

Free speech in the Philippines: “death by a thousand cuts”?



Journalism is a precarious profession in any country, and the Philippines is no exception. Frequently ranked as one of the [most dangerous countries for journalists in the world](#) it has seen the [murder of 82 journalists](#) since 1992, including 32 killed in a [single day](#). Since President Rodrigo Duterte’s election in 2016 however the harassment and vilification of the media has been taken to a new level.

Maria Ressa - journalist and founder of prominent news outlet Rappler - has recently been found guilty of cyber libel along with one of her columnists for an article published by Rappler in 2012, despite the fact that the law in question did not come into force until months after its publication. Her conviction is widely believed to be politically motivated due to Rappler’s criticism of the Duterte government and has been described as part of an [‘orchestrated campaign of legal harassment’](#) by the EU.

The verdict comes after the signing in of a controversial anti-terror bill that will give the government greater reign in tackling dissent, raising concerns that this forms part of an attempt to crack down on criticism of the Duterte government’s bloody war on drugs and [militaristic handling of the coronavirus crisis](#).

Additionally, the government has just forced the most popular broadcast network in the Philippines ABS-CBN off air, leaving many Filipinos with little to no access of critical coverage of the governments actions during one of the [world’s strictest lockdowns](#).

These developments signal a further decline in the state of free speech and democracy for a country that is already in the bottom 50 countries for press freedom according to the [World Press Freedom Index](#). The story of how the country arrived at this point can in part be explained by looking at its leader.

Duterte Vs. the Media



President Rodrigo Duterte speaking to a gathering

Since his election in 2016, Duterte has become notorious for his outspoken dislike of the media. At a press conference shortly before his inauguration he controversially remarked that [“just because you’re a journalist you are not exempted from assassination, if you’re a son of a bitch”](#).

Out of the seven journalists murdered since Duterte’s election, four of them have been linked to Government Officials in subsequent investigations according to a [database](#) compiled by the Committee to Protect Journalist’s.

There are indications that the refusal by Congress to renew the license of news network ABS-CBN in July of this year was influenced by Duterte. The network [aired ads paid for by one of his opponents in the 2016 election campaign](#) which included clips of him swearing and making controversial remarks. It has also reported critically on the death toll of the drug war.

Despite [claims](#) by his spokesperson that he is neutral on the issue, Duterte has threatened the network on numerous occasions in the past, including telling them that he [“will see to it that you’re out”](#). At a press briefing in 2017 he hit out at them specifically, saying [“ABS-CBN, you publish trash”](#). He also addressed the Philippine Daily Inquirer, (“Inquirer, you are bullshit”). He ominously stated that “karma will come” for both of the outlets.

The Rappler is another organisation that has been singled-out by Duterte. calling them a [“fake news outlet”](#) and falsely stating that they were [“fully owned”](#) by Americans in a 2017 state of the nation address. Ms. Pia Ranada, a Rappler reporter known for posing particularly hard-hitting questions to the President, was banned from covering Malacañang palace (where Presidential press conferences are delivered). It later emerged that this order came [directly from the President himself](#).

At one stage in 2018 Rappler’s [registration was revoked](#) and a probe launched by the Department of Justice amid accusations that it violated constitutional restrictions on foreign media ownership. These accusations stemmed from Duterte’s comments about American ownership.

Maria Ressa



Rappler CEO Maria Ressa. Photo via [Deutsche Welle](#) on Flickr

The issue of press freedom in the Philippines gained international attention this year when Rappler CEO Maria Ressa and her former employee Reynaldo Santos Jr. were found guilty of cyber-libel over an article written eight years ago, both facing up to six years in prison.

The [piece in question](#) - written by Santos and published by Rappler on May 28th 2012 - reported a possible link between then Chief Justice of the Supreme Court (who at the time was on trial for [impeachment relating to corruption and a failure to disclose assets](#)) and businessman Wilfredo Keng.

The article suggested Keng may have been linked to human trafficking and drug smuggling, and he brought a case against Rappler in 2017 for cyber-libel. The case was initially dismissed as at the time the Statute of Limitations for such cases was one year after publication, however it [was then extended to 12 years for cyber-libel cases](#) and Ressa's case was allowed to proceed to court.

The cyber-libel law itself only came into effect on the 12th of September 2012, several months after the story's original publication. Prosecutors then argued that because the article was updated in February 2014 to correct a typo this constituted 'republishing' and was therefore covered by the law.

The law itself had previously been criticised for repressing free speech and was deemed by The United Nations Human Rights Council as ['incompatible' with the International Covenant on Civil and Political Rights](#) .

Ressa herself is now facing additional [tax evasion charges](#), again relating to Duterte's allegations of foreign influence in Rappler.

MEPs from the EU's Media Working Group have urged for the charges against Ressa and Santos to be dropped in a [letter](#) shared by the National Union of Journalists of the Philippines on Twitter. Referencing the charges against Ressa specifically, they state they are "concerned her conviction sends a strong message to journalists that critical reporting risks imprisonment".

After she was found guilty, Ressa hosted a [press conference](#) in which she remained determined to fight the verdict:

“Are we going to lose freedom of the press? Will it be death by a thousand cuts, or are we going to hold the line so that we protect the rights that are enshrined in our constitution?”

This quote inspired the title of the #HoldTheLine campaign, a [coalition](#) of over 60 organisations supporting Ressa, including Reporters Without Borders, the Committee to Protect Journalists and the International Centre for Journalists.

A [documentary](#) about Ressa’s experience, entitled “A Thousand Cuts”, has also been made and was livestreamed for free in the Philippines. It will be released in August in the US.

Anti-terror bill

One of the many issues that Rappler and Ressa have provided independent reporting on is the government’s new anti-terror bill. The bill replaces the Philippine’s Human Security Act from 2007, and makes [changes](#) such as extending the maximum period that a suspect can be detained for from three days to 24, allowing the police a greater remit on who they can conduct surveillance on and for how long and removing a clause that allows for suspects to claim damages from the government when falsely detained.

It also gives a much broader definition of who can be deemed a terrorist, which is a key point concerning human right groups.

The administration has defended claims that the bill infringes free speech by pointing to a part of the bill stating that the definition of terrorism “shall not include advocacy, protest, dissent, stoppage of work, industrial or mass action, and other similar exercises of civil and political rights, which are not intended to cause death or serious physical harm to a person, to endanger a person’s life, or to create a serious risk to public safety.”

Given that in 2018 Duterte’s government [attempted to have 600 individuals designated as terrorists](#), including a UN special rapporteur and a former lawmaker, and that Filipino citizens have previously [been arrested over negative Facebook posts](#) about the government, this clause does not appear entirely reassuring.

“Even the mildest government critics can be labelled terrorists”

According to Amnesty International’s Asia-Pacific Regional Director Nicholas Bequelin [“Under Duterte’s presidency, even the mildest government critics can be labelled terrorists...a law so vague on the definition of ‘terrorism’ can only worsen attacks against human rights defenders”](#). Despite her legal battles, Rappler’s Maria Ressa has been vocal in condemning the bill, saying it will [“institutionalize”](#) abuses of power. Environmentalist Greta Thunberg also weighed in on the issue in an [Instagram post](#), saying that it will put Filipino climate activists at risk and called for the law to be repealed.

Looking forward

Press freedom is crucially important right now. We are increasingly relying on the internet and other forms of reporting to keep us connected, so restrictions on what can be communicated will have a greater impact on our perception of the world.

Coronavirus has given many governments the opportunity to push forward agendas that would usually be under greater scrutiny. The pandemic has allowed the Philippine Government to claim sweeping emergency powers, which for many Filipinos hark back to the periods of martial law. Meanwhile Duterte has violently threatened lockdown violators, advising the police and military to [“shoot them dead”](#).

Critical reporting must be able to continue in the Philippines, not only to inform Filipino citizens on the actions of their government during the coronavirus pandemic, but also to document what is happening to the media outlets themselves. As Ressa put it at her post-conviction press conference, “If we can’t hold power to account, we can’t do anything”.

TAGS: Philippines, Free speech, Maria Ressa, Anti-terror bill, Duterte