

# States: A problem and a solution to impunity

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Campaign hashtags: #IDEI #endimpunity #endimpunityPH #endimpunitySEA

SEAPA members and partners joining in the commemoration:  
@cmfr @AJI\_Indo @CCHR @IFEX



Document 1/7: Press Release

Regional Overview:

## **Philippines, Vietnam worst countries for impunity in the region in 2013**

*Impunity situation in 2013 remains bleak in Southeast Asia with the same problems in the same countries highlighting state inaction to violence and state suppression of free speech.*

BANGKOK, 23 November - The Philippines and Vietnam are again at the top of countries of concern related to the continuing problem of impunity in Southeast Asia, says the Southeast Asian Press Alliance (SEAPA) as they marked today the International Day To End Impunity.

The day was commemorated in Bangkok during a meeting of activists and journalists from across Asia with the UN Special Rapporteur on freedom of opinion and expression Mr Frank La Rue.

SEAPA executive director Gayathry Venkiteswaran said that the "situation remained unchanged" in the region, especially in these two countries where the same trends were observed last year.

Violence and state violations of freedom of expression remain pressing in the problems in the region, and paint a continuing bleak picture of impunity in Southeast Asia in 2013.

"These twin sets of actions remaining unpunished or unaccountable represent the very definition of impunity that SEAPA is campaigning to end," says Gayathry.

SEAPA collected the information from news and reports of media advocacy and human rights groups.

### **Lawless violence**

"There were six killings and at least eight incidents of attacks and violent threats to journalists in the Philippines," Gayathry said. "This country has consistently been the most dangerous place for journalists in the region over the past few years."

The total number of killings is now up to 19 since July 2010 when President Benigno Aquino III took office, according to the Center for Media Freedom and Responsibility (CMFR), a SEAPA member in the Philippines.

Continuing violence remains a problem owing to the weak law enforcement, government corruption, a slow justice system and a pervasive gun culture, says CMFR. Violence against the media is an easy response of persons whose illegal activities or vested interests are exposed in public.

CMFR has recorded 137 journalist killings in the Philippines since the group started counting in 1986.

The anniversary of the Ampatuan massacre four years ago in the southern Philippines' Maguindanao province was selected by free expression activists as the International Day to End Impunity (IDEI) since it is the worst act of violence against media workers, with 32 out of the 58 killed coming from the sector.

Freedom of expression advocates have dedicated the date for a concerted worldwide push to end the problem of impunity faced by journalists and activists worldwide.

Until today, the criminal case on the massacre has not completed arraignment for the 105 suspects currently in custody. This means the court's to evaluation of the evidence against suspect has not yet even begun and may take decades.

The slow pace of the judicial process in the Ampatuan massacre is an important reason for the high level of violence against journalists in the Philippines. "It sends the message that killers will never face justice," Gayathry said.

### **State impunity**

Meanwhile in Vietnam, the government continued its crackdown on bloggers with at least 12 incidents recorded involving attacks, arrests and jail terms for bloggers who serve as alternative channels of information for the population.

"It is a very dangerous place for bloggers and the danger comes from the government," Gayathry said, referring to a SEAPA [report](#) on how the government maintains its tight grip by criminalizing acts of free expression.

Articles 88 and 258 of the Vietnam Criminal Code are the main weapons of government to crackdown on bloggers and free speech, according to the report. Article 88 criminalizes conducting propaganda against the state, while article 258 prohibits the "abuse" just about any other democratic right of citizens.

"The problem is that these laws give the government a very broad scope to include any action as long as it's interpreted as an act against the state," Gayathry explained.

By contrast, state actions against the media are limited, due to the strict regulation of the press in Vietnam.

The situation should be viewed in the context of the equally deplorable situation of press freedom in the region. For example, although SEAPA was not able to record any violent incident in the media in Brunei, Singapore and Laos, it does not mean that citizens are free to speak out against the government.

"Like in Vietnam, their media is very quiet," noted SEAPA campaigns coordinator Kulachada Chaipipat who said that the only incident of violence recorded in Laos since the IDEI last year was the disappearance of development worker Sombath Somphone on 15 December 2012.

"Community development work is the only activity of civil society allowed in Laos," Kulachada explained. "Sombath's disappearance sends a strong threat to the rest of civil society about speaking out on social issues."

Sombath's disappearance happened after he led an international meeting between ASEAN and European civil society groups to discuss cooperation issues between the two regions. The meeting was a rare opportunity for Laotian communities to raise issues they face, much to the embarrassment of the government which later hosted a meeting with officials from the same regions.

### **Few improvements**

SEAPA reports that in 2013, there were very few positive developments on impunity cases related to journalists.

In Thailand, the case of the 2010 killing of Italian news photographer Fabio Polenghi moved a bit forward after a court inquest ruled that the bullet that killed him came from the army side.

But because the inquest stopped short of pinpointing the soldier or the unit responsible, it is not clear how the case will move forward.

In Cambodia meanwhile, the court has absolved the suspected killers of Rattanakiri journalist Heng Serei Oudom who was bludgeoned to death the day after he disappeared in September 2012.

Heng's case was the only one in the region with any hope of achieving justice when SEAPA marked the IDEI last year. "Now, it seems even this hope has vanished," said Gayathry.

In the Philippines, leaders of indigenous peoples and trade unions have also fallen victim to violence.

The global campaign has been organized since 2011 with the aim of raising public awareness on the continuing threats of impunity in media killing and to call for stronger state actions to end impunity.

Document 2/7: Op/ed article

## **Broad civil society support needed to end impunity in media killing**

*By Gayathry Venkiteswaran<sup>1</sup>*

In April 2012, the heads of the United Nations agencies adopted an integrated [plan of action](#) on the safety of journalists and the issue of impunity, following increasing calls globally to address the alarming rate of violent threats against the media.

The safety plan reflected the urgent reality that a coordinated action across different interest groups and areas of work was needed to combat this deadly trend, where over 660 journalists have been killed since 1992 and 90 percent of those murders committed with impunity, according to the Committee to Protect Journalists.

Threats against the media and free expression are intricately linked with other facets of the political economy of societies that have seen worrying trends, with little or no efforts forthcoming in bringing the perpetrators to justice. The media, while ideally tasked with the role as a watchdog, together with human rights defenders, bore the brunt of violent responses in cases linked to organized crime, corruption, and abuse of power.

The [UN plan](#), initiated by UNESCO, which has the mandate on freedom of expression and media freedom, sends a clear signal that the work to end impunity needs a multi-sectoral approach. In other words, it's not just the business of the media to defend itself, but it's a concern that must be shared by civil society groups and institutions working on a range of issues. From anti-corruption to access to health, minority rights to forced evictions, environmental protection to labour rights, journalists have been targeted for reporting these issues across the world where states have either been the perpetrators or have failed in their duty to protect citizens.

In the last few weeks, words like "impunity" and "amnesty" have dominated the local and foreign media covering [Thailand](#), following government attempts to legislate against accountability in a series of serious political incidents in the last decade. Groups from both sides of the long-running political divide have voiced concerns about the law, including the impact on human rights and anti-corruption. The stakeholders in the issue of impunity come from a wide section of the population.

Two of the more than 90 killed during the April-May 2010 political unrest, were journalists. Freelance photographer Fabio Polenghi and Reuters cameraman Hiroyuki Muramoto were shot and killed in separate military crackdowns. While an inquest earlier this year concluded that the bullet that killed Polenghi came from the direction of where the military personnel were located, the court stopped short of determining who is responsible for his death. The proposed law, if it had been passed, would have been a carte blanche for those directly responsible for killing and injuring civilians in the clashes.

This, like the inertia of many other states in fixing the laws and processes that have allowed for the killings to go unresolved, falls short of the recent United Nations Human Rights Council resolution adopted on the safety of journalists. Among others, members of the council expressed in the [September 2012 resolution](#) concern that attacks against journalists often occur with impunity, and strongly urged states to ensure accountability and bring to justice those responsible for the acts of violence.

Free expression groups welcome the resolutions and UN commitments, as these provide them with the international backing when advocating for improvements with their respective governments. These also help push forward the [global campaign](#) initiated by media freedom

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<sup>1</sup> Ms Gayathry Venkiteswaran is Executive Director of the Southeast Asian Press Alliance (SEAPA).

advocates three years ago, to raise public awareness on the threats of impunity in media killing, in commemorating the killings of 32 media workers in Maguindanao, Philippines on 23 November 2009.

On the other hand, impunity has been a long standing issue in the human rights community, associated mainly with addressing past abuses after political transitions. But the reality on the ground is that journalists' safety is only slowly featuring in the broader campaign in the promotion of human rights, where in the past typical media concerns like ethical breaches and threats of censorship have been confined to the industry.

The time has come for the media and the wider civil society community to work together to translate these important international documents into real action domestically.

Document 3/7: Case Updates

Follow-up report:

## **Six cases of impunity and the role of the state in Southeast Asia**

Since fellow free expression advocates agreed to mark 23 November as the International Day to End Impunity (IDEI) beginning in 2011, SEAPA has highlighted a number of cases to emphasize that the culture of impunity persists throughout the region.

In practice, SEAPA's campaign has focused on cases of impunity – which means the absence of punishment – for acts of violence against journalists and activists, and on cases of repeated state violations of international law protecting the fundamental right to freedom of opinion and expression.

Perpetrators escaping culpability for acts of violence against free expression and against the media is a serious problem throughout the region, whether in free or tightly controlled media environments. Generally, states have been unable to deliver justice for the overwhelming proportion of the incidents of violence against the media and free speech, whether committed by state or non-state actors.

For example, the unsolved 1996 killing of Indonesian journalist [Fuad Muhammad Syafruddin, also known as "Udin"](#), is due to expire in August 2014 after the statute of limitations for acts of murder expires.

At the same time, state sanctions against acts of free expression are a blunt and forceful way of suppressing opinion and speech. Moreover, each state violation – which is essentially the use of government's might – sends the message to citizens the state will only accept acquiescence and wants to suppress dissent.

For the 2013 commemoration of the IDEI, SEAPA has chosen to focus on **the role of the state** both in fostering the culture of impunity and to emphasize the necessity of a systematic official response to ending this culture.

Below, we share updates on what happened in 2013 to six impunity cases that SEAPA has highlighted in its alerts and campaigns in the past years: the Ampatuan massacre in the Philippines, the imprisonment of broadcaster Mam Sonando of Cambodia and blogger Dieu Cay of Vietnam, the deaths of Cambodian journalist Heng Serei Oudom and Italian photojournalist Fabio Polenghi in Thailand, and the disappearance of Laotian development worker Sombath Somphone.

All of these cases occurred before 2013, with the disappearance of Sombath Somphone being the last incident presented in this article. Each case highlights an important aspect of the role of the state in ending impunity.

### **Ampatuan Massacre: Speedy, effective justice mechanisms**

Four years after the incident, a remaining four of the detained suspects in the massacre have yet to be arraigned for their roles in the gruesome incident. The last court activity happened on 2 October, when two of the principal suspects [pleaded](#) "not guilty" to 58 counts of murder during their arraignment.

This stage of the legal process means that the court cannot even begin to hear the evidence to establish the guilt of 105 suspects currently under arrest. A total of 197 people stand accused in the Ampatuan massacre trial, but the remaining 90 have yet to be arrested.

Defence lawyers have placed obstacle after obstacle using the Rules of Court to delay the process that at this rate may take decades to complete.

The [Ampatuan massacre](#) on 23 November 2009 is believed to be the worst single act of violence committed against media workers, which included 32 of the 58 victims of the incident related to elections. The incident is emblematic of the unbridled power of some local government executives in maintaining power and control in their jurisdiction. The Philippines press is recognized to be one of the freest in the region, and impunity for violence against the media is perhaps its biggest threat.

### **Fabio Polenghi killing: Accountability of the armed forces**

On 29 May this year, a Thailand court inquest [ruled](#) that the bullet that killed news photographer Fabio Polenghi came from the direction of government soldiers during military operations to disperse protracted anti-government protests in 2010. The ruling marks significant progress in the quest for justice for Fabio. However, it is not clear how the case will move forward from this point.

So far, not one soldier or military unit has been charged for any culpability for Polenghi's or any of the civilian deaths during the dispersal operations.

Murder charges have been filed by the current government against then prime minister Abhisit Vejjajiva and his deputy Suthep Thaugsuban for ordering the use of force in dispersing the protests in which Polenghi was killed. However, these charges are among those included in the controversial amnesty bill, which aimed to absolve all criminal charges related to the political deadlock beginning in 2004.

Fabio Polenghi was killed on 19 May 2010 while covering the violent dispersal of the red-shirt protests. Polenghi and a companion were shot at despite being clearly identified as journalists. He was one of over 90 persons killed – mostly protesters but also including soldiers and another journalist – during this tumultuous period in Thailand politics.

### **Mam Sonando imprisonment: Rule of law**

The saga of the unjust imprisonment of independent radio station owner [Mam Sonando](#) ended on 14 March when the Cambodian Appeals Court [reduced](#) his 20-year sentence to a five-year suspended sentence.

His freedom was the result of an unexpected move on 7 March by the prosecutor, who requested the court to drop the most serious charges of insurrection and incitement to secession against Mam Sonando and his co-accused. These were the same charges for which Mam Sonando was sentenced in October 2012, sparking a huge outcry from the international community which had called these charges as spurious and fabricated.

In its place, the lesser charge of obstruction of law enforcement was retained, and an additional charge of "illegal logging" was filed. One week later, Mam Sonando was free although it is not clear whether the new charge against him has any basis as well.

Mam Sonando's case is significant for reflecting the extent of steps which the Cambodian government is willing to take to silence its critics. Mam Sonando was jailed by authorities immediately upon his return in July, after his radio station aired the filing of a case against the government in the International Criminal Court. State authorities linked him to a violent confrontation in land conflict in Kratie province, and accused him of leading villagers to secede from the state.

### **Heng Serei Oudom murder: protection of journalists**

Despite the generally [positive outlook last year](#) for the killing of Cambodian journalist Heng Serei Oudom, it appears that his case will end up like the majority of cases of violence against journalists in the region.

On 29 August, a Cambodian provincial court [dropped](#) the charges against the two primary suspects in the case due to lack of sufficient evidence.

This is a drastic turn from the situation one year ago, when a judge declared that the investigation of main suspects was 'finished' and charges have been filed against two main suspects, military police captain An Bunheng and his wife. It appeared then that killing of Heng Serei Oudom will be one of the few that will receive justice.

Court prosecutors declared last year that they had found evidence linking the suspects to the murder of the journalist who was found bludgeoned to death inside his car two days after he went missing on 10 September 2012.

The turn of events from the 29 August verdict surprised both Heng's family, media and environmental groups who were pushing for justice.

Heng Serei Oudom, a reporter from the Ratanakiri-based *Vorakchun* newspaper, was investigating the role of the military police in illegal logging and timber smuggling in the province. His last article, published four days before he went missing, linked the son of a military police official to illegal logging in the province.

### **Dieu Cay imprisonment: respecting dissenting opinions and actions**

Renowned Vietnamese blogger and political prisoner Nguyen Van Hai, also known as [Dieu Cay](#), staged a five-week hunger strike beginning in June to protest the lack of response to his complaint of maltreatment during his imprisonment.

In his case, prison authorities allegedly put him in solitary confinement for three months after refusing to sign documents confessing guilt for the charges on which he was convicted in September 2012.

Because of this mistreatment, Dieu Cay sent a complaint to Provincial Procuracy in Nge Anh. After receiving no response, he began his hunger strike to draw attention of authorities to look into the case of abusive treatment. Family members told the media that Dieu Cay wanted to draw attention to the continuing harassment of imprisoned bloggers and activists.

Dieu Cay [ended](#) his hunger strike on 27 July after judicial authorities agreed to look into his complaint.

Dieu Cay and two other prominent bloggers were sentenced on 24 September 2012 on charges of conducting propaganda against the state. Their respective sentences were upheld on appeal on 28 December.

### **Sombath Somphone disappearance: regional co-responsibility for human rights**

Renowned Lao development worker Sombath Somphone has been missing since 15 December 2012. Despite global [concern](#) regarding his disappearance, Sombath remains missing with the Lao government having [little to show](#) in terms of progress or leads regarding his case.

His disappearance occurred about two months after a rare international civil society meeting in October called the Asia Europe People's Forum, in which Sombath played a major role as one of the organisers. The meeting was one of the few opportunities for Lao communities to publicly raise issues they confront.

Sombath Somphone was last seen on 15 December, when he was forcibly driven off in his vehicle by unidentified man after being stopped at a police checkpoint.

Appeals to find Sombath Somphone include those coming from regional and international civil society as well as delegations of parliamentarians from Southeast Asia and Europe. Despite this pressure, Lao PDR government [investigation](#) into the case has failed to produce any credible explanation for the disappearance.

Sombath's case is significant for the region not only because of the recognition he has received in his work – for example as a Ramon Magsaysay awardee in 2005 – given the limited space for civil society to operate in Laos. Community development is the only area of

NGO activity allowed in Laos, and is a major channel for international development assistance to Laos.

Sombath's case is also the first case of an enforced disappearance in the region since governments in ASEAN adopted the ASEAN Human Rights Declaration, the first regional human rights instrument in Asia, on 18 November 2012. The AHRD also includes a prohibition against abduction (Article 12). The regional document has not changed the way Southeast Asian countries handle human rights issues: by treating these as internal issues of ASEAN members.

Document 4/7: Country Report

CAMBODIA:

## **Impunity is the law**

*By the Cambodian Centre for Human Rights (CCHR)*

In August 2013, Heng Serei Oudom became the 11th media professional since 1994 whose murder has been met with impunity in Cambodia. The two main suspects in Heng Serei Oudom's case – military police officer An Bunheng and his wife Srim Srey Vy – were acquitted by the Ratanakkiri provincial court on 29 August, claiming that there was not enough evidence to warrant a conviction.

Rights groups countered this claim, citing evidence that had not been thoroughly investigated by the court, including a bloodstained cloth found at a restaurant owned by the suspects and fingerprints in Heng Serei Oudom's car.

Before his death Heng Serei Oudom had been reporting for a local publication about illegal logging in the area and its links to military officials. He was found bludgeoned to death in the trunk of his abandoned car on 11 September 2012, after his wife reported him missing. There was no sign of robbery, leading to the conclusion that the reporter had been murdered.

The tragic case of Heng Serei Oudom is only one example among many that demonstrates the scourge of impunity on Cambodian society. Heng Serei Oudom was the first media professional murdered for his work in Cambodia since opposition journalist Khim Sambo was gunned down in the run up to the 2008 national elections. The Phnom Penh police chief at the time was highly suspected to have had a hand in the murder, but of course no measure was taken by the Cambodian authorities to bring about justice in the case.

### **Censorship effect**

The press is heavily restricted in Cambodia, not only as a result of such assassinations, but also through state sponsored censorship and the harassment of journalists and media outlets that report independent news.

Sok Ratha, journalist for Radio Free Asia – one of the few independent Khmer language media outlets in Cambodia – has been threatened, harassed and run down by a truck for his work reporting on illegal logging in Ratanakkiri, among other controversial topics. His harassers have never been punished. Instead unwarranted charges of incitement have been brought against Ratha.

Impunity in such cases has led to widespread self-censorship amongst media professionals and the subsequent lack of free and fair information accessible to Cambodian citizens.

The case of the environmental activist Chut Wutty is a further example of impunity in Cambodia. In April 2012, he was shot dead while accompanying two female journalists covering an illegal logging site in the Cardamom Mountains. Chut Wutty was stopped by the military police who ordered him to hand over the memory card from his camera.

The incident that followed is subject to much controversy. The altercation ultimately resulted in the death of Chut Wutty and In Rattana, a military policeman. Both were killed by gunshot wounds. The investigation into the incident was extremely flawed and several differing

accounts were reported by the government authorities, who ultimately abandoned the case because the supposed prime suspect, In Rattana, was also dead.

The two female journalists, who were detained immediately after the incident, overheard military police discussing killing them in order to prevent the incident becoming public. The two journalists were freed soon after. The lack of any serious investigation into both the death of Chut Wutty and the harassment of the two journalists is a worrying example which contributes further to the culture of impunity in Cambodia.

### **Targeting the powerless**

Impunity in Cambodia comes as a result of the weak rule of law in the country, which touches every aspect of Cambodian life and impedes the country's development. Deep-rooted corruption debilitates Cambodia's justice system, as evidenced by government interference to protect its own interest. It is common for wealthy or well-connected individuals to walk free, while criminal charges are concocted in order to silence journalists, activists and other outspoken citizens voicing concerns about injustice and human rights abuses.

Land rights activist Yorm Bopha was found guilty on 27 December 2013 on bogus charges of assault. She had been at the forefront of her community's struggle for land rights and had been warned by police on several occasions of being on a black list for imprisonment. It had been Yorm Bopha who was beaten by police on numerous occasions at protests while her aggressors went unpunished. Yorm Bopha was arbitrarily imprisoned for speaking her mind. Bopha has filed her second appeal against the guilty verdict and resulting two-year imprisonment; the Cambodian Supreme Court will decide her fate on 22 November 2013. [Update: Please follow think link for a [news item on the Supreme Court decision](#).]

Cambodian security forces regularly use disproportionate force to silence protesters. In the aftermath of an opposition demonstration against the heavily contested July 2013 national elections, which saw the ruling party retain power, Mao Sok Chan was shot dead by military police fire on a bridge exiting the city. State security forces had forced the city to a virtual standstill with barbed wire barriers on main thoroughfares. That night, these barriers caused a lengthy traffic jams on Monivong bridge, connecting the city center to its outskirts. A clash broke out between angry commuters and security forces, trapping both protesters and ordinary citizens travelling to and from work. In response, security forces opened fire on the crowd, injuring several and killing innocent bystander Mao Sok Chan, who was returning home from work in Phnom Penh.

There has been no investigation into the killing of Mao Sok Chan and to this day no security forces have ever been held to account in Cambodia for the misuse of force against demonstrators. Cambodian security forces must be correctly trained in international standards of conduct and must be made acutely aware that it is their responsibility, as agents of the state, to respect peaceful demonstrations, not to impede them by resorting to violence.

### **Protecting the powerful**

Most recently in Cambodia, in November 2013, the governor of Bavet city, Chhouk Bandith had his conviction upheld for shooting at a group of garment workers who were protesting outside his factory. Bandith fired his gun directly at the protesters, seriously injuring three

female workers. Despite evidence of this wilful act, Bandith was only charged with unintentional violence and was not held in pre-trial detention, but allowed to walk free.

Initially the charges against Bandith were dropped but due to public outcry, the case was reopened and he was eventually found guilty in absentia and sentenced to 18 months in prison in June this year. Despite filing an appeal, the police have yet to apprehend the governor, who has not spent one day in prison for his crime. The victims of the shooting and human rights groups had hoped that the appeals court would charge Bandith with a more serious offense and hand down a more serious, and fitting punishment. However the upholding of the sentence and the failure of the authorities to locate or to even attempt to locate Bandith, demonstrates that that the conviction is a token move to appease public opinion, rather than to deliver any real justice.

The culture of impunity that is rife in Cambodia is cumbersome hurdle to the full establishment of democracy in the country. Impunity is inherently linked to the government's attempt to stifle free speech in the country, as well as the infallibility of the status quo and the lack of separation of powers between the government and the judiciary.

There has been a glimmer of hope with recent election results showing considerable gains for the opposition, who won the overwhelming support of the Cambodian youth. Opposition supporters did not practice self-censorship when it came to this year's election and the increasing use of the internet has allowed independent information to reach more of the country's population. There is a long way to go however, and for now, the desperate pleas of Heng Serei Oudom's wife after the acquittal of her husband's suspected killers, sum up the current situation in the country: *"Please help me. There is no law in Cambodia."*

Document 5/7: Country Report

PHILIPPINES:

## **On the road to Sharif Aguak: Still No Justice in Sight**

By Germelina Lacorte<sup>2</sup>

One way to illustrate the continuing reign of impunity in the Philippines is to revisit the road to Shariff Aguak, Maguindanao, and follow the deadly trail of 58 people, 32 of them media workers, waylaid to their deaths in sitio (subvillage) Salman, barangay Masalay of Ampatuan town on that fateful day of 23 November 2009.

It was what media and press freedom groups considered as the worst attack against press freedom in the country, over a hundred heavily armed men killing a group of unarmed supporters of a local politician and media workers; and then trying to cover up their tracks by burying the bodies in a mass grave on a hill, using a backhoe owned by the provincial government.

“Never in the history of journalism have the news media suffered such a heavy loss of life in one day,” Reporters without Borders once described the attack.

Shocking in both its scale and brutality, the killing promptly raised an outcry that reverberated in different corners of the world, forcing authorities to arrest the patriarch and the son of the reigning Ampatuan clan suspected to have masterminded the killing.

At first, most people thought of these arrests and this unmasking of the reigning powerful political clan as the beginning of the end of the reign of terror in Maguindanao.

But four years after the carnage and under another national leadership, the trial has not yet gone very far: not one of the three principal suspects has been convicted, three key witnesses had been killed, another thrown into jail instead of being protected, and relatives of the victims were reportedly given offers to withdraw from the case, the National Union of Journalists in the Philippines (NUJP) noted.

This failure of the Aquino administration to deliver justice to the victims of the worst media killing in history and to take its perpetrators into account allowed the country to keep its place among the world’s most dangerous countries for journalists.

The impunity index of the New York-based Committee to Protect Journalists (CPJ) this year placed the Philippines next only to Iraq and Somalia as countries where journalists are being killed and their killers go scot-free.

The Center for Media Freedom and Responsibility (CMFR), which keeps track of journalist killings, registered 19 journalist deaths under the Aquino administration, a figure which may be lower than that of the Arroyo administration’s 80 killings over a nine-year period but definitely higher than the 11 deaths posted during former President Ramos’s six-year term and the six deaths during former President Estrada’s three-year term.

### **Reigning culture**

The Ampatuan case best illustrates the reign of impunity in the country: Despite the worldwide attention it generated, the legal actions initiated by families of the victims and the

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<sup>2</sup> Ms Germelina Lacorte is a Davao-based correspondent of the Philippine Daily Inquirer and a SEAPA Fellow in 2006.

international support of the case, the Ampatuans are still in power, their scandalous wealth (unexplained amid the widespread poverty of Maguindanao), though frozen, has not been confiscated.

Journalists faithfully keeping track of the case, also noted how in the last 2010 and 2013 elections, quite a number of Ampatuans won various seats in local government positions.

What's worse, the private armies which made such killing possible are still on the rampage, despite President's Aquino's earlier campaign promise to dismantle them.

Impunity, defined by the American Heritage dictionary as "exemption from punishment," best describes how the killings of journalists in the Philippines are being carried out. Few of these cases ever reached convictions, and when they do, convictions only involved actual triggermen, the masterminds going scot-free and never punished.

Journalist groups like the NUJP and media watchdog CMFR have repeatedly warned that government's lukewarm response to go after the perpetrators of journalist killings can further "embolden" the killers, "thinking they can do away with murder," as CMFR deputy director Luis Teodoro, a former dean at the University of the Philippines, puts it.

Government's weak response actually presents grave threats to the lives of other journalists, who can be the next targets of their fearless attackers, warned the NUJP chairperson Rowena Paraan repeatedly over the past years.

Despite all these warnings, the Aquino administration seemed to have placed journalist killings at the bottom of its agenda. International watchdog Human Rights Watch (HRW) pointed this out after the President's state of the nation address in July for failing to mention anything about addressing the killings, not only of journalists but also of political activists in the country. Groups have repeatedly called on Aquino's government to take steps in dismantling the private armies, responsible for the reign of terror in the countryside and to pass the Freedom of Information (FOI) Bill that would make all public officials accountable.

These calls, however, remain unheeded.

### **Setting up impunity**

To understand impunity, and why it persists in the country is to look closely at the country's power structure; and to reflect upon the reason why the Philippines, whose press has been touted among the freest in Asia, still has its press freedom sitting side by side with the barrel of the gun.

Media groups and analysts blame this on the powerful political warlord clans that come to dominate Philippine politics; establishing their strongholds in the provinces, then strengthening it as they form alliances at the national level. Most of these political warlords, remnants of the feudal relationship of the past, maintain private armies to ensure control over their territories.

A report from the Philippine Center for Investigative Journalism (PCIJ), for instance, traced the Ampatuans as a political clan that started office only after 1986, during the post-Edsa administration of former President Corazon Aquino but became more "entrenched" after 2001, when Andal Sr., the patriarch, won an election.

In the report [\*Amid the fighting, the clan rules Maguindanao\*](#), PCIJ detailed how ties between the Ampatuans and the Malacañan strengthened after the 2004 elections, when the province

of Maguindanao delivered a wide margin of votes for Arroyo against her popular presidential opponent Fernando Poe, Jr..

Another book, *Fraud in the May 2004 elections*, by the Center for People Empowerment in Governance (Cenpeg), also detailed the massive cheating in the 2004 elections, based on the testimonies of poll watchers and eyewitnesses who executed affidavits on how election cheating was done in different parts of Mindanao, among them in Maguindanao towns controlled by the Ampatuans.

As if in return for this favor, President Arroyo issued Executive Order 546 in 2006, allowing local officials to maintain 'civilian volunteers' (another name for these private armies) to fight secessionist and communist rebels.

Later, the same private army figured in the massacre of media workers who joined the convoy of supporters of Ampatuan's political opponent. The NUJP's timeline of events leading to the Ampatuan massacre showed that days before November 23, the stage was already set for the massacre to happen: a number of detachments set up along the road leading to Shariff Aguak town of Maguindanao manned by men in camouflage equipped with long firearms. They were supposed to be on high alert against a possible rebel attack, but Esmael Mangudadatu, the Buluan town mayor out to challenge Ampatuan Sr. in the race for Maguindanao governor, said he was the reason for those detachments. He knew then Maguindanao Governor Andal Ampatuan Sr., did not want him to run.

But the Ampatuan clan of Maguindanao is not unique in the Philippines, NUJP's Nonoy Espina once pointed out in an interview. All over the Philippines, the political clans and their private armies exist.

The culture of impunity brings about chilling effect among journalists and has a deeper effect on how they do their stories. Some would tend to self-censor, others would refrain from reporting on sensitive issues, which can reflect on the quality of news delivered to the public. The prevailing climate of fear also restricts people's freedom to voice out their sentiments on issues that directly affect them, hence, the urgent need to address the impunity for real democracy to work.

### **Political will needed**

As a measure against impunity, the state merely needs to muster enough political will to go and punish the perpetrators to discourage other killers from doing the same. When perpetrators are allowed to roam around unpunished, more journalist lives will be at stake.

Media groups in Southeast Asia and around the world need to band together in solidarity to address impunity.

When established machinery to protect human rights appear not to work as they are supposed to, the last and only recourse of journalists will be each other. Journalists' groups should be active enough and watchful enough on what is going on among journalists in the region, and quick to take actions against threats to press freedom.

Although journalists in each country have to face threats unique to their country, they would cease to feel so vulnerable and hopeless when they know journalists from other parts of the world are backing them up.

Document 6/7: Country Report

THAILAND:

## **A wasted opportunity to address impunity**

*By Kulachada Chaipipat<sup>3</sup>*

The flare up of political unrest still currently smoldering in Thailand could have been an opportune moment for the country to learn that impunity is unacceptable - whether committed by state or non-state actors for any political motivation.

Large protests were triggered after the ruling party's 31 October passage of a blanket amnesty bill aimed at absolving crimes committed by political actors since 2004.

As it turned out, the main reason that sent dormant anti-government activists back to the streets in droves is the sinister attempt to pardon former Prime Minister Thaksin Shinawatra's conviction on corruption charges, which could have paved the way for his return from self-exile.

The focus of the rallies on Thaksin's corruption is understandable for it was also one of the main reasons that led to his ouster from power in the 2006 military coup d'état. The huge turnout demonstrated continuing political passions against the former prime minister, despite consistent election victories of pro-Thaksin parties since the coup.-

### **Purely political**

The anti-amnesty protests however obscured the issue of impunity for human rights violations and perpetrators of violence in the ongoing political divide, including violence during military crackdowns against the 2010 redshirt protests, and restrictions on freedom of expression, particularly online.

These issues have been largely ignored in the unprecedentedly cross-partisan critique against the amnesty bill. The largest group of political rallies, however, was spearheaded by opposition leaders Abhisit Vejjajiva and Suthep Thaugsuban.

These two leaders of the Democrat Party were indicted by the Office of Attorney General for ordering a military operation to disperse the redshirt rally in April-May 2010, which claimed more than 90 lives, including freelance Italian photojournalist Fabio Polenghi and Reuters cameraman Hiroyuki Muramoto, and injured more than a thousand.

Apart from the indictment of Abhisit and Suthep, no army personnel or unit has been pinpointed for carrying out the deadly dispersal operations. Department of Special Investigation (DSI) chief Tarit Pengdith justified the omission saying that the military was protected under Article 70 of the Criminal Code since they were performing their duty honestly at the order of their commanders.

The charges initiated in December 2012 by the DSI has been questioned for being politically motivated, and criticized for allegedly aiming at nudging the Democrats to vote for the bill.

### **Recommendations ignored**

Legal opinion held that the bill failed to clearly spell out conditions to be met before a crime is to be pardoned, since "blanket" amnesty covered both serious human rights violations and non-political motives.

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<sup>3</sup> Ms Kulachada Chaipipat is SEAPA's Campaigns and Advocacy Manager.

“This is tantamount to condoning impunity and that human rights abuses will be repeated,” a 30 October statement of Thai Netizens Network said.

Although purporting to facilitate reconciliation, the amnesty bill failed to heed the recommendations made by the Truth for Reconciliation Commission (TRC) set up during Abhisit’s term with a two-year mandate ending on September 2012.

Among the key recommendations was to urge the governments to uphold a due process in the prosecution of actors of all parties involved in the conflict from before the 2006 coup to the 2010 political violence. TRC cautioned against the politicized prosecution resulting from political manoeuvres during the respective terms of the Democrat and Pheu Thai parties, which tended to exaggerate the charges or proceed with trials despite weak evidence.

The TRC reminded that violations of the emergency rule, offences against to the monarchy, and criminal charges for street protests all had the political conflict as the root cause. It recommended that defendants should all be granted bail, or if held under remand, should be detained separately from those accused of common crimes.

In regard to offences against the monarchy, the TRC recommended prosecutors to exercise discretion and to try only cases with legal merit, rather than allow rival camps to use lese majeste allegations against each other.

### **Outside the blanket**

The amnesty bill directly countered this specific TRC admonition by exempting those charged or convicted with lese majeste under Section 112 of the Thai Penal Code during the period of political turmoil. This was the only class of crimes to be excluded from the scope of the bill, which was expanded to include crimes between 2004 and 2013, including murder and corruption.

Lese majeste crimes account for a large number of cases filed involving protesters, particularly between 2008 and 2011. Several of these cases resulted in acquittals of the suspects – despite being denied bail and effectively serving jail sentences – because of the weak evidence or proving the severity of the acts.

On the other hand, landmark verdicts in connection with alleged acts of lese majeste have been delivered with profound impact on the online expression and press freedom.

For example, despite expert testimony that it was possible to hijack a mobile phone identity to send messages, the court convicted Ampon Tannoppakul, 61, in 2011 under Section 112 and Article 14 of the Computer Crime Act (CCA) for sending lese majeste text messages via mobile phone to a secretary of then-prime minister Abhisit. Ampon's 20- year prison sentence, or 5 years for each message, is the harshest ever penalty for a lese majeste crime. He died of cancer in May 2012 while serving his jail term, including more than a year of pre-trial detention.

Another case with chilling effect on free expression is the May 2012 criminal conviction of online political news website manager Chiranuch Premchaiporn under Article 15 of the CCA. Chiranuch was sentenced to an eight-month suspended jail term for failing to delete users' comments deemed as insulting the monarchy from the [prachatai.com](http://prachatai.com) web-board quickly enough. The verdict on Chiranuch was upheld recently in October, with the court emphasizing the duty of everyone to protect the monarchy, and even chiding her as a senior professional who ought to have known better.

In another landmark conviction in January 2013, the Criminal Court found magazine editor and labor activist Somyot Prueksakasemsuk guilty of spreading false information to incite hatred towards the monarch and sentenced him to an 11-year imprisonment for publishing two articles in the *Voice of Thaksin* magazine in 2010. The court ruled that as an editor he had a duty to review articles before publishing them. When the verdict was

delivered, Somyot had already been in jail for almost two years, after being denied 12 requests for bail.

Somyot's lawyers earlier filed a petition with the Constitutional Court to challenge the constitutionality of the Section 112 and lost. The court ruled that the monarchy was entitled to protection under Article 8 of the 2007 Constitution since it is vital to national security. The ruling upheld that speech penalties arising from section 112 does not violate constitutional guarantees to an individual's right to freedom of opinion and expression.

However, some lese majeste convictions, like Chiranuch and Somyot's, are cases in which the defendants did not do the criminal acts themselves. Other cases of indirect lese majeste involved using metaphors or an omission any mention of the institution of but were construed as defaming the monarchy by taking into account the context in which those remarks were expressed.

These court decisions have far reaching effects to free speech, and have also taken its toll on the media environment by compromising journalist professionalism and ethics.

Both the Pheu Thai and Democrat governments have shied away from tabling the reform of lese majeste laws as part of the national reconciliation process to move the country forward. So far, the handling of the lese majeste issue which sparked global concern for its impact on free expression is in keeping with a January 2012 joint statement by all lawmakers pledging not to touch Section 112. The statement has disappointed a section of the redshirt supporters of Pheu Thai from whose ranks colleagues have been convicted or awaiting trial for Section 112 offences.

### **Farther from resolution**

Instead of bringing the process of national reconciliation process closer, the amnesty bill only served to widen the gap of understanding and corroded the trust building process to heal polarization besetting Thai politics since 2006.

Ultimately, the controversial amnesty bill was unanimously shelved by the Senate on 11 November, after the Pheu Thai-led government backtracked, in a bid to calm down the heated political situation.

The amnesty bill went down as another record of an attempt by ruling parties – the Democrats being no exception – to manipulate its executive power and legislative majority to hijack the reconciliation process in its favour.

At this point, Thailand is not any closer to resolving the deep political divide that has spilled over into the media landscape, and that has seen the increasing use of distorted information and hate speech by the two political camps and their supporters.

Document 7/7: Country Report

VIETNAM:

## The laws of state impunity

By Pham Doan Trang<sup>4</sup>

Blogging has replaced journalism as the most dangerous job in Vietnam in the Internet era.

“It’s dangerous indeed. But it’s not a job, for we bloggers have never been paid for what we write,” said “J”, a young Hanoi-based blogger. As an administrator of a large online forum specializing in social and political issues, J is more than aware of the risks bloggers like him are facing everyday: hackers, intimidating posts of state-sponsored cyber troops, and, worst of all, police discovery of their identities as “anti-state” bloggers.

“Bloggers are not paid as journalists are,” said J, “but we are doing the same thing mainstream media have been doing, or more precisely, have failed to do: exposing truths to the public that the government does not want them to know. In doing this, we face police harassment, detention and imprisonment.”

J was not exaggerating. According to September 2013 estimate by the International Society for Human Rights (ISHR), at least 263 Vietnamese citizens, including bloggers, have been jailed since 2005 under charges of “infringing upon national security” and “infringing upon administrative management order.”

Of these hundreds of detainees, 68 were prosecuted under Article 88 of the Vietnamese Criminal Code (VCC) for “conducting propaganda against the state”, and 40 under Article 258, “abusing democratic freedoms to infringe upon the interests of the state.”

Behind these numbers are individual cases of people who dared to speak out. In fact, political bloggers in Vietnam have become familiar personalities in mainstream media for reporting on the arrest or trial of a previously obscure person but now charged with Article 88 or 258. These laws have proven to be effective scare tools used by the government to silence voices of dissent from the public.

### The “handcuffs”

Bloggers sarcastically refer to Article 88 as the “handcuffs”, since the number 8 visually resembles these restraining devices used by law enforcement. Specifically, this law stipulates that those who make, store or disseminate information, including “documents and/or cultural products”, *against the state* shall be sentenced to between three and 12 years of imprisonment.

However, the law falls short of providing a clear description of contents that could be deemed “against the state”. Furthermore, interpreting this law in Vietnam has been done by a variety of entities ranging from the security forces, investigating body, to the procuratorates, the courts, or even ministries, although under Vietnamese laws, only the Standing Committee of the National Assembly holds this authority.

Before Article 88, there was Article 82 of the 1985 Vietnam Criminal Code, which was as repressive as any Soviet-styled penal law. Article 82 aimed to punish “propaganda against socialism”, giving the same lengthy sentences of three to 12 years of imprisonment. There are no publicly available statistics on the number of detentions and charges under Article 82.

In 1999, a new penal code was issued which transformed Article 82 into Article 88, with the word “socialism” replaced by “the state”. The article now uses a less abstract term but is not necessarily less vague and broad.

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<sup>4</sup> Ms Pham Doan Trang is a journalist and blogger in Vietnam.

Far from being restricted to cases of clearly subversive activities, Article 88 has been used to silence voices seeking a cleaner, more accountable government – something that, if the government would heed, could actually strengthen it.

### Interpreting “the state”

One of the well known prisoners imprisoned under Article 88 is Cu Huy Ha Vu, a legal scholar, and son of a close ally of Vietnam founding father Ho Chi Minh. In 2009, Cu Huy Ha Vu filed a lawsuit against PM Nguyen Tan Dung, for allegedly starting a massive mining project that could be environmentally disastrous. In other countries, such a lawsuit may seem normal, but it was considered a watershed event in Vietnamese history.

Vu also contributed articles and gave interviews to overseas media agencies in which he straightforwardly criticized the ruling Communist Party and called for a multiparty democracy in Vietnam. In an interview with the Radio Free Asia, Vu said, *“Today in Vietnam... a lot of state budget has been spent arbitrarily even on nefarious activities... In order to punish those corrupt gangs, I insist that the only way is to develop a multiparty system in Vietnam.”*

In one of his articles published by the [Vietnam Bauxite blog](#), Vu advocated the separation of powers, criticizing what he termed *“the government, the court, and the national assembly uniting against the people.”*<sup>1</sup>

In 2010 Cu Huy Ha Vu was arrested and charged under Article 88. He was subsequently put on trial in a court composed of judges who were Vietnam Communist Party members, reinforcing his claim that under such a system the judiciary would be unable to be impartial. In 2011, Vu was given a seven-year imprisonment sentence.

Cu Huy Ha Vu's trial loudly sent the message that, under the Vietnamese legal system, the Communist Party and its high-ranking members like the Prime Minister are untouchable, and immune from legal challenge. More importantly perhaps, the conviction made it clear that any such attempt is to be legally interpreted as “propaganda against the state”.

This case may be something already expected from a one-party state, and bloggers may already know that risk. However, as Nguyen Phuong Uyen, a student from the southern city of Long An, found out, even speaking *for* Vietnam and protesting to the aggressive acts of another country, specifically China, in the Southeast Asian sea dispute could put her in jail. She was arrested on 14 October 2012, just two days after her 20th birthday, and charged under Article 88. According to the indictment, Uyen and her companion, Dinh Nguyen Kha, their “crime” was producing pamphlets, slogans and paper flags that carried the following messages:

- *“Long An’s patriot youth struggle for freedom and human rights;”*
- *“Patriotic youth are determined to eliminate communism and free the nation;”* and
- *“Long An is courageous and resolute in fighting communists for a free life.”*

In addition, Uyen made a finger-writing in blood of the slogan, “China, get off the East Sea.” The indictment described this slogan as “not good content about China.”

It may well be argued that these slogans were not in opposition to “the people’s administration” but instead targeted an ideology. However, how a criticism against China could be interpreted as being against the Vietnamese state is simply hard to figure out.

In May 2013, the trial court imposed prison sentences of six years for Nguyen Phuong Uyen and eight for Dinh Nguyen Kha. These were reduced on appeal to three years suspended for Uyen and four years of imprisonment for Kha. Both the trial and the appeal were closed to their friends and family members; even the parents of Uyen and of Kha were not allowed in.

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## Conditional rights

Compared to “the handcuffs”, Article 258 of the 1999 Criminal Code seems less strict with sanctions including warnings and non-custodial reform for up to three years. In serious circumstances, offenders may be sentenced to between two and seven years of imprisonment.

The darker side is that Article 258 is vaguer and more broadly worded; it can be used against as many citizens as the police-dominated state wants. Offenders of Article 258 are “those who *abuse* the rights to freedom of speech, freedom of press, freedom of belief, religion, assembly, association and other democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens.”

Article 258 begins with a very specific list of rights that cannot be “abused” but goes on to leave an open interpretation for “other democratic freedoms” not initially listed. More seriously, it does not define what constitutes an “abuse” or “interests of the state” that cannot be infringed upon. In effect, Article 258 covers a broader range of acts than Article 88, which is limited only to acts which may be deemed as “propaganda”.

Following the boom of blogs and social media in Vietnam, there has been an increase in arrests and charges under Article 258.

Several incidents in 2013 demonstrate the escalation in the use of Article 258 in Vietnam as the country campaigned for membership in 2014-2016 in the United Nations Human Rights Council:

- 5 May: two bloggers were detained right after distributing copies of the Universal Declaration on Human Rights. Police accused them of abusing democratic freedoms to infringe upon the interests of the state.
- Between 26 May and 15 June: three bloggers were arrested, two of them were well-known bloggers and journalists Truong Duy Nhat and Pham Viet Dao. The third blogger, Dinh Nhat Uy, is the elder brother of Dinh Nguyen Kha, an Article 88 detainee. The Dinhs thus gained the sad distinction of having two sons imprisoned for alleged violations of “national security” and “order”.
- In October, police again used Article 258 to [arrest](#) two persons, Thao Quan Mua and Hoang Van Sang, in the northern province of Tuyen Quang for initiating a class action suit against authorities for suppressing Duong Van Minh, a Christian sect founded in 1989. Earlier in June, police demolished unauthorized religious shrines of the said sect on orders of the government Committee on Religious Affairs. Under Vietnamese Law, religious organizations must register before they can operate. This case has therefore seen the use of Article 258 against freedom of religious belief.

## Broad discretion

The indictment of Dinh Nhat Uy was leaked to the online community in October and incited a public outcry for its childish arguments, including:

*“In around 2010, Dinh Nhat Uy had his friend created a Facebook account whose nickname is Dinh Nhat Uy. Initially Uy only used it to send messages to friends. But as from around November 2012, after his younger brother Dinh Nguyen Kha was charged with conducting propaganda against the State of the Socialist Republic of Vietnam, this Facebook account was regularly used by Uy to post news, to share images and links, and to send messages...”*

*“(Using his Facebook page) Uy posted bad and false information about the State, organizations and individuals... Those images and articles were seen and read by many people. Many shared, pressed “like”, and gave comments, of which many comments smeared and insulted the State, organizations and citizens... On January*

*2, 2013, on posting the link into the article titled "Exposing the true face of the human right award Hellman/Hammett" published on trandaiquang.net [Tran Dai Quang is the name of the Vietnamese Minister of Public Security; the website appears to be pro-government], Uy commented, "What a lie. You [the author] can only cheat the fools." Below this post of his, there were 18 people pressing "like" and 7 people giving comments, many of those comments were insulting."*

By imprisoning Uy for four months and then imposing a suspended 15 month sentence upon him, the state, in fact, targeted not only one individual but sent a warning to all social media users that they are potential offenders of Article 258. The charge against Dinh Nhat Uy did not specify which right he allegedly "abused", although it is apparently the right to free expression.

In the face of such vague and broad restrictions, one may well ask: what are Vietnamese citizens allowed to do or speak about that will not be interpreted as an "abuse" of their rights? What are the boundaries of the "interest of the state"?

Answers to these questions will remain unknown because Article 258 gives authorities an almost unfettered discretion on using the law against the exercise of a broad range civil rights. Such use can only be limited by the state's justifications on how these were "abused" or infringed upon its "interests".

Vietnamese bloggers, including "J", understand that these limits will grow tighter if they remain silent. Following these restrictions may mean that they will not be jailed, but it does not mean that they remain free.

**ANNEX: Media Advisory**

18 November 2013

## **2013 Commemoration of Day to End Impunity in Southeast Asia**

The Southeast Asian Press Alliance (SEAPA) today launches its commemoration of the International Day to End Impunity to draw attention to its ongoing regional campaign to end impunity and violence against media and human rights defenders in Southeast Asia.

Themed *Impunity in Southeast Asia: The Role of the State*, the regional campaign, which is now in its third year, will highlight the failure of the state in fulfilling its obligations to bring the culprits to justice, and at the same time, perpetuating the culture of impunity in the region.

### **Highlights**

This year, SEAPA highlights the situation in Cambodia, Indonesia, Philippines, Thailand and Vietnam in its commemoration of the IDEI, to emphasize the different responsibilities of states in ending the culture of impunity.

SEAPA will release updates on key cases highlighted in its ongoing campaign, an overview of regional trends, and analytical articles of the dynamics of impunity in specific countries.

The highlight of the campaign will be a brief discussion of the situation of impunity in the region with UN Special Rapporteur on right to freedom of opinion and expression Mr Frank La Rue, on 23 November at 11:30 a.m.

The campaign can be tracked through SEAPA's website, and social media accounts in Facebook ([facebook.com/SoutheastAsianPressAlliance](https://www.facebook.com/SoutheastAsianPressAlliance)) and Twitter ([@seapabkk](https://twitter.com/seapabkk)).

### **Background**

The global commemoration of the International Day to End Impunity ([IDEI](#)) is marked on 23 November to raise public awareness about the threat of impunity and how it has contributed to the region's generally poor compliance of international standards on freedom of expression and press freedom.

The Ampatuan massacre on 23 November 2009 in the Philippines has led free expression advocates worldwide to mark this day on the calendar to draw attention to the lack of justice to violence committed against journalists and freedom of expression advocates. The massacre is believed to be the worst single act of violence committed against media workers, which included 32 of the 58 killed in the incident related to elections.

The New York-based Committee to Protect Journalists (CPJ) [reported](#) that more than 660 journalists have been murdered since 1992 and in 90 percent of the cases, no perpetrator has been brought to justice.

Acts of impunity (violence and state violations of press freedom) against media workers and human rights defenders in Southeast Asia have neither been systematically and strategically addressed among states in Southeast Asia, despite the numbers of cases demonstrating impunity in the region.

Among the media community in the region, the understanding and support for the issue of impunity is uneven, despite the real threat faced by the sector and its impact on press freedom.

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Call the SEAPA Secretariat at 02 2435579

Campaign hashtags: #IDEI #endimpunity #endimpunityPH #endimpunitySEA

SEAPA members and partners joining in the commemoration: @cmfr @AJI\_Indo @CCHR @IFEX