

Philippines: Conviction of Maria Ressa and Santos Jr. is a blatant attack against democracy

(Bangkok, 15 June 2020) – The conviction of Rappler CEO Maria Ressa and former Rappler writer-researcher Reynaldo Santos Jr. over cyber libel charges today sends a chilling message that the Philippine people are now a target, the Asian Forum for Human Rights and Development (FORUM-ASIA) said.

Today, the Manila Regional Trial Court convicted Maria Ressa and Reynaldo Santos Jr. of cyber libel charges over a 2012 article. The two were given a sentence that could range from six months and one day to six years, and face a fine of Php 400,000 (approximately 7,950 USD). Maria Ressa faces at least seven other cases, including tax evasion charges and the alleged violation of the Anti-Dummy Law.¹

‘The convictions will have significant implications on press freedom and the freedom of expression for years to come. It clearly demonstrates how the Government has weaponised its laws to target journalists, critics and democracy itself,’ said Shamini Darshni Kaliemuthu, Executive Director of FORUM-ASIA.

The cyber libel case concerns a Rappler article originally published in May 2012, months before the Cybercrime Prevention Act which criminalises cyber libel, was signed into law. In May 2014, Rappler corrected a spelling error in the article. The Department of Justice argued that this correction was a re-publication of the article during the time period covered by the law.

The case shows how the Duterte administration has used its legal infrastructure and democratic institutions to stifle reporting or expression that criticise the government.

Rappler, a Philippines-based online news outlet, has been targeted for its investigative reporting on extrajudicial killings related to the ‘war on drugs.’ In January 2018, President Rodrigo Duterte called Rappler a ‘fake news outlet,’ and accused Rappler of abusing press freedom and warned that its reporters will ‘go to jail for your crime.’²

‘Beyond Rappler, the President has targeted other media and press outlets, civil society, journalists, human rights defenders for expressing dissent or criticism. These verbal assaults have rendered them vulnerable to judicial harassment, intimidation, and violence from both state and non-state actors’, Shamini said.

¹ <https://www.rappler.com/nation/263790-maria-ressa-reynaldo-santos-jr-convicted-cyber-libel-case-june-15-2020>

² <https://www.rappler.com/nation/193806-duterte-fake-news-outlet>

Individuals criticising the government response to COVID-19 have been summoned under a ‘fake news’ provision in the Bayanihan to Heal as One Act.³ The act granted the President additional authority to combat the pandemic. ABS-CBN, the largest television network in the country, was shut down last month after years of repeated verbal attacks from the President.⁴

The conviction against Ressa and Santos Jr. comes as the President is expected to sign into law an anti-terrorism law that could criminalise expression and dissent under a vaguely worded definition of terrorism.

‘What we are seeing is not just the politically motivated conviction against two journalists, but a systemic repression of the fundamental freedoms in the country, which is being institutionalised under this regime,’ said Shamini.

About FORUM-ASIA:

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a Bangkok-based regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

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³ <https://news.abs-cbn.com/news/04/02/20/chilling-effect-nbi-going-after-netizens-for-social-media-posts-on-covid-response-diokno>

⁴ <https://www.bbc.com/news/world-asia-52548703>