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Against the Terror of Anti-Terror

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break up protests, discriminate based on sex or race, and kill in cold blood. It recognizes and respects the autonomy of each person, the ability of each person to think, speak, and act however they want. As such, the power to protect themselves and those they care for from the threat of terrorism, perpetrated today by cops, bosses, and government officials.

We have a long way to go before we can even ponder on what we should do to build a better society. Today, we see what little freedom we have left collapse into authoritarianism and fascism. We have seen Bolivia, the United States, and Hong Kong. If this bill is not junked, we could see it too in the Philippines. This is not just an issue for Filipino libertarians and anarchists. This is an issue for everyone in the archipelago, regardless of age, sex, religious belief, or political affiliation. If the State can take away from us, how more are they willing to terrorize us further? Besides, how can we trust fascists to tell us who are the real terrorists?

passes, anyone the regime considers an enemy can be silenced with practically life imprisonment. No wonder why many people consider this bill as a Martial Law in all but name.

The Terror in Anti-Terror

Mikhail Bakunin once said that:

“The human being completely realizes his individual freedom as well as his personality only through the individuals who surround him, and thanks only to the labor and the collective power of society.”¹⁸

This means that freedom is only achieved when all people are themselves equally free. Freedom can only be achieved when a person’s beliefs and actions are recognized by their fellowmen. The fact that our conscience can be arbitrarily punished by any leader in government means that freedom can be punished for being in the way of greed for power.

Once we start thinking about this reality, it then dawns upon us that we have never really been free. We may have freedom to post online, to make our opinion and dissent heard, and to act according to our beliefs and interests. However, as soon as we point our fingers to those in power and disclose their weaknesses and faults, they will do everything in their power to silence us, and hide it from plain view. For years, this facade of democracy reigned over the archipelago. In reality though, it is nothing but a game the rich and powerful play to become even richer and stronger. This bill merely shows us the rules they want to play on.

A society that is libertarian, a society that respects *liberty*, does not rely on organizations that say they protect and serve us, only to

¹⁸ Mikhail Bakunin, “Man, Society, and Freedom.” *The Anarchist Library*. theanarchistlibrary.org

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incite others to do so, voluntarily join any terrorist group, or be an accessory in any acts they do.” In short, anybody remotely related to any “terrorist organization” can be charged with a crime under this act.¹⁷

Overbroad and Overpowered

We can all agree that safety of the public is always the concern of our society. Our safety and the safety of our friends, our family, and our communities have been part of the Filipino psyche for centuries. Once this welfare has been violated, we come to each other’s aid, and struggle to restore it to them. An injury to one is an injury to all.

However, the government has consistently shown itself as the primary violator of our freedom, our security, and our right to live. Whether it be on issues of labor, civil rights, the indigenous peoples, or even human life, the State continues to side with the powerful and supports Capital, the wealthy, and the privileged.

Yet, the State itself has the audacity to declare what is a public threat, what is terrorist or not. Under this bill, any organization can be dubbed terroristic as long as there is enough “evidence” to secure a conviction. Anyone can be convicted as a terrorist just because they called to oust the current president, joined a rally that suddenly became a “serious risk to public safety,” or even shared posts or messages that are remotely critical of the government. They can be detained for as long as the police or military would need to build a falsified, trumped-up case against them.

For years, activists have been discriminated on without any proof from the government. Students, labor leaders, and even indigenous elders from Mindanao have been harassed and persecuted for their views and beliefs. If the Anti-Terrorism Bill

¹⁷ Taken from the contents of the bill itself. See: Senate Bill No. 1083 “The law on the prevention of terrorist acts of 2020.” senate.gov.ph

In this context, one cannot help but be skeptical about the government's motivations in changing the definition of terrorism, and extending the punishment to be meted out to suspects and convicts under this bill.

Reading Between the Lines

In the Senate, this bill was authored by Senator Panfilo Lacson, to "provide a strong legal backbone to protect our people from the threat of terrorism, and at the same time, safeguard the rights of those accused of the crime."¹⁶

Terrorism has been given a different definition under this bill. Simply, terrorism is any organization of people proving to be harmful to the social, cultural, and economic structures of society, capable of causing harm to property or personage, and inciting other people in joining their cause.

Under the proposed law, suspected "terrorists" can be held for 60 days without an arrest warrant. Aside from this, a 60 day period can also be granted for digital surveillance, meaning any gadget connected to the internet, a phone, a computer, and appliance can be spied on, with a simple suspicion by an involved police or military authority. This basically means that freedom of expression, freedom of assembly, and even freedom of conscience can be violated as soon as any investigator deems a person or a group "terrorist." Anything suspects do can be considered a "terroristic act" and will be subject to the state's extrajudicial ways and means.

Once convicted, those who will "propose, incite, conspire, and participate" in the "planning, training, and facilitation of a terrorist attack" face life imprisonment. The same punishment goes for any "recruiters and active supporters of a terrorist organization." Lesser sentences are given to those who "threaten to commit terrorism,

¹⁶ Op. Cit. Filane Mikee Cervantes, "House panels OK non-contentious provisions in anti-terror bill."

The Philippine government is another step closer to revealing its true self: an undemocratic, oppressive entity ready to protect and serve the interests of the powerful, wealthy, and privileged few. Before there was talk of lockdowns and quarantines during the COVID-19 pandemic, there was the issue of updating the Human Security Act, a law defining the parameters of terrorism. After many days and weeks of politicking, grandstanding, and red-tagging, Congress unveiled the 2020 Anti-Terror Bill.¹

In it, the government aims to strip whatever semblance of constitutional liberties and rights are left after the Duterte administration's stints into extrajudicial killings and human rights abuses, that have claimed upwards of 5,000 lives and left indelible marks on the lives of countless Filipino families.²

On the 28th of February 2020, the Senate passed their version of the Anti-Terror bill, with 19 senators voting yes, and only 2 voting no.³ Debate still rages in the House of Representatives on its merits and its dangers,⁴ however, as of the 29th of May, two congressional committees approved the Anti-Terror Bill.⁵ As the people of the archipelago face the greatest health crisis of this century without mass testing, public safety, and financial stability, Congress is trying to take advantage of us while we are down and already suffering from pandemic and the excesses of government.

¹ See a report on the proposed law: Neil Arwin Mercado, "Longer warrantless detention among features of Lacson anti-terror bill." *Philippine Daily Inquirer*. October 02, 2019. newsinfo.inquirer.net

² See a list of some of the victims: Jodesz Gavilan, "LIST: Minors, college students killed in Duterte's drug war." *Rappler*. October 21, 2019. www.rappler.com

³ Op. Cit. Neil Arwin Mercado, "Longer warrantless detention among features of Lacson anti-terror bill."

⁴ Filane Mikee Cervantes, "House panels OK non-contentious provisions in anti-terror bill." *Philippine News Agency*. March 10, 2020.

⁵ Filane Mikee Cervantes, "House panels approve anti-terror bill." *Philippine News Agency*. May 29, 2020.

A History of Insurgency

Different insurgent groups exist within our country, whose goals aim to threaten and change the status quo – to overthrow the people who benefit from it: the current ruling class. The most prominent of these groups are the Bangsamoro separatists (such as the MNLF and MILF), the Islamic fundamentalists (such as the BIFF, the Abu Sayyaf, and the Maute Group)⁶ and the Marxist-Leninist parties engaged in armed struggle (the CPP-NPA-NDF and remnants of MLPP-RHB).⁷

These sets of militant organizations with their own allegiances and motivations have been operating for decades across the archipelago, challenging government power in rural and urban areas around the country.

It is in this landscape of insurgency that in 1996, then-Senator Juan Ponce Enrile introduced a bill that would create a legal definition for terrorism, and outline what the police and military can or cannot do to catch and prosecute convicted “terrorists.”⁸ A “watered-down” and “toothless” version of this bill became the Human Security Act, signed into law by then-President Gloria Macapagal-Arroyo in 2007.⁹

However, the rhetoric since then has evolved as Rodrigo Duterte became the President of the Philippines. Duterte has condoned and even called for the extrajudicial execution of alleged drug users and

pushers as part of his campaign against illegal narcotics.¹⁰ He also told soldiers to shoot female rebel combatants in the genitalia, a clear violation of the Geneva Convention.¹¹

Meanwhile, police and military forces regularly illegally detain dissidents, regardless of their affiliation or intention.¹² There are even cases where farmers, workers, and activists are murdered as part of “anti-subversion activities.”¹³ Worse still, indigenous Lumad ancestral land across the country are being occupied illegally, while atrocities against their communities continue to be perpetrated.¹⁴

Left and right, in the name of public safety and order, the current administration has committed grave violations of human rights. Civil and military officers even called for the restoration and enhancement of laws and measures to make their jobs easier, presumably so that they could claim more victims and plunder more territory. This included the push by Secretary Año to bring back the Anti-Subversion Law that specifically targeted communists and those with communist sympathies.¹⁵

¹⁰ Sofia Tomacruz, “Duterte: It is my job to kill.” *Rappler.com*. March 10, 2020. www.rappler.com

¹¹ Paterno Esmaguel II, “Duterte defends ‘shoot in the vagina’ remark.” *Rappler*. February 26, 2018. www.rappler.com

¹² See for example the harassment of mutual aid activities during the pandemic: Rambo Talabong, “10 feeding program volunteers arrested in Marikina.” *Rappler*. May 1, 2020. www.rappler.com

See also the harassment of benign May Day protests: Eimor Santos, “Cases filed vs. 18 ‘protesters’ arrested in Quezon City.” *CNN Philippines*. May 2, 2020. cnnphilippines.com

¹³ See for example a report on the killings perpetuated on the island of Negros: Ronalyn V. Olea, “Negros killings, ‘a war against unarmed civilians’ – groups.” *Bulatlat*. July 27, 2019. www.bulatlat.com

¹⁴ See for example the report: Cristina Rey, “Increased militarization under martial law threatens Lumad teachers in the Philippines.” *Intercontinental Cry (IC)*. July 15, 2017. intercontinentalcry.org

¹⁵ Janella Paris, “Proposed anti-subversion law a ‘repressive weapon’ – law group.” *Rappler*. August 17, 2019. www.rappler.com

⁶ See the report: Agence France-Presse, “Tracing back the Philippine Muslim conflict.” *Rappler*. October 7, 2012. www.rappler.com

⁷ See the report: Alan Robles, “Explained: the Philippines’ communist rebellion is Asia’s longest-running insurgency.” *South China Morning Post*. September 16, 2019. www.scmp.com

⁸ Janess Ann J. Ellao, “Human Security Act: ‘Draconian, Fascist.’” *Bulatlat*. August 11, 2007. www.bulatlat.com

⁹ GMA News.TV, “Arroyo to sign proposed anti-terror law Tuesday.” *GMA News Online*. March 5, 2007. www.gmanetwork.com