

Anti-Terror laws in Philippines disguise for ending Freedoms

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With majority of congressmen heeding Malacañang's call for Congress to hold a special session, the anti-terrorism bill was finally [ratified](#) by the House of Representatives through a voice vote last night. Civil libertarians though are gearing up for another round of legal battle: Once the bill is signed into law, they will challenge its constitutionality before the Supreme Court.

University of the Philippines professor Harry Roque, director of the Law Center's Institute of International Legal Studies, said they will be questioning the constitutionality of certain provisions of the anti-terror law, otherwise known as the Human Security Act of 2007. Roque referred to the recent decision of the Supreme Court on [David v Arroyo](#) as the "biggest obstacle" to the measure.

The 2006 Supreme Court decision declared [Presidential Proclamation 1017](#) and [General Order No. 5](#) as unconstitutional in the absence of an internationally accepted definition of terrorism. Both presidential orders directed the the police and military to "immediately carry out the necessary and appropriate actions and measures to suppress and prevent acts of terrorism and lawless violence."

U.P. sociology professor Randy David was among those arrested without warrant during the People Power anniversary last year as a result of these orders.

"The bill does not define what terrorism is. What it provides is the consequence of terrorism," Roque said.

Under the Senate-adopted version, terrorism is broadly defined as any act "sowing and creating a condition of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand."

Under Philippine laws, the word "terrorism" appears only once in a presidential decree enacted by the late dictator President Ferdinand Marcos. It was mentioned as "that one who conspires with any other person for the purpose of overthrowing the Government of the Philippines...by force, violence, and terrorism."

"Why should Congress now insist on punishing a crime which has not yet been defined? This would amount to a violation of the constitutional right of the accused to due process," Roque explained in an earlier statement.

In *David v Arroyo*, the High Court said that since there is no law defining “acts of terrorism,” Arroyo alone has the discretion to determine what acts constitute terrorism.

“Her judgment on this aspect is absolute, without restrictions. Consequently, there can be indiscriminate arrest without warrants, breaking into offices and residences, taking over the media enterprises, prohibition and dispersal of all assemblies and gatherings unfriendly to the administration,” the Court said.

Progressive and other concerned groups have raised concerns that the legislation “is an attempt to put all forms of political dissent to silence under the pretext of fighting terrorism.”

“The tagging of a person or an activity as ‘terrorist’ is made easy by vague legislation. As a consequence, the freedom of association, assembly and movement are undermined,” the Philippine Alliance of Human Rights Advocates said in a statement.

As it is, human rights groups say that even without the anti-terror law, there have been over 800 political killings already.

“The law will legitimize the role of the Philippine president as chief executioner,” Roque said. The Senate-adopted version allows for arbitrary detention, warrantless arrests, surveillance, and the seizure of assets of even those who are merely suspected as “terrorists.”

A person found to be guilty of the crime of terrorism, or any person who conspires to engage in such, will be imprisoned for 40 years, without the benefit of parole.

Also, leftist groups fear that the proscription of “terrorist organizations,” as organizations who engage in acts that sow or create condition of widespread and extraordinary fear and panic among the people, may be used to ban “legitimate organizations” of the opposition.

Roque also described the Anti-Terrorism Council, tasked to implement the law, as a “a superbody with extrordinary powers, and without accountability.”

Under Section 53 of the bill, the council shall be composed of the Executive Secretary and Justice Secretary, among others.

The council can direct the investigation and prosecution of persons accused or detained; freeze assets; and eradicate acts of terrorism by “mobilizing the entire nation against terrorism.”

House Speaker Jose de Venecia Jr. however maintains that the country would face international embarrassment if such a law was not passed. Arroyo and her allies in the Lower House have earlier been criticized for succumbing to the pressure from the international community, particularly the United States, to pass a law on anti-terrorism.

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