 August – Attachment 6).

Further detailed information on the history of the armed conflict on the communist front and the different left-leaning political groups is provided in a 2005 Philippine Human Development report by the United Nations Development Programme (UNDP) (Human Development Network, United Nations Development Programme & New Zealand Agency for International Development 2005, *Philippine Human Development Report 2005 – Peace, Human Security and Human Development in the Philippines*, 2nd ed, pp. 82-96 http://hdr.undp.org/docs/reports/national/PHI_Philippines/Philippines_2005_en.pdf – Accessed 15 June 2007 – Attachment 7).

Akbayan's official website includes information on the party and a brief history. According to this information:

> [I]n January 1998, Akbayan was formally established through its Founding National Congress. In May of the same year, the new party tested its strength by participating in the local and party-list elections and won seats in the House of Representatives, and several local government units.
>
> To date, Akbayan is the most vigorous and determined effort from the Philippine progressive community to break the hold of traditional politicians and political parties on Philippine politics ('Brief History' 2007, Akbayan website, 1 May http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=50&Itemid=73 – Accessed 14 June 2007 – Attachment 3).

Akbayan started as "a coalition project of blocs, groups and individuals belonging to different Left and progressive traditions". Information on the website states:

> In the course of two electoral battles and a number of mass movement engagements wherein Akbayan had to fight on two fronts—first, with the trapo titans and second, with the extremist and vanguardist parties of the Left, the desire to become a more cohesive party has grown more and more among the members. The 2001 Party Congress, the first regular one, mandated the party to move from a coalition party to a more cohesive one ('Participatory Democracy, Participatory Socialism: The Akbayan Narrative' 2007, Akbayan website, 1 May http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=52&Itemid=74 – Accessed 14 June 2007 – Attachment 8).

According to the available information, Akbayan has affiliate groups representing workers, government employees, women workers, peasants, Muslims, migrant workers, and the lesbian, gay, bisexual and transgender (LGBT) community. The official website states that Akbayan is an activist organisation "and proud of it". However, the website stipulates that it is definitely not a member of the Communist Party [CPP] or the NPA [New People's Army] and that it "vehemently condemn[s] torture, assassination and other violent acts that undermine human rights and freedoms regardless of whoever commits them: the NPA, private armies and the military" (Remollino, A. 2007, 'Reviewing the Party-List Law and the

2004 Election', *Bulatlat*, vol. 7, no. 9, 1-7 April http://www.bulatlat.com/news/7-9/7-9-pl1.htm – Accessed 19 June 2007 – Attachment 9; 'AKBAYAN FAQs' 2007, Akbayan website, 9 April http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=17&Itemid=44 – Accessed 14 June 2007 – Attachment 4).

Regarding the party's structure, the Akbayan website also states that:

> AKBAYAN has members organized within 2,000 chapters which are the basic building blocks of the party at the neighborhood or barangay levels. These chapters form the 309 sections and the over 100 city-level divisions of AKBAYAN.
>
> AKBAYAN is in over 54 provinces, 237 municipalities and cities and 1,632 barangays nationwide. Members who are not organized according to area, are organized according to the sectors they belong to: youth, women, workers farmers and lesbians and gays, for example. AKBAYAN also has international chapters made up of overseas Filipinos in countries like Italy, UAE, Greece and Germany ('AKBAYAN FAQs' 2007, Akbayan website, 9 April http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=17&Itemid=44 – Accessed 14 June 2007 – Attachment 4).

Current Status

Akbayan is a legal political party, and contested in the recent elections held in May 2007. According to information on the Philippines Commission on Elections (Comelec) website, Akbayan garnered 3.07 percent of the votes. No specific information on the Batangas chapter of the party was found in the sources consulted. In relation to the recent elections, however, an Akbayan press release includes Batangas as one of the areas in which alleged vote cheating took place. The party also alleged that its poll-watchers had been harassed by officials in various areas ('May 14, 2007 National and Local Elections: Partylist Canvass Report No. 25 (Ranked)' 2007, Commission on Elections website, 9 June http://www.comelec.gov.ph/2007elections/results/national/partylist_rep25_ranked.html – Accessed 20 June 2007 – Attachment 10; 'Cheating frenzy in ARMM for party-lists close to COMELEC officials feared' 2007, Akbayan website, 1 June http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=67&Itemid=36 – Accessed 20 June 2007 – Attachment 11).

Recent media reports contain conflicting information on Akbayan's current relationship with the Arroyo government. During the lead-up to the election Akbayan was variously reported on the one hand as being a "communist" party and a front for insurgents, whilst on the other hand as being illegally funded by the government, a "military ally", and a front for the government administration. As quoted previously, Akbayan claims to have had to fight various elections on two fronts – against both the ruling government and the extremist Left parties. A March 2007 article quotes the party as saying that its "independent stance as a democratic Left party has put it in the middle of abusive elements from the Left and the Right" ('The leftists among us' 2006, *Manila Standard*, 20 December – Attachment 12; Cruz, T. 2007, 'Akbayan: Philippine military's favorite partylist', *Manila Indymedia* website[3], 5 March http://manila.indymedia.org/?action=newswire&parentview=92124 – Accessed 19

[3] It should be noted that Manila Indymedia is an open-publishing newswire. According to the website, the Manila Independent Media Center Collective is an autonomous group of grassroots media activists committed in using media production and distribution as a tool for promoting social, environmental and economic justice in the local communities of Manila and the Philippines in general.

June 2007 – Attachment 13; 'Participatory Democracy, Participatory Socialism: The Akbayan Narrative' 2007, Akbayan website, 1 May http://www.akbayan.org/blog/index.php?option=com_content&task=view&id=52&Itemid=74 – Accessed 14 June 2007 – Attachment 8; 'Akbayan chides Bayan Muna & affiliates for falling into the AFP's "divide & rule" strategy' 2007, San Francisco Bay Area Independent Media Center website[4], 3 March http://www.indybay.org/newsitems/2007/03/03/18371891.php – Accessed 19 June 2007 – Attachment 5).

Akbayan in the media

The following articles are a sample of the various ways that Akbayan has been recently reported in the Philippine media. In the mainstream media the party is often referred to as a communist front, while independent and alternative media articles tend to give credence to claims by rival party-list groups that Akbayan is a government front or military ally. No specific information was found to either substantiate or disprove any of these allegations.

A *Manila Times* article dated 1 May 2007 reports that Akbayan has been accused by other party-list groups of being illegally funded by the government, while at the same time being accused elsewhere of "fronting for the communist movement." According to an article dated 24 March 2007 Akbayan is one of the groups perceived by "leftist rebels" to be fronts of the government administration ('Probe leftist groups' funding' 2007, *Manila Standard*, 1 May – Attachment 14; Vargas, A. 2007, '"Rebels campaigning for leftist party-list" – AFP', *The Manila Times*, 24 March – Attachment 15).

An article dated 5 March 2007 on the independent media website, *Manila Indymedia*[5], quotes a Bayan Muna media officer as saying that Akbayan is one of the "groups identified by the Armed Forces of the Philippines as a 'military ally' and 'a good leftist party'". On the same website a 2005 article labels Akbayan as "apologists of the Arroyo regime" and "reformist flatterers of the ruling reactionary state" (Cruz, T. 2007, 'Akbayan: Philippine military's favorite partylist', *Manila Indymedia* website, 5 March http://manila.indymedia.org/?action=newswire&parentview=92124 – Accessed 19 June 2007 – Attachment 13; 'Bishops, church workers more militant than Akbayan' 2005, *Manila Indymedia* website, 21 April http://manila.indymedia.org/?action=newswire&parentview=3556 – Accessed 19 June 2007 – Attachment 16).

A March 2007 article in the *Philippine Daily Inquirer* includes Akbayan, along with Bayan Muna, "among the organizations most critical of the Arroyo administration" ('Militarized' 2007, *Philippine Daily Inquirer*, 6 March – Attachment 17).

According to a February 2007 article in the international socialist web-based magazine, *Monthly Review*, the military was "openly threatening people not to vote for Bayan Muna and other progressive party lists" whilst the Arroyo regime was also "instructing the military to

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[4] The San Francisco Bay Area Independent Media Center is a non-commercial, democratic collective of **b**ay Area independent media makers and media outlets, and serves as the local organizing unit of the global Indymedia network.

[5] It should be noted that Manila Indymedia is an open-publishing newswire. According to the website, the Manila Independent Media Center Collective is an autonomous group of grassroots media activists committed in using media production and distribution as a tool for promoting social, environmental and economic justice in the local communities of Manila and the Philippines in general.

promote anti-communist partylists" such as Akbayan (San Juan, E. 2007, 'U.S. Imperialism and Arroyo Regime in the Philippines on Trial at the Permanent People's Tribunal, the Hague', *Monthly Review*, 18 February http://mrzine.monthlyreview.org/sanjuan180207.html – Accessed 14 June 2007 – Attachment 18).

A January 2007 article in *The Manila Times* states that Akbayan is "well known for its fiery militancy", and has lately "been in the uncomfortable position of once more earning the tagline, 'communist'" (EspinaVarona, I. 2007, 'AFP blurring lines between activist, revolutionary sectors', *The Manila Times*, 14 January – Attachment 19).

An opinion piece dated 20 December 2006 in the *Manila Standard* states that Akbayan is one of the groups "known to be fronts of communist insurgents" ('The leftists among us' 2006, *Manila Standard*, 20 December – Attachment 12).

Current political context

A 2007 article in the independent news magazine, *Bulatlat*, provides information on the party-list system, and discusses whether it is effective in providing a political "voice for the voiceless". The article describes the formation of the party-list system in Philippine politics so that groups representing "marginalized and underrepresented sectors" would have congressional representation:

> The framers of the 1987 Constitution acknowledged the dominance of elite groups in the traditional political system. Acknowledging the need to give space to those with little or no representation in the traditional political system, they included a provision for a party-list system in which groups representing "marginalized and underrepresented sectors" may have congressional representation (Remollino, A. 2007, 'Reviewing the Party-List Law and the 2004 Election', *Bulatlat*, vol. 7, no. 9, 1-7 April http://www.bulatlat.com/news/7-9/7-9-pl1.htm – Accessed 19 June 2007 – Attachment 9).

A March 2006 opinion piece in *The Manila Times* points out that President Arroyo controls the Executive branch of government, and that, under the Constitution, the Congress is a separate and coequal branch of government. The article states that the arrests and the recent treatment of the Akbayan Congress Representative [described below] is "yet another indication of the executive's profound contempt for the legislative branch of government." Sources also report that in December 2006 the House Speaker attempted to push for a constitutional change by convening the House of Representatives and the Senate into a Constituent Assembly. According to the International Federation for Human Rights (FIDH), these amendments would notably reduce the powers of the Senate, whose composition is not favourable to the government. Left wing groups opposed the change, alleging that such amendments only aim to strengthen the Executive (Mariano, D. 2006, 'Contempt for impotent Congress', *The Manila Times*, 10 March http://www.manilatimes.net/national/2006/mar/10/yehey/opinion/20060310opi2.html – Accessed 19 June 2007 – Attachment 20; International Federation for Human Rights 2007, 'Briefing note: Philippines', FIDH website, 7 February http://www.fidh.org/IMG/pdf/0702note-philippines.pdf – Accessed 9 February 2007 – Attachment 21).

According to various sources, the recent increase in the harassment and targeting of political activists by security forces is perceived to be part of the Arroyo government's attempts to counter the popularity of legal leftist groups. An August 2006 report by Amnesty International provides a brief background to the situation in the Philippines, including the

government's past and recent crackdown on members of left-leaning political parties. A February 2007 briefing note by FIDH provides information on the current political context (Amnesty International 2006, 'Philippines: Political killings, human rights and the peace process', AI website, http://web.amnesty.org/library/print/ENGASA350062006 – Accessed 16 August 2006 – Attachment 1; International Federation for Human Rights 2007, 'Briefing note: Philippines', FIDH website, 7 February http://www.fidh.org/IMG/pdf/0702note-philippines.pdf – Accessed 9 February 2007 – Attachment 21).

2006 State of Emergency

President Arroyo issued Proclamation 1017 on February 24 2006, citing a plot by sections of the military, communist rebels and opposition leaders to overthrow her. The country was placed under a weeklong state of national emergency. According to the sources consulted, a number of left leaders were arrested and detained, including Akbayan national president, Ronald Llamas, and other Akbayan members. Following a national and international outcry, the state of emergency was ended one week later, however arrests continued. Ronald Llamas and others were charged with sedition. In March 2006 Akbayan Congressional representative, Risa Hontiveros-Baraquel, was "man-handled" and arrested by police during a rally in Manila. Another of Akbayan's leaders was also arrested during this rally. In February 2006, during an antigovernment rally in Manila just prior to the State of Emergency, three Akbayan members were wounded after clashing with police and six more members of the party were arrested (Cueto, F., Mediavilla, S. & Vargas, A. 2006, 'SC slams door on govt in PP 1017', *The Manila Times*, 8 June http://www.manilatimes.net/national/2006/june/08/yehey/top_stories/20060608top3.html – Accessed 19 June 2007 – Attachment 22; Remollino, A. 2006, '"Treason" 101?', *Bulatlat*, vol. 6, no. 6, 18 March http://www.bulatlat.com/news/6-6/6-6-treason.htm – Accessed 15 June 2007 – Attachment 23; Canlas, J., Cruz, M. & Cerezo, C. 2006, 'Hooded ex-NPA fingers Dinky', *The Manila Times*, 14 March http://www.manilatimes.net/national/2006/mar/14/yehey/top_stories/20060314top1.html – Accessed 19 June 2007 – Attachment 24; Jalbuena, K., Mediavilla, S. & Cruz, M. 2006, 'VAT to fuel more unrest', *The Manila Times*, 2 February http://www.manilatimes.net/national/2006/feb/02/yehey/top_stories/20060202top1.html – Accessed 14 June 2007 – Attachment 25).

Akbayan is closely aligned with the Institute for Popular Democracy (IPD), a non-profit research and advocacy institute. In 2005 IPD formed a coalition, Laban ng Masa (Struggle of the Masses), which is comprised of Akbayan, other Left organisations, coalitions and individuals. According to an article discussing the 2006 State of Emergency, Laban ng Masa was one of the groups which the government presented as being involved in the coup attempt (Remollino, A. 2006, '"Treason" 101?', *Bulatlat*, vol. 6, no. 6, 18 March http://www.bulatlat.com/news/6-6/6-6-treason.htm – Accessed 15 June 2007 – Attachment 23; for more information on IPD, see: Rocamora, J. 2006, 'IPD: Twenty Years In Retrospect', Institute for Popular Democracy website, 25 September http://ipd.org.ph/main/index.php?option=com_content&task=view&id=23&Itemid=32 – Accessed 20 June 2007 – Attachment 2).

2. Do you have details of its office holders and contact addresses?

The Official Website of Akbayan, Citizen's Action Party, includes a list of Officers for the National Executive Committee and the National Council. The only contact details included

on the website are those for the Akbayan National Secretariat. The list of Officers and the National Secretariat contact details are included as attachments ('Our Officers' 2007, Akbayan website, updated 30 April http://www.akbayan.org/blog/index2.php?option=com_content&do_pdf=1&id=18 – Accessed 13 June 2007 – Attachment 26; 'Contact Us' (undated), Akbayan website http://www.akbayan.org/blog/index2.php?option=com_contact&task=view&contact_id=1&Itemid=3&pop=1 – Accessed 13 June 2007 – Attachment 27).

An article dated 2 March 2006 on the Europe Solidaire Sans Frontières website includes mobile numbers of Akbayan's representatives in Congress (Sixto, C. 2006, 'Crisis in the Philippines: Urgent Appeal from Akbayan!', Europe Solidaire Sans Frontières website, 2 March http://www.europe-solidaire.org/spip.php?article1625 – Accessed 19 June 2007 – Attachment 28).

3. Is there evidence of harassment of the party and its members/supporters by the armed forces, in Batangas and nationally, particularly in Manila?

The available information contains conflicting recent news reports on the treatment of Akbayan members and supporters by the armed forces. Some media sources report that the group has been harassed and campaigned against by elements of the Armed Forces of the Philippines (AFP), while others report that the AFP has been promoting the group in the May 2007 elections. Details of these media articles are provided below in the next section (titled 'May 2007 elections'). No specific information on Akbayan members being targeted by armed forces in Batangas was found in the sources consulted, although leftist political activists have been targeted in the province. Recent media articles report that during the recent election parts of Metro Manila were "militarized" and that supporters of a number of leftist organisations, including Akbayan, were harassed and threatened by the military. According to reports by human rights groups and media sources, the targeting of leftist parties by the military has dramatically increased over recent years. As detailed in Question 1, prominent Akbayan Congressional Representatives and party leaders and members have faced harassment by the government administration and security forces. In addition, sources report that Akbayan members have also been targeted by the CPP-NPA (for information on the military targeting leftist parties, see: Asian Legal Resource Centre 2007, 'Special Report: The criminal justice system of the Philippines is rotten', *Article 2 of the International Covenant on Civil and Political Rights*, vol. 6, no. 1, February http://www.article2.org/pdf/v06n01.pdf – Accessed 19 June 2007 – Attachment 29; for information on the military in Metro Manila, see: 'Militarized' 2007, *Philippine Daily Inquirer*, 6 March – Attachment 17; for information on the harassment of Akbayan representatives, see: Mariano, D. 2006, 'Contempt for impotent Congress', *The Manila Times*, 10 March http://www.manilatimes.net/national/2006/mar/10/yehey/opinion/20060310opi2.html – Accessed 19 June 2007 – Attachment 20; for information on the CPP-NPA targeting Akbayan, see: Rousset, Pierre 2005, 'The CPP-NPA-NDF "Hit List" – a preliminary report', International Viewpoint online magazine, IV365, March http://www.internationalviewpoint.org/article.php3?id_article=616 – Accessed 16 November 2005 – Attachment 30).

May 2007 elections

A number of articles report Bayan Muna and other partylist groups' allegations that the AFP engaged in "partisan politics" in the lead-up to the May 2007 elections by repressing CPP party-list groups such as Bayan Muna, and promoting other party-list groups such as

Akbayan. It should be noted that, was this the case, the AFP's campaign backfired as Bayan Muna gained more than twice as many votes as Akbayan in the recent elections (Castañeda, D. 2007, 'AFP Campaigns vs Bayan Muna', *Bulatlat*, vol. 7, no. 5, 4-10 March http://www.bulatlat.com/news/7-5/7-5-afp.htm – Accessed 19 June 2007 – Attachment 31; 'May 14, 2007 National and Local Elections: Partylist Canvass Report No. 25 (Ranked)' 2007, Commission on Elections website, 9 June http://www.comelec.gov.ph/2007elections/results/national/partylist_rep25_ranked.html – Accessed 20 June 2007 – Attachment 10).

An article dated 3 March 2007 on the San Francisco Bay Area Independent Media Center website[6] quotes Akbayan President, Ronald Llamas, as saying that claims that the military is campaigning for Akbayan are "politically absurd", and that the parties making these allegations have fallen for the AFP's "divide and rule" strategy to "block Left parties from entering the House of Representatives." The Akbayan president further states that:

> "We have spoken against and condemned abuses committed by the New People's Army, and our principled stand exposed our local candidates and campaigners to harassment from the armed Left. Meanwhile, our anti-Gloria Macapagal Arroyo (GMA) position and our stand against extrajudicial killings, including this administration's authoritarian tendencies, have made AKBAYAN a target of abuses from military forces, especially in rural areas" ('Akbayan chides Bayan Muna & affiliates for falling into the AFP's "divide & rule" strategy' 2007, San Francisco Bay Area Independent Media Center website, 3 March http://www.indybay.org/newsitems/2007/03/03/18371891.php – Accessed 19 June 2007 – Attachment 5).

An article in the *Philippine Daily Inquirer* states that "[i]t looks like the Gloria Macapagal-Arroyo administration, with the help of the military, will stop at nothing to eliminate legal militant organizations from the political landscape." The article reports that "dozens of poor areas in Metro Manila are being militarized", with army soldiers "asking about members of militant party-list groups" as well as urging "residents not to vote for certain party-list groups in the May elections." According to this report, the administration and the military were alarmed over a recent survey which found "that three militant groups – Bayan Muna, Akbayan and Gabriela – are the top three party-list groups preferred by voters. These three are among the organizations most critical of the Arroyo administration" ('Militarized' 2007, *Philippine Daily Inquirer*, 6 March – Attachment 17).

According to reports in a *Manila Times* article dated 26 April 2007, Akbayan supporters were being harassed and threatened by the military in Metro Manila. The article states:

> AKBAYAN party-list Rep. Etta Rosales on Wednesday expressed alarm over the continued presence of the military in Metro Manila, saying it is part of the continued harassment of the government against the poor.
>
> Rosales told reporters at the weekly Fernandina Forum in Greenhills, San Juan, that the military were harassing and threatening urban poor leaders on suspicion that they are members or part of the left-leaning groups or fronts of communist organization.
>
> Rosales maintained that policemen, and not the military, should address the peace and order and criminal incidents problem in Metro Manila.

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[6] The San Francisco Bay Area Independent Media Center is a non-commercial, democratic collective of Bay Area independent media makers and media outlets, and serves as the local organizing unit of the global Indymedia network.

> Asked if the so-called urban militarization has affected their organization, Rosales admitted that there is an effect in terms of open support for the group, but not to its cause and advocacy (Cueto, F. 2007, 'No military pullout in Metro, only a revision of strategy', *The Manila Times*, 26 April http://www.manilatimes.net/national/2007/apr/26/yehey/metro/20070426met4.html – Accessed 14 June 2007 – Attachment 32).

A January 2007 article in *The Manila Times* quotes the human rights group Karapatan as saying that "Military officers seldom make a distinction between activists and between those who actually support armed struggle". As quoted previously, the article also states that Akbayan has lately "been in the uncomfortable position of once more earning the tagline, 'communist'." A press release dated 6 March 2007 on the party's website details claims by Akbayan Rep. Risa Hontiveros that "elements from the Armed Forces of the Philippines are harassing AKBAYAN members and are campaigning against the group." According to this report, the military demanded lists of Akbayan members in various areas in Caloocan City (just north of Manila City, in Metro Manila), and warned supporters not to campaign for the group because it is a front for the CPP-NPA (EspinaVarona, I. 2007, 'AFP blurring lines between activist, revolutionary sectors', *The Manila Times*, 14 January – Attachment 19; 'AKBAYAN Solon: Military is harassing AKBAYAN' 2007, Akbayan website, 6 March http://www.akbayan.org/press_release_030607.htm – Accessed 19 June 2007 – Attachment 33).

A 2006 *Manila Times* article discusses the treatment of Akbayan representatives by the police which it calls the "alter ego of the President". The article states that the "police seem no longer concerned that orders, which cause them to violate civil liberties, come only from an administration lately emboldened to go on the offensive against anyone audacious enough to criticize it" (Mariano, D. 2006, 'Contempt for impotent Congress', *The Manila Times*, 10 March http://www.manilatimes.net/national/2006/mar/10/yehey/opinion/20060310opi2.html – Accessed 19 June 2007 – Attachment 20).

Security forces targeting Left parties – recent reports by human rights groups

A number of human rights groups report that 2006 was a bad year for human rights in the Philippines. According to Amnesty International, in recent years there have been reports of an increased number of killings and disappearances of political activists, predominately those associated with leftist or left-orientated groups. According to FIDH, although the exact number of politically motivated extrajudicial killings varies according to different sources, it is widely agreed that they have "reached unprecedented levels" and "in their immense majority thought to be perpetrated most often by members of the military, by the police, or by groups linked to them" (Amnesty International 2006, 'Philippines: Political killings, human rights and the peace process', AI website, http://web.amnesty.org/library/print/ENGASA350062006 – Accessed 16 August 2006 – Attachment 1; International Federation for Human Rights 2007, 'Briefing note: Philippines', FIDH website, 7 February http://www.fidh.org/IMG/pdf/0702note-philippines.pdf – Accessed 9 February 2007 – Attachment 21).

A 2007 report by the Asian Legal Resource Centre (ALRC) contains details of a number of disappearances and killings in Batangas province (and elsewhere) over recent years, with alleged security force involvement. Although the report does not include any incidences in which Akbayan supporters were targeted, most of the victims are political or human rights activists. The report states that the "ALRC is acutely aware that these represent only a small

fraction of the total number of such incidents in the Philippines in recent years", and further states:

> That these incidents are going on constantly is also publicly known in the Philippines, and increasingly, internationally. From the time the words in this introduction are written to the time that this report is published, many more will have fallen victims of gunmen's bullets, police or military assault, or have received messages on telephones and in letters warning them not to continue in whatever simple things they may be doing for the improvement of their own lives and those of their fellow humans (Asian Legal Resource Centre 2007, 'Special Report: The criminal justice system of the Philippines is rotten', *Article 2 of the International Covenant on Civil and Political Rights*, vol. 6, no. 1, February, p. 5 http://www.article2.org/pdf/v06n01.pdf – Accessed 19 June 2007 – Attachment 29).

During and after the 2006 State of Emergency, senior officials publicly linked the legal leftist political opposition, including Akbayan, directly with communist armed groups, implying that there was no distinction between them. According to Amnesty International, initial concerns that this labelling, in conjunction with the arrest and attempted arrest of leftist Congressional Representatives on charges of "rebellion", might lead to increased killings of leftist activists were proven to be well-founded. In late 2006 a special commission was established by the government, under former Supreme Court Justice Jose Melo, to examine political killings in the country. The Commission notes that when senior military officials label lawful parties and NGOs as communist fronts and "enemies of the state," it increases that the likelihood that non-combatants may be targeted for violence (Amnesty International 2006, 'Philippines: Political killings, human rights and the peace process', AI website, http://web.amnesty.org/library/print/ENGASA350062006 – Accessed 16 August 2006 – Attachment 1; Human Rights Watch 2007, *The Philippines: Joint Letter to the President Concerning Melo Commission*, Human Rights Watch website, 22 March http://hrw.org/english/docs/2007/03/22/philip15545.htm – Accessed 20 June 2007 – Attachment 34).

The Melo Commission report quotes a news article which details the anti-communist strategy of senior military official Major General Jovito Palparan (now retired). General Palparan and his subordinates have been the subject of allegations of numerous human rights abuses. The article quotes Palparan's claims that he considers Akbayan and other parties as "a different face of [communist] political warfare". The relevant section follows in full:

> In the Central Luzon province of Nueva Ecija, Palparan's anticommunist strategy is to engage locals, gather intelligence and identify outside agitators. Small military teams block access to **so-called militants representing political parties like Bayan Muna and Akbayan, which Palparan considers "a different face of [communist] political warfare that's not healthy for our democracy."** The goal, he says, is to neutralize rebel activities by empowering the "silent majority." To that end, the military is creating village-level militia to keep rebels and activists out after soldiers depart [researcher emphasis added] (Melo Commission 2007, *Initial Report of the Independent Commission to Address Media and Activist Killings*, January, p. 23. Cited on Philippine Center for Investigative Journalism website http://www.pcij.org/blog/wp-docs/melo_commission_report.pdf – Accessed 20 June 2007 – Attachment 35; see also: Asian Legal Resource Centre 2007, 'Special Report: The criminal justice system of the Philippines is rotten', *Article 2 of the International Covenant on Civil and Political Rights*, vol. 6, no. 1, February http://www.article2.org/pdf/v06n01.pdf – Accessed 19 June 2007 – Attachment 29).

Targeting by CPP/NPA

The 2007 FIDH briefing paper states that "[a]s recently as at the end of 2004, Walden Bello

and Loretta Rosales, members of Akbayan, were placed on a list of 'traitors' established by the CPP, and therefore seriously threatened to be killed" (International Federation for Human Rights 2007, 'Briefing note: Philippines', FIDH website, 7 February http://www.fidh.org/IMG/pdf/0702note-philippines.pdf – Accessed 9 February 2007 – Attachment 21).

The previously mentioned 2006 *Business World* article describes the "purge" within the communist ranks, and mentions that Akbayan members were in fear of their lives because they were allegedly on a NPA "hitlist". A 2005 article states that members of most political groups from the Left not led by the CPP had been threatened and/or killed. This was notably the case for the "five major independent Left parties", including Akbayan which "began to be very severely attacked…in 2003-2004". The article lists a number of Akbayan members who had been killed, targeted, or threatened (Monsod, S. 2006, 'CALLING A SPADE Truly chilling', *Business World*, 10 August – Attachment 6; Rousset, Pierre 2005, 'The CPP-NPA-NDF "Hit List" – a preliminary report', International Viewpoint online magazine, IV365, March – http://www.internationalviewpoint.org/article.php3?id_article=616 – Accessed 16 November 2005 – Attachment 30).

4. Would anyone suffering such harassment be able to gain state protection?

The available information suggests that there is a climate of almost total impunity in regards to human rights abuses by security forces in the Philippines, despite various commissions and investigations. According to the most recent US Department of State report on human rights, the fact that alleged abuses by security forces have gone unsolved and unpunished has contributed to this climate of impunity. The report also states that "[c]orruption was a problem in all the institutions making up the criminal justice system, including police, prosecutorial, and judicial organs (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Philippines*, March – Attachment 36).

In February 2007 the Asian Legal Resource Centre (ALRC) published a special report titled 'The criminal justice system of the Philippines is rotten', which details the failure of the country's justice institutions. The report states:

> The fine words of the constitution, the bill of rights and various laws ostensibly introduced to protect the people are completely divorced from the crass reality of the absolutely inefficient, corrupt and careless policing, prosecuting and adjudicating systems (Asian Legal Resource Centre 2007, 'Special Report: The criminal justice system of the Philippines is rotten', *Article 2 of the International Covenant on Civil and Political Rights*, vol. 6, no. 1, February, p. 2 http://www.article2.org/pdf/v06n01.pdf – Accessed 19 June 2007 – Attachment 29).

Under the title of 'Total Impunity' the 2007 FIDH report states that:

> The perpetrators of the extrajudicial killings are rarely identified by the police and never brought to justice. No high level military has ever been put on trial for involvement in human rights violations. According to various testimonies, the lawyers taking up cases against members of the army or the police are generally harassed and threatened. The witnesses and the relatives of the victims are also threatened, if not killed" (International Federation for Human Rights 2007, 'Briefing note: Philippines', FIDH website, 7 February http://www.fidh.org/IMG/pdf/0702note-philippines.pdf – Accessed 9 February 2007 – Attachment 21).

In the section called 'Ineffective investigations and a climate of impunity', the 2006 Amnesty report notes its concerns that the routine investigations launched into political killings have "reportedly not led to the conviction of any of the perpetrators of the hundreds of killings of leftist activists since 2001" (Amnesty International 2006, 'Philippines: Political killings, human rights and the peace process', AI website, http://web.amnesty.org/library/print/ENGASA350062006 – Accessed 16 August 2006 – Attachment 1).

A 2006 article in *Business World* states that "in the case of the [political] killings, not to mention the disappearances, when it becomes clear that our democratic institutions either cannot, or will not, assure human security, and may themselves be guilty of jeopardizing it – this is truly chilling" (Monsod, S. 2006, 'CALLING A SPADE Truly chilling', *Business World*, 10 August – Attachment 6).

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