

Joma, Deprived of Right to Due Process, Social Benefits

“When you take away the essential means to human existence of a person, you are threatening his life. Even a prisoner cannot be deprived of food and medicine,” said Jose Maria Sison on the removal of his social benefits.

**BY DR. RAINER WERNING
THE HAGUE, THE NETHERLANDS
Contributed to Bulatlat
Vol. VII, No. 30, September 2-8, 2007**

Dr. Rainer Werning, a lecturer at the Internationale Weiterbildung und Entwicklung (InWent) in Bad Honnef, Germany, interviewed Jose Maria Sison, founding chair of the Communist Party of the Philippines (CPP) and consultant of the negotiating panel of the National Democratic Front of the Philippines (NDFP) in its peace talks with the Government of the Republic of the Philippines, on March 23 this year at The Hague, The Netherlands on the side of the Permanent People’s Tribunal (PPT) second session on the Philippines.

Dr. Werning recently held a series of lectures about the European legacy in the Philippines at the Ateneo de Manila University, German Club, Notre Dame University (Cotabato) and University of San Carlos (Cebu) upon the invitation of Goethe-Institut, Manila.

This interview provides an overview of the issues surrounding the terror listing of Jose Maria Sison and its effects not only on his right to due process but more importantly, to his right to life.

The following are excerpts from the interview.

Rainer Werning (RW): *How did you feel when you learned that you were included in the list of terrorists overnight?*

Jose Maria Sison (JMS): An avalanche of thoughts came down upon me. Why? This is silly. A European government, the Dutch government, in particular, deciding - 24 hours after the U.S. made the decision to put me on the terrorists’ list - to put me in a terrorist list of its own, without thinking, without investigating. And the Dutch government is very stupid in freezing my account. It knows that the money in the bank, in my joint bank account with my wife Julie, comes from the Dutch Welfare agency. Because I am an asylum seeker, I am not allowed to work. So I get a measly 200.93 Euro for my living allowance.

RW: *For a week or per month?*

JMS: Per month. The substantial thing, of course, would be the health insurance, then the housing, all these things were removed.

It is a fiction; it is an administrative figment of the imagination that I am a terrorist; that I am labeled as a terrorist. Actually, there is not even any suspicion on the basis of prima facie evidence. It is simply a labeling, and you get a punitive sanction, the charge is not even a formal charge. The accusation is for a heinous crime called terrorism, and yet there is no investigation beforehand, not a justified punitive sanction undertaken. There is this...slimy way of reasoning ...that it is simply administrative. But the sanctions are not only temporary, they are punitive. It is permanently taking away things, the social welfare benefits. And during the period soon after my being listed, being labeled, a ruling was made on my application for work permit, that I can not be given such a permit because I am supposed to be a terrorist.

RW: Where did it start and how did it develop?

JMS: It's a long story. They tried to put me on the list and also the organizations which I am supposed to be associated with. They even insinuated that the NDFP could be blacklisted.

Anyway, on November 22, 2001, House Speaker Jose De Venecia called me up from Mexico. He had just arrived there from Washington after a visit to the White House with Gloria Macapagal-Arroyo from Nov. 19 to November 21. De Venecia said, in Tagalog, that they just talked with the big white guy in the White House. He said that we better sign a peace accord with the government so that I will not be put on the terrorists' list. I replied that if he is serious he should go to The Netherlands to explain these things to us.

He arrived in The Netherlands on November 30. He showed us a two-page paper which consisted of trash, mainly about surrendering of arms. And he called that a peace accord!

When Luis Jalandoni and I faced De Venecia, Exec. Sec. Eduardo Ermita, Silvestre Bello, who was then the chair of the GRP negotiating panel, and Silvestre Afable, we proposed that the papers they gave us be set aside. In its stead, we drafted a document of understanding on how to resume the peace negotiations. We demanded that there should be no threats against the NDFP.

When Colin Powell visited the Philippines from August 2 to 5, 2002, he was asked again by the Philippine government to put me on their terrorists' list. And when he arrived in Washington after the visit, Powell announced that the CPP-NPA was being designated as a "foreign terrorist organization." Three days after, the Office of Foreign Asset Control of the U.S. Treasury Department put me on their list.

Within 24 hours, on August 13, I was already on the list of the Dutch government – the sanctions and regulations became effective on August 22 and 23 because the Dutch government showed some intelligence. I think the Dutch government showed its stupidity in relying on U. S. intelligence. They could not even get their accusations right. They accused me of being Armando Liwinag. It took some time before they realized that it should be Armando Liwanag.

I only learned about the terror listing when somebody from the press called me up. But there were some delays before the sanctions and the freezing of bank accounts

were imposed. When I was paying for our groceries, which was delivered to us because Julie and I are already old and we have difficulties carrying the groceries, we were told that the bank could not pay for it.

RW: *You mean to say, everything was frozen overnight – the bank account, the money that you were supposed to receive and so on and so forth?*

JMS: Yes, everything was frozen!

RW: *Until now?*

JMS: Until now. Even my old age pension was taken away. And then there is this big lie by the Minister of Harassment and Announcement that I can withdraw the money that is there. The Minister of Finance sent a letter to my lawyer, who is handling the case about my pension, informing us that I can withdraw five Euros a month from my account. But when Julie checked, the bank refused to release any amount saying that the freeze order is standing. Everything is frozen up to now and they have extended the termination of benefits to include my old age pension.

RW: *Theoretically, you could get into dire straits when paying legal fees to your lawyer?*

JMS: Well, I don't know how I would be able to pay my lawyers if we lose our case.

RW: *How long will this drag on ... the decision, the case pending in Luxembourg?*

JMS: The Dutch government is slimy. The Dutch people are good but their conservative government now is not. When I complained about the Dutch listing, they repealed the listing here but went to the European Union to have me listed there.

We had our last oral hearing at the Court of First Instance, the lower division of the European Court of Justice, last May 30, 2006. The decision is supposed to come anytime. Then we have the prospect of appealing.

As far as the benefits are concerned and their implications and consequences within the framework of the European Convention of Human Rights, that is already settled at the national level, so we have appealed to Strasbourg. So, I have two European level cases. So far there has been no word yet, except that we were sent some three questions to answer. I thought the three questions can lead to answers that would allow them to dismiss the case. But so far I feel we answered the questions good enough and we have been able to avoid the pitfalls expected by those who formulated the questions by simply giving the principles and the facts.

RW: What is needed to be resolved in the case in Strasbourg?

JMS: The main issues there are the rights that I have which have been violated. First is my right to life. When you take away the essential means to human existence of a person, you are threatening his life...isn't that going against the right to life? Even a prisoner, you can not just starve a prisoner not until execution day.

Even with a death sentence...and here there is supposed to be none ... a prisoner cannot be deprived of food and medicine. You cannot let a prisoner die of deprivation. And here, formally, you are in the open and they can just take things from you and they don't care, so the right to life - to one's peaceful enjoyment of one's own possessions – is taken away. The money in the bank account, no matter how small the amount, is mine. These things are supposed to flow to me, in the form of social benefits. And these were taken away without due process, administrative and otherwise, administrative or criminal.

There is also the right against torture, degrading and inhuman treatment or punishment. I have not yet been tortured physically, maybe mentally, but certainly there is already degrading and inhumane treatment. That is supposed to be prohibited by article 3 of the EU Convention on Human Rights.

If I lose the case, I am going to be thrown out of the house so that violates my life to privacy and family life. What else? When you are stigmatized, your physical integrity as well as your moral reputation is damaged. Any crazy guy like Peter Siebert, you know there are ex-intelligence guys here who threaten leftist people, can put up things on their website...attacking our reputation, threatening us...so it doesn't matter whether someone makes an attempt on your life or not. **Contributed to Bulatlat**

Source URL:

<http://www.bulatlat.com/2007/09/joma-deprived-right-due-process-social-benefits>