



PARLIAMENTARIANS AT RISK

Reprisals against opposition MPs in Southeast Asia



ASEAN PARLIAMENTARIANS
FOR HUMAN RIGHTS



APHR is a regional network of current and former parliamentarians who use their unique positions to advance human rights and democracy in Southeast Asia. We seek to help create a region where people can express themselves without fear, live free from all forms of discrimination and violence, and where development takes place with human rights at the forefront.

Our members use their mandate to advocate for human rights inside and outside of parliaments, regionally and globally. They work closely with civil society, conduct fact-finding missions, and publish recommendations and opinions on the important issues affecting the region.

APHR was born out of the recognition that human rights issues in Southeast Asia are interconnected, and from the desire of progressive legislators to work together across borders to promote and protect human rights.

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Cover page: Philippine Senator Leila de Lima is escorted by police in Quezon City, the Philippines in 2017. Photo: EPA/Rolax Dela Pena

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Executive Summary

Globally, lawmakers are increasingly at risk. According to the Inter-Parliamentary Union (IPU), in 2019, 533 MPs in 40 countries faced human rights violations, with Asia the second most dangerous region. In Southeast Asia, democracy is also at threat, under authoritarian strongmen who are rolling back rights protections and undermining democratic institutions.

This report sheds light on how some governments in the region have been targeting opposition lawmakers as part of their broader attempts to suppress dissent and attain unchecked power.

APHR's region-wide research reveals that in Thailand, the Philippines and, increasingly Malaysia, authorities are using a range of tactics to intimidate and harass opposition MPs. These include filing politically-motivated cases, stripping parliamentarians of their seats, threatening or surveilling them, and organizing online campaigns of disinformation. Female lawmakers also told APHR about the sexist vilification they face, and which posed an additional challenge for them.

These reprisals not only violate the fundamental rights of those targeted, but also aim to restrict civic space and undermine democratic representation. They have gone hand-in-hand with a broader crackdown on human rights defenders, the media, and other forms of dissent.

The primary tactic has been the opening of investigations, or filing of trumped-up charges. APHR found that since the beginning of 2018, at least 27 opposition MPs from Thailand, Malaysia, and the Philippines have been hauled up for police investigation, had legal complaints filed against them, or been charged or prosecuted simply for exercising their human rights. Much of the judicial harassment has been criminal in nature, with few cases leading to convictions, indicating a pattern of intimidation.

Lawmakers targeted have been vocal opposition members that are critical of governments and their policies, or have challenged the political establishment. In the case of MPs from the now defunct Future Forward Party (FWP) in Thailand, and former Senator Antonio Trillanes and the Makabayan bloc in the Philippines, the sheer number of lawsuits, threats, and disinformation campaigns against them clearly illustrates a deliberate and systematic attempt to silence them. Meanwhile the cases in Malaysia appear to target lawmakers who were ministers in the former Pakatan Harapan government, which was ousted through back-door maneuvering in March 2020.

In many cases, the complaints were initiated by the police, military personnel, family members of political leaders, and other individuals or entities closely linked to government officials. In addition, the lawsuits often rely on repressive legislation that are frequently used to restrict freedom of expression, and which have been identified by human rights lawyers as not in line with international law.

The weaponization of laws and the legal system has also been used to remove opponents from politics entirely, through the dissolution of political parties, resulting in the arbitrary removal of their lawmakers from parliament. This occurred with 12 MPs from the FWP in Thailand in February 2020, and to members of the Cambodia National Rescue Party (CNRP) in Cambodia in 2017.

MPs who are the victims of judicial harassment also often face offline and online intimidation, including threats, such as the practice of “red-tagging” in the Philippines, where they are accused of being Communists or Communist sympathizers and portrayed as threats to national security. Opposition lawmakers are also the targets of surveillance and government-backed disinformation campaigns, while female parliamentarians routinely face misogynistic attacks aimed at both intimidating and discrediting them.

The harassment, threats and intimidation of MPs have significant consequences, for the individuals, and society as a whole. Lawmakers spoke of a chilling effect that made them think twice about raising certain topics, such as issues related to the role of the monarchy and the military in Thailand. They also said that the harassment, particularly the filing of legal cases, was a tactic to drain their resources and distract them from effectively fulfilling their mandate as lawmakers. MPs also spoke of having to heighten their security by installing CCTV cameras, regularly changing their travel routes, or avoiding traveling alone.

As leaders in their communities, being “red-tagged,” victims of disinformation campaigns or facing criminal charges has a significant impact on an MP’s reputation and public image. Oftentimes, these impacts are also felt by their family, friends, and colleagues.

Such reprisals also have wider impacts on democratic representation and society as a whole. Instilling a climate of fear among parliamentarians threatens the very foundation of a healthy democracy.

When lawmakers are harassed or threatened it weakens parliament's representativity, and by extension its ability to exercise checks and balance on the executive, and to uphold fundamental freedoms.

Targeting public figures such as MPs also creates a climate of fear within society, and stifles debate and civic space. Prominent opposition MPs, for example, facing a litany of trumped-up charges and aggressive attacks, sends a clear message that anybody in society could face similar treatment.

The patterns identified throughout this report are similar to those used by the same governments against human rights defenders, journalists and other pro-democracy and political activists, and are clearly part of a broader attempt at muzzling all critical voices, and removing all forms of accountability.

The report concludes with key recommendations to a range of stakeholders including calls for the governments of Thailand, Malaysia, and the Philippines to urgently drop all politically-motivated investigations and charges, and all forms of threats and harassment against opposition lawmakers. Parliamentary speakers should also work to ensure that all MPs' rights to freedom of expression are upheld, and that MPs can effectively fulfil their mandate without fear of reprisal. Finally, fellow lawmakers and relevant parliament standing committees should use their mandate to promote and protect the human rights of their colleagues, including by calling for charges to be dropped, instigating inquiries, and raising questions to the government.

Methodology

This research is based on two surveys APHR conducted with its members in November 2019 and March 2020, which resulted in a total of 22 members sharing details about the challenges or rights violations they faced as sitting lawmakers. APHR also conducted 60 semi-structured interviews between March and August 2020, 35 of which were with former and current MPs from Thailand, Timor-Leste, Malaysia, Philippines, Myanmar, Indonesia, Cambodia, and Singapore. Of these, 18 were male and 17 were female. APHR also conducted interviews with human rights defenders, journalists, United Nations staff, academics, and other experts, while also collecting and reviewing supporting documents from the interviewees, including court documents, screenshots of social media posts, and statements. The names of interviewed persons who are quoted are only written if consent was given.

Findings and analysis are also based on extensive desk review of existing literature on the subject matter, including reports by civil society organizations, the IPU, the United Nations, and credible news sources.

APHR also sent inquiry letters to 99 political parties from both opposition and ruling coalitions in seven countries (Timor-Leste, Singapore, Philippines, Indonesia, Malaysia, Myanmar, and Thailand) to ask about potential human rights violations faced by their members of parliaments.

Letters were also sent to the governments of Malaysia, Philippines, and Thailand, which were copied to the speakers of parliament, to provide them an opportunity to respond to the report's findings.

This report is part of APHR's efforts to document human rights violations faced by lawmakers in Southeast Asia, to ensure that MPs can exercise their mandates without fear of reprisals.

It builds on previous APCR reports that document attacks against MPs in Cambodia and the Philippines: *Death Knell for Democracy: Attacks on Lawmakers and the Threat to Cambodia's Institutions* (March 2017), and *In the Crosshairs of the Presidency: Attacks on Opposition Lawmakers in the Philippines* (June 2019).

APHR wishes to sincerely thank all those who contributed their time, knowledge, and feedback to this report, and hopes that the information and recommendations will prove to be useful for all interested parties.



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Background

Authoritarianism is nothing new in Southeast Asia. In recent years, however, some countries have witnessed a worrying slide back towards totalitarianism under so-called strongman rulers.

A warning sign of just how fragile democratic gains might be can be witnessed in Malaysia, where in the 2018 general election the public elected to end the corruption-ridden rule of Barisan Nasional (BN), voting the Pakatan Harapan (PH) coalition into power. It was Malaysia's first change of government in more than 60 years.¹ However, back-door maneuvering in March 2020 led to the democratically-elected government being ousted, and replaced with figures closely-aligned with the BN regime.²

Since then, the government has resorted to worrying tactics to silence critical voices, including by targeting media outlets,³ as well as opening trumped-up investigations or charges against opposition MPs, and human rights activists.⁴

¹ Scott Edwards, Malaysia's first new government in six decades revels in a shocking victory, 11 May, 2018, The Conversation, available at: <https://theconversation.com/malaysias-first-new-government-in-six-decades-revels-in-a-shocking-victory-96369>.

² BBC, Malaysia gets new PM, Muhyiddin Yassin, after week of turmoil, 1 March 2020, available at: <https://www.bbc.com/news/world-asia-51695463>.

³ Al Jazeera, Malaysia police raid Al Jazeera's office, seize computers, 5 August 2020, available at: <https://www.aljazeera.com/news/2020/08/malaysian-police-raid-al-jazeera-office-seize-computers-200804093848514.html>.

⁴ Amnesty International, Malaysia must not return to climate of fear for activists and critics, 12 June 2020, available at: <https://www.amnesty.my/2020/06/12/malaysia-must-not-return-to-climate-of-fear-for-activists-and-critics/>.

The new government has also fostered hostility towards migrants and refugees,⁵ notably the Rohingya from Myanmar, contributing towards a rise in hate speech and threats against the minority, who have been scapegoated amid the coronavirus pandemic.

In Thailand, following a 2014 military coup, a general election was held in 2019, ostensibly to end military rule and return the country to democracy.⁶ It has, however, achieved nothing of the sort. As APHR found in a Fact-Finding Mission conducted shortly after the poll, the military continues to hold unchecked control over the country's political system, while authorities still restrict fundamental freedoms.⁷

Human rights groups, including APHR, have consistently urged Thai authorities to amend the 2017 Constitution, which *“creates a quasi-democratic state that disproportionately limits the power of elected Members of Parliament and instead institutionalizes the military's unchecked power.”*⁸

Human rights defenders are also increasingly at risk in Thailand, particularly as peaceful pro-democracy demonstrations have swept across the country in 2020, with protest leaders being arrested and charged with criminal offences, including sedition.⁹

In the Philippines, the human rights situation has drastically deteriorated since President Rodrigo Duterte came to power in a general election held in 2016. Most notably he has overseen a war on drugs that has led to thousands being killed, and which human rights groups have described as *“crimes against humanity targeting the urban poor.”*¹⁰

President Duterte has harassed and intimidated his critics, including APHR member Senator Leila De Lima, who has been imprisoned for the last three and a half years on politically-motivated charges.¹¹ President Duterte has also targeted the media, including by judicially harassing journalists and shuttering critical outlets.¹²

In this increasingly repressive environment in the Philippines, human rights defenders have been targeted and killed. The Office of the UN High Commissioner for Human Rights (OHCHR) *“verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019.”*¹³ Rights groups have also raised concerns about the recent passage of the Anti-Terrorism Law that would be yet another tool for the authorities to clampdown on dissenters.¹⁴

5 Human Rights Watch (HRW), Joint Letter Re: End Violent Threats and Anti-Rohingya Campaign, 11 May 2020, available at <https://www.hrw.org/news/2020/05/11/joint-letter-re-end-violent-threats-and-anti-rohingya-campaign>.

6 Panarat Thegumpanat, Thailand to hold first general election since coup on March 24, 23 January 2019, Reuters, available at: <https://www.reuters.com/article/us-thailand-politics/thailand-to-hold-first-general-election-since-coup-on-march-24-idUSKCNIPH0VN>.

7 APHR, Recommendations to the government of Thailand, August 2019, available at: <https://aseanmp.org/wp-content/uploads/2019/08/English-APHR-Thailand-Recommendations.pdf>.

8 Ibid.

9 HRW, Thailand: More Protest Leaders Arrested, 27 August 2020, available at: <https://www.hrw.org/news/2020/08/27/thailand-more-protest-leaders-arrested>.

10 HRW, Philippines: Police Deceit in 'Drug War' Killings, 2 March 2017, available at: <https://www.hrw.org/news/2017/03/02/philippines-police-deceit-drug-war-killings>.

11 APHR, ASEAN MPs renew call for immediate release of Philippine Sen. Leila de Lima, 23 February 2019, available at: <https://aseanmp.org/2019/02/23/asean-mps-renew-call-for-release-of-sen-leila-de-lima/>.

12 Carlos H. Conde, In the Philippines, Free Speech is Being Smothered, The Globe and Mail, 15 June, 2020, available at: <https://www.theglobeandmail.com/opinion/article-in-the-philippines-free-speech-is-being-smothered/>.

13 Office of the United Nations High Commissioner for Human Rights (OHCHR), Situation of human rights in the Philippines, 29 June 2020, p. 10, available at: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

14 FORUM-ASIA, Philippines: Proposed Anti-Terrorism Law will solidify abuse of State power, 2 June 2020, available at: <https://www.forum-asia.org/?p=31856>.

In Cambodia, in November 2017, the country's Supreme Court dissolved the only viable opposition, the Cambodia National Rescue Party (CNRP), for allegedly attempting to overthrow the government, and banned 118 of its members from politics for five years. Many CNRP members are now in exile.¹⁵

Prime Minister Hun Sen has effectively turned the country into a one-party state, and the human rights situation has remained dire as the government has stepped up its attacks on political activists, peaceful protesters, and human rights defenders.¹⁶ With Hun Sen's ruling Cambodian People's Party (CPP) holding all 125 seats in the National Assembly,¹⁷ it has pushed through draconian laws, including a state of emergency billed as dealing with the coronavirus pandemic, but which grants authorities overly broad powers.¹⁸

The regional situation has grown worse during the COVID-19 health crisis, with some governments using it as an excuse to introduce laws that strengthen their hold on power. As well as Cambodia,¹⁹ in the Philippines, President Duterte's regime introduced the Bayanihan to Heal as One Act (COVID-19 emergency law),²⁰ which granted the government sweeping powers in the name of protecting public health, while in Thailand, as anti-government protests sweep across the country, authorities have continued to extend an emergency decree introduced to control the pandemic, despite the number of coronavirus cases being kept to a minimum.²¹ Meanwhile, Malaysian authorities have also opened hundreds of investigations for the alleged spread of disinformation related to the pandemic.²²

The deterioration of the democratic space and the human rights situation in those countries are the back drop to the harassment and threats that APhR has documented against opposition MPs, illustrating how these reprisals are one, among others, of the tactics used by these governments to suppress critical voices and achieve unchecked power.

¹⁵ Interview with former MP Mu Sochua, 1 April 2020.

¹⁶ HRW, Cambodia: End Violence Against Detainees' Families, 6 August 2020, available at: <https://www.hrw.org/news/2020/08/06/cambodia-end-violence-against-detainees-families>; International Federation for Human Rights, Cambodia: Arbitrary detention and judicial harassment of Cambodian Confederation of Union's President Mr. Rong Chhun, 6 August 2020, available at: <https://www.fidh.org/en/issues/human-rights-defenders/cambodia-arbitrary-detention-and-judicial-harassment-of-cambodian>.

¹⁷ Prak Chan Thul, Cambodia's ruling party won all seats in July vote: election commission, Reuters, 15 August 2018, available at: <https://www.reuters.com/article/us-cambodia-election/cambodias-ruling-party-won-all-seats-in-july-vote-election-commission-idUSKBNL01E7>.

¹⁸ APhR, MPs warn against authoritarian turn of COVID-19 responses, 8 April 2020, available at: <https://aseanmp.org/2020/04/08/authoritarian-turn-covid19/>.

¹⁹ HRW, Cambodia: End Crackdown on Opposition, 17 June 2020, available at: <https://www.hrw.org/news/2020/06/17/cambodia-end-crackdown-opposition>.

²⁰ Amnesty International, Any enhanced powers amid COVID-19 must safeguard human rights, 17 April 2020, available at: <https://www.amnesty.org.ph/2020/04/any-enhanced-powers-amid-covid-19-must-safeguard-human-rights/>; Office of the Presidential Spokespersons of the Republic of the Philippines, On the Expiration of Republic Act No. 11469, 27 June 2020, available at: <https://pcoo.gov.ph/OPS-content/on-the-expiration-of-republic-act-no-11469/>.

²¹ Marimi Kishimoto and Yohei Muramatsu, Thailand to extend virus emergency decree as protests swell, Nikkei Asian Review, 20 August 2020, available at: <https://asia.nikkei.com/Politics/Turbulent-Thailand/Thailand-to-extend-virus-emergency-decree-as-protests-swell>.

²² Malay Mail, 266 investigation papers on Covid-19 fake news so far, says senior minister, 12 July 2020, available at: <https://www.malaymail.com/news/malaysia/2020/07/12/266-investigation-papers-on-covid-19-fake-news-so-far-says-senior-minister/1883753>.



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Chapter 1: Tactics to Silence Opposition MPs

APHR conducted a region-wide research into human rights violations faced by parliamentarians from across the political spectrum. The research findings revealed that lawmakers have been targeted simply for peacefully doing their work and expressing their views, in the Philippines, Thailand and more recently Malaysia, and that all lawmakers affected are members of the opposition. In particular, it appeared that certain opposition parties or coalitions are the subject of systematic reprisals, such as the FWP in Thailand, and lawmakers from the Makabayan bloc in the Philippines.

APHR's research found that governments in those countries have used a range of tactics to silence and intimidate opposition MPs, ranging from judicial harassment through trumped-up criminal cases, to arbitrarily depriving MPs of their status, as well as online and offline threats and harassment. Outspoken female opposition MPs have also faced misogynistic campaigns of vilification aimed at undermining and intimidating them.

The patterns identified against lawmakers are similar to those used by these same governments against human rights defenders, journalists and other pro-democracy and political activists. They clearly fit within a broader attempt at silencing all critical voices and political dissent.

International Human Rights Law and Standards

The rights to freedom of expression,²³ association,²⁴ and peaceful assembly²⁵ are protected under the International Covenant on Civil and Political Rights (ICCPR), which Thailand and the Philippines are state parties to, as well as the Universal Declaration of Human Rights (UDHR). Apart from international treaties, these fundamental freedoms are also protected under the respective laws in Thailand,²⁶ Malaysia,²⁷ and the Philippines.²⁸ These human rights form the cornerstone of a democracy, which in turn, provide for a conducive environment for the effective realization of human rights.²⁹

Restrictions on the rights to freedom of expression must be the exception rather than the rule. International human rights law provides that any restrictions must be provided by clear, detailed and well-defined laws; be imposed to serve a legitimate aim, namely to protect the rights and reputation of others, national security, public order, public health or public morals; and restrictions must be both necessary and proportionate. All three requirements need to be met for a restriction on people's fundamental freedoms to comply with international human rights law and standards.³⁰

For lawmakers, the enjoyment of these human rights are crucial in fulfilling their responsibilities, which include being able to join or form a political party, and participate or hold peaceful public discussions to share ideas. In particular, MPs should be free to express themselves in order for them to speak on behalf of the people who elected them.³¹ MPs must also be able to seek, receive and impart information and ideas without fear of reprisal.³²

However, MPs in the Philippines, Malaysia, and Thailand have been facing politically-motivated judicial cases, threats and harassment solely for the peaceful exercise of their rights to freedom of expression, association, and peaceful assembly, a clear violation of these States' human rights obligations.

23 International Covenant on Civil and Political Rights (ICCPR), Article 19, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; Universal Declaration of Human Rights (UDHR), Article 19, available at: <https://www.un.org/en/universal-declaration-human-rights/>.

24 ICCPR, Article 22; UDHR, Article 20.

25 ICCPR, Article 21; UDHR, Article 20.

26 Constitution of the Kingdom of Thailand, 2017, Sections 34, 42, 44, available at: https://www.constituteproject.org/constitution/Thailand_2017.pdf?lang=en.

27 1957 Federal Constitution of Malaysia, Article 10, available at: [http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20\(BI%20text\).pdf](http://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20(BI%20text).pdf).

28 1987 Constitution of the Republic of the Philippines, Sections 4 & 8 under Article 3, available at: <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

29 UN (Website), Democracy, available at: <https://www.un.org/en/sections/issues-depth/democracy/>.

30 ICCPR Article 19(3); Human Rights Committee, General comment No. 34, Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34, 12 September 2011, paras. 21-36, available at: <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

31 Inter-Parliamentary Union (IPU) and OHCHR, Handbook for Parliamentarians No. 26, 2016, p. 164, available at: <https://www.ohchr.org/Documents/Publications/HandbookParliamentarians.pdf>.

32 *ibid* p. 91.



Photo Credits: EPA-EFE/Mark Cristino

Section 1.1 Judicial Harassment

The main tactic used by the authorities to undermine political opposition has been the opening of investigations or the filing of trumped-up charges. APHR found that, since the beginning of 2018, at least 27 opposition³³ parliamentarians from Thailand, Malaysia, and the Philippines have had legal complaints filed against them, or been charged or prosecuted simply for exercising their human rights.

In many cases, the complaints were initiated by the police, military personnel, family members of political leaders, and other individuals or entities closely linked to government officials. The lawsuits also often rely on repressive laws that restrict the rights to freedom of expression and peaceful assembly, or have clearly no legal or factual basis.

APHR's findings reveal that MPs who have been targeted by this judicial harassment have been vocal critics of governments and their policies, raised matters of public interest, or have challenged the political establishment. In certain cases, the sheer number of lawsuits against particular lawmakers, or members of a specific political party, clearly illustrate a deliberate and systematic attempt to silence that individual or political party.

In all three countries where APHR documented cases, the judicial harassment of opposition MPs is not an isolated phenomenon. On the contrary, it is just another illustration of a broader pattern of the governments using the law to restrict civic space, and silence human rights defenders, the media and pro-democratic voices.

Parliamentary Immunity

For MPs to effectively speak on behalf of the people who elected them to office, and who they represent, they must be free to seek, receive, and impart information without fear of reprisal. It is for this reason that parliamentary immunity or privilege exists in many countries, with a view to protecting MPs' freedom of expression during proceedings in Parliament.³⁴ However, the scope of protection differs greatly from country to country.

³³ See Annex.

³⁴ IPU, Human Rights Handbook for Parliamentarians, 2016, available at: <http://archive.ipu.org/PDF/publications/hrights-en.pdf>, p. 91; IPU and UNDP, Parliamentary Immunity, 2006, para 4.3, available at: <https://agora-parl.org/sites/default/files/UNDP-IPU%20-%20Parliamentary%20Immunity%20-%202006%20-%20EN%20-%20Parliamentary%20Institution.pdf>.

In Thailand, parliamentary privilege is protected under Sections 124 and 125 of the Constitution, whereby words, fact or opinions expressed in statements or in casting votes during a sitting of the House of Representatives or the Senate are absolutely privileged.³⁵

This privilege does not extend to an MP who expresses words at a sitting which is broadcasted through the media, “*if such words appear outside the precinct of the National Assembly,*” and if they constitute a criminal offence or wrongful act against anyone who is not a Minister or member of the National Assembly.

In addition, during a session, no MP shall be “*arrested, detained or summoned by a warrant for inquiry*” as a suspect in a criminal case unless permission is obtained from the House from which they are a member, or if they have been arrested in *flagrante delicto*, meaning they have been caught in the act of the offence. If criminal charges are brought against an MP or Senator, the “*the trial shall not hinder such member from attending the sitting of the House.*”

In Malaysia, according to Article 63 of the Federal Constitution, proceedings in either House of Parliament, “*shall not be questioned in any court.*”³⁶ In addition, no person “*shall be liable to any proceedings in any court*” in respect of anything said or any vote given when taking part in proceedings in either House of Parliament, unless charged with specific offences relating to security and public order, or under the Sedition Act. No person can also be made liable in court when it comes to anything published by or under the authority of either House of Parliament.

In the Philippines, lawmakers in both chambers are protected from arrest only when Congress is in session and if the offence carries a possible prison term of six years or less. MPs cannot be questioned or made liable for speeches or debates made in Congress.³⁷

Thailand

“These cases are the result of us challenging the establishment. It was quite clear from the beginning that this would happen [...] over the past decades, people who have challenged the establishment have got criminal charges over them.”

Former MP Thanathorn Juangroongruangkit, Thailand.³⁸

The now-defunct FWP was formed in early March 2018, and officially recognized as a political party in September 2018, just months ahead of the 2019 general election.³⁹ It was founded by Thanathorn Juangroongruangkit and other like-minded individuals, including academics, social and political activists, and entrepreneurs. The FWP campaigned for the amendment of the 2017 military-drafted Constitution and reforms to the military, including reducing its interference in domestic politics.⁴⁰

³⁵ Constitution of the Kingdom of Thailand, Articles 124 and 125, available at: http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf.

³⁶ Federal Constitution of Malaysia, Article 63, available at: [https://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20\(BI%20text\).pdf](https://www.agc.gov.my/agcportal/uploads/files/Publications/FC/Federal%20Consti%20(BI%20text).pdf).

³⁷ The Philippine Constitution, Article VI Section 11, available at: <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

³⁸ Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.

³⁹ Future Forward Party (FWP) (Website), About Us, available at: <https://en.futureforwardparty.org/about-fwp/future-forward-party>.

⁴⁰ FWP, (Website), Our Policies, Democracy and Human Rights, available at: <https://en.futureforwardparty.org/about-fwp/our-policies/democracy-and-human-rights-policy>; Bangkok Post, Future Forward Party wants to 'reform' military, 1 February 2019, available at: <https://www.bangkokpost.com/thailand/politics/1621302/future-forward-party-wants-to-reform-military>.

During Thailand's 24 March 2019 general election, the FWP surprisingly emerged as the third biggest party in terms of number of seats in the lower house of Parliament. FWP received more than six million votes and gained 81 seats in the lower house.⁴¹

Since the establishment of the party, its members have faced at least 27 judicial cases,⁴² one of which led to the dissolution of the party (See Section 1.2).⁴³ At least 14 of its MPs have been affected by these lawsuits. While some cases were filed before the flawed 2019 election, most were brought after the vote, and include accusations of sedition, lèse majesté, importing false information to a computer system, contempt of Court, libel, and infringement of the Public Assembly Act.⁴⁴

For example, on 16 December 2019, several FWP executive members, including **Thanathorn Juangroongruangkit**, **Pannika Wanich**, and **Piyabutr Saengkanokkul**, who were MPs at the time, as well as MP **Pita Limjaroenrat**, were charged after they held a peaceful political rally in downtown Bangkok to protest against the threats of the dissolution of the party. According to news reports, around 10,000 people attended the rally, which was at the time, the largest public gathering since the 2014 military coup d'état. The charges include the criminal offences of organizing a public assembly and using loudspeakers without permission under provisions that excessively restrict the right to peaceful assembly.⁴⁵

Since the party's dissolution, most of its former members have now joined the new Move Forward Party, some of whom, including MP Pita Limjaroenrat and MP **Rome Rangsiman**, continue to face legal cases for being critical of the government.

For example, MP Rome Rangsiman is currently facing a defamation suit filed by Col. Pinyo Boonsongsantikul of the Five Provinces Bordering Forest Preservation Project in March 2020 after he accused Deputy Prime Minister Prawit Wongsuwan, who is also the Chair of the Project, of using the association to establish connections with the country's wealthiest.⁴⁶

Many of the cases against FWP members were initiated by members of the military, individuals or organizations that have strong connections with the ruling coalition, as well as groups that support the monarchy.⁴⁷ A number of these cases are still pending investigation or have yet to be processed by the relevant authority.

The slew of cases filed against the now-disbanded FWP reveals a systematic "*campaign*"⁴⁸ to "*destroy*"⁴⁹ the party as a response to its policies and popular support.

41 Joel Selway and Allen Hicken, Thailand's March elections produced a clear threat to the military regime, 10 April 2019, The Washington Post, available at: <https://www.washingtonpost.com/politics/2019/04/10/thailands-march-elections-produced-clear-threat-military-regime/>; and Mukti Suhartono and Austin Ramzy, Thailand Election Results Signal Military's Continued Grip on Power, 9 May 2019, The New York Times, available at: <https://www.nytimes.com/2019/05/09/world/asia/thailand-election-results.html>; Bangkok Post, 50 MPs join Move Forward, 14 March 2020, available at: <https://www.bangkokpost.com/thailand/politics/1878785/50-mps-join-move-forward>.

42 Information obtained by APhR from the FWP party. Please note that this figure may not consist of all legal cases and there may be other cases that APhR may not be aware of.

43 Office of the Constitutional Court, Press Release No. 7/2019, 21 February 2020, available at: http://www.constitutionalcourt.or.th/occ_en/download/article/article_20200305112117.pdf; and APhR, MPs urge Thai authorities to end attacks on pro-democracy groups, 21 February 2020, available at: <https://aseanmp.org/2020/02/21/future-forward-party-dissolved/>.

44 Information provided by the FWP to APhR; Thai Lawyers for Human Rights (TLHR), As if the NCPO Never Left: Six Years After the Coup and the Persistence of Human Rights Violations, 22 May 2020, available at: <https://www.tlhr2014.com/?p=17808&lang=en>; HRW, Thailand: End Crackdown on Future Forward Party, 17 December 2019, available at: <https://www.hrw.org/news/2019/12/17/thailand-end-crackdown-future-forward-party>.

45 Information provided by the FWP to APhR; HRW, Thailand: End Crackdown on Future Forward Party, 17 December 2019; Bangkok Post, Thanathorn to fight 'flash mob' charges, 10 January 2020, available at: <https://www.bangkokpost.com/thailand/politics/1832944/thanathorn-to-fight-flash-mob-charges>.

46 Interview with MP Rome Rangsiman on 17 July 2020; TLHR, TLHR Overall Situation in March 2020, 10 April 2020, available at: <https://www.tlhr2014.com/?p=16967&lang=en>; Marwaan Macan-Markar, Thailand's ex-army chief poised to contain rifts in ruling party, 9 July 2020, Nikkei Asian Review, available at: <https://asia.nikkei.com/Politics/Turbulent-Thailand/Thailand-s-ex-army-chief-poised-to-contain-rifts-in-ruling-party>; Tappanai Boonbandit, Pheu Thai Denies Conspiring to Save Prawit from Censure, Khaosod English, 28 February 2020, available at: <https://www.khaosodenglish.com/politics/2020/02/28/pheu-thai-denies-conspiring-to-save-prawit-from-censure/>; Five Provinces Bordering Forest Preservation Project (Website), Chairman, available at: <http://www.5provincesforest.com/index.php?lay=show&ac=article&Ntype=4&Id=538680589>.

47 Information provided by the FWP to APhR. For example, those who have filed cases against members of FWP include: Sontiya Sawasdee (former candidate of Action Coalition for Thailand, which is part of the government coalition), Col. Burin Thongprapai; Army Captain Songklod Chuenchupol; and the Nation Broadcasting Corporation who is known for publishing anti-democracy content.

48 Interview with former MP Kunthida Rungruengkiat on 8 July 2020.

49 Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.

This was also highlighted by the UN Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and on the rights to freedom of peaceful assembly and of association, in a communication sent to the Thai government in January 2020, where they expressed:

“serious concern that the various judicial cases, [...], brought against members of the Future Forward Party, may appear to be related to their views on the influence of the military in domestic politics.”⁵⁰

Philippines

“If you're the most vocal, then you definitely face more cases and more harassment than somebody who just sparingly criticizes Mr. Duterte. It's also part of the persona that he wants to project. He wants to project to the public that anybody who crosses him would not survive, whether physically or politically. He would put them away, so that the others won't dare to stand up against him anymore.”

Former Senator Antonio Trillanes, Philippines.⁵¹

In the Philippines, at least eight opposition MPs who have been critical of President Duterte and his policies have been targeted with politically-motivated cases.⁵²

Of these, former Senator **Antonio Trillanes** is facing the highest volume of legal suits, and has reported 19 cases in total, starting from 2014 to date.⁵³ Trillanes was a senator from 30 June 2007 to 30 June 2019, and 17 of these cases were filed when he was an MP.

Trillanes currently serves as Chairman of the Magdalo Para sa Pilipino party, which represents retired military personnel and is part of the opposition. He has been a vocal critic of the president, particularly his notorious drug war.⁵⁴

Among the charges that Trillanes is facing are old cases of "rebellion" and "coup d'état," which were pardoned under the previous President Benigno Aquino III administration, but revived personally by President Duterte through the issuance of a Presidential proclamation, dated 31 August 2018, that rendered his earlier amnesty void.⁵⁵

Other cases filed against the former Senator include four counts of libel by Duterte's son and son-in-law, a *certiorari* and prohibition petition by the Solicitor General and his family, to prevent Trillanes from conducting a legislative inquiry into their alleged conflict of interest on government contracts, and criminal offences of inciting to sedition and grave threats opened by pro-Duterte lawyers.⁵⁶ Two of his cases have since been dismissed.⁵⁷

50 David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Clement Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Communication to Government of Thailand, 20 January 2020, available at: https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25037&fbclid=IwAR2wq0ff6r_uEde6melNvotz2mHMREBcCoxuiaAsuleic2FZs-ksw6WDw.

51 Interview with former Senator Antonio Trillanes on 14 July 2020.

52 APHR, In the crosshairs of the Presidency, Attacks on opposition lawmakers in the Philippines, June 2019, [Hereinafter: In the crosshairs of the Presidency], available at: <https://aseanmp.org/wp-content/uploads/2019/06/APHR-Philippines-In-the-crosshairs-of-the-Presidency.pdf>.

53 Summary of pending cases from former Senator Antonio Trillanes' office provided to APHR; Interview with former Senator Trillanes on 14 July 2020.

54 Al Jazeera, Philippines: Senator critical of Duterte arrested, 25 September 2018, available at:

<https://www.aljazeera.com/news/2018/09/philippines-senator-critical-duterte-arrested-180925102455952.html>.

55 President of the Philippines, Proclamation No. 572, Revocation of the Department of National Defense Ad Hoc Committee Resolution No. 2(#1), Dated 31 January, 2011 insofar as it granted amnesty to former Ltsg Antonio Trillanes IV, available at: <https://www.officialgazette.gov.ph/downloads/2018/08aug/20180831-PROC-572-RRD.pdf>; and In the crosshairs of the Presidency, p. 16-17.

56 Ibid; Information from former Senator Antonio Trillanes' office provided to APHR; Solicitor General Jose C. Calida, et al. Vs. Senator Antonio "Sonny" Trillanes IV, G.R. No. 240873. September 3, 2019, available at: <http://sc.judiciary.gov.ph/8150/>.

57 Summary of pending cases from former Senator Antonio Trillanes' office, provided to APHR.

Senator **Leila de Lima** and Senator **Risa Hontiveros**, are two other politicians who have become the systematic targets of trumped-up legal cases as a result of their vocal criticisms of Duterte's war on drugs.

Senator Leila de Lima, who remains in detention since her arrest on 24 February 2017, is facing three counts of alleged drugs trafficking charges.⁵⁸ While her trial has begun, all three cases have faced significant delays, and at least six judges have withdrawn themselves from hearing the cases.⁵⁹ If found guilty, she would face three counts of life imprisonment and a fine of up to ten million pesos (US\$ 205,808).⁶⁰ Senator Risa Hontiveros is also facing charges of "wiretapping," "kidnapping and failure to return a minor," and "obstruction of justice" filed separately in 2017 by Department of Justice Secretary Vitaliano Aguirre and Duterte-allied former Congressman Jing Paras.⁶¹

On 18 July 2019, the Philippine police filed yet another complaint against them both and others, for their involvement in an anti-Duterte "Bikoy" video that was, according to the authorities, used to spread false information on social media to "agitate the general population into making mass protest" and to de-seat Duterte as President.

The complaint included a range of criminal charges, such as sedition, inciting to sedition, cyber libel, harboring a criminal, and obstruction of justice.⁶² While the cases against the senators were dropped earlier this year by the Department of Justice, rights groups have criticized the move as a means to intimidate and silence critics of the President.⁶³

The Office of the UN High Commissioner for Human Rights, in its report on the human rights situation in the Philippines to the Human Rights Council in June 2020, acknowledged that the judicial harassment against Senators de Lima and Hontiveros are a consequence of their vocal criticism of the government. The report states: "*Two Senators, Leila de Lima and Risa Hontiveros, are among women officials who have faced reprisals for criticizing government policy.*"⁶⁴

The IPU Committee on the Human Rights of Parliamentarians also found, following a mission to the Philippines in 2017, that:

"the steps taken against Senator de Lima come in response to her vocal opposition to President Duterte's war on drugs, including her denunciation of his alleged responsibility for the extrajudicial killings". The IPU further stated that it believes there was no evidence to justify the criminal cases against Senator de Lima.⁶⁵

58 In the crosshairs of the Presidency, p. 13-15

59 Ibid.

60 Information from Senator de Lima's litigation team dated 27 January 2020, on file with APHR.

61 In the crosshairs of the Presidency, p. 17-19; Summary of cases from Senator Risa Hontiveros' office, provided to APHR.

62 APHR, Regional parliamentarians urge end to judicial harassment against the Philippine opposition, 6 September 2019, available at: <https://aseanmp.org/2019/09/06/end-judicial-harassment-philippine-opposition/>; HRW, Philippines: Drop Sedition Cases Against Duterte Critics, 23 July 2019, available at: <https://www.hrw.org/node/332387/printable/print>; and Amnesty International, Philippines: 36 people face sedition charges as authorities bid to silence critics, 19 July 2019, available at: <https://www.amnesty.org.uk/press-releases/philippines-36-people-face-sedition-charges-authorities-bid-silence-critics>.

63 Ibid; Lian Buan, 'DOJ clears Robredo, charges Trillanes in sedition case,' 10 February 2020, Rappler, available at: <https://rappler.com/nation/doj-resolution-conspiracy-commit-sedition-opposition>.

64 OHCHR, Situation of human rights in the Philippines, 29 June 2020, A/HRC/44/22, para. 58, available at: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

65 IPU, Committee on the Human Rights of Parliamentarians, Report on the mission to the Philippines 22 - 24 May 2017, CL/201/11(b)-R.1, 18 October 2017, available at: <http://archive.ipu.org/hr-e/201/ReportPhilippines.pdf>.

In November 2018, the UN Working Group on Arbitrary Detention ruled that her detention was arbitrary because: she was discriminated based on her political views, status as a human rights defender, and as a woman; her rights to a fair trial were violated; her detention was a result of her exercising her fundamental freedoms; and her pre-trial detention lacks any legal basis.⁶⁶

In the House of Representatives, Alliance of Concerned Teachers (ACT) party-list MP **France Castro** and MP **Sarah Elago**, from the Kabataan party-list, are also facing politically-motivated judicial cases. Both are part of the opposition and members of the left-wing Makabayan bloc, a coalition of progressive party-lists in the Philippines that campaigns to advance democracy and the rights and welfare of the people, including women, youth, workers, farmers, teachers, and indigenous people.⁶⁷ They currently have six MPs in the House of Representatives, who have been outspoken against President Duterte's administration and have been active in pushing back against the declining state of human rights in the country.⁶⁸

In November 2018, MP Castro was charged with “*kidnapping and failure to return a minor*,”⁶⁹ “*acts of trafficking in persons*,”⁷⁰ and “*any other acts of child abuse*”⁷¹ for her involvement in a humanitarian mission to escort teachers and school children to a safe house, at the request of their parents, to protect them from potential abuse by paramilitaries.⁷²

The investigating prosecutor has since found no probable cause for the first two charges, and only the third charge remains.⁷³ The complaints were filed by the police and her trial has not yet started.⁷⁴ If found guilty, MP Castro could face a maximum of eight years in jail.⁷⁵

MP Elago is currently facing a 2019 complaint filed by the police, based on accusations from a mother, alleging that Elago was involved in trafficking, the recruitment of a minor, and “*any other acts of child abuse*.”⁷⁶

Elago's name, as well as several other former lawmakers, were only included by the police, who are a co-complainant in this case, as respondents almost two weeks after the complaint was filed.⁷⁷ According to Elago, her name was never mentioned in the mother's original complaint.⁷⁸ Investigations in this case are ongoing.⁷⁹

66 UN Working Group on Arbitrary Detention, Opinion No. 61/2018 concerning Leila Norma Eulalia Josefa De Lima (Philippines), 30 November 2018, A/HRC/WGAD/2018/61, paras. 53, 61, 67, 73, and 79, available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD_2018_61.pdf.

67 Koalisyon Makabayan (Facebook), About, available at: <https://www.facebook.com/makabayancoalition/>.

68 Bong Lozada, Makabayan bloc slams NTC's shutdown of ABS-CBN 'at behest of Malacanang', 6 May 2020, Inquirer.net, available at: <https://newsinfo.inquirer.net/1270932/makabayan-bloc-slams-ntcs-shutdown-of-abs-cbn-at-behest-of-malacanang>; Tetch Torres-Tupas, Makabayan bloc moves to strike down anti-terror law, 6 July 2020, Inquirer.net, available at: <https://newsinfo.inquirer.net/1302774/makabayan-bloc-moves-to-strike-down-anti-terror-law>.

69 Article 270 of the Revised Penal Code of the Philippines, available at: https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/PHL_revised_penal_code.pdf.

70 Section 4 of Republic Act 10364 (Expanded Anti-trafficking in Persons Act of 2012), available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103636/125993/F1442701866/PHL103636.pdf>.

71 Section 10(a) of Republic Act 7610 (An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes.)

72 In the crosshairs of the Presidency, p. 21-22; APhR, Southeast Asian lawmakers demand charges to be dropped against Philippine Representative France Castro, 2 December 2018, available at: <https://aseanmp.org/2018/12/02/southeast-asian-lawmakers-demand-charges-to-be-dropped-against-philippine-representative-france-castro/>; Information from MP France Castro's lawyer dated 28 January 2020.

73 Information from MP France Castro's lawyer dated 28 January 2020.

74 Ibid and Information from MP France Castro dated 12 August 2020.

75 Information from MP France Castro's lawyer dated 28 January 2020.

76 Section 4(k)(1) of Republic Act No. 9208 as amended by RA No. 10364 (Anti-Trafficking in Persons Act of 2003), Section 9(b)(5) of Republic Act 11188 (An Act Providing for the Special Protection of Children in Situations of Armed Conflict), and Section 10(a) and (c) of Republic Act 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act); MP Sarah Elago's submission to the Inter-Parliamentary Union (IPU), dated 1 December 2019.

77 MP Sarah Elago's submission to the IPU, dated 1 December 2019.

78 Ibid.

79 Interview with MP Sarah Elago dated 8 July 2020.

Other MPs from the Lower House, who are also members of the Makabayan bloc, have faced judicial harassment, including MP **Carlos Zarate** of the Bayan Muna party-list, former MP **Antonio Tinio** of the ACT party-list, and former MP **Ariel Casilao** of the Anakpawis party-list. On 30 January 2018, MP Zarate was charged for conducting a rally without a permit,⁸⁰ for “direct assaults”⁸¹ and “resistance and disobedience to a person in authority,”⁸² due to his involvement in a public assembly in November 2017 against the visit of US President Donald Trump to Manila during the 31st ASEAN Summit.⁸³ Meanwhile, former MPs Tinio and Casilao were charged for “other acts of abuse”⁸⁴ and for violating the right of a child “against exploitation”⁸⁵ for attending a peaceful demonstration in October 2018 to protest the imposition of martial law in Mindanao.⁸⁶ Both were sitting MPs at the time of these charges.⁸⁷ All charges in these three cases have since been dismissed by the relevant prosecutor’s office.⁸⁸

All eight lawmakers that APHR found to have faced judicial harassment in the Philippines are either outspoken critics of Duterte’s policies, or members of the left-wing opposition Makabayan bloc. The Philippines is also the only country with a Senator currently in detention, reflecting the highly repressive environment that political opponents operate in under the Duterte administration.

Malaysia

“The current government seems to be hypersensitive or very sensitive to criticism, public criticism of it, and they’re sending messages to MPs. Watch what you’re saying, watch the words you’re using.”

MP Sivarasa Rasiah, Malaysia.⁸⁹

In Malaysia, while the number of legal cases filed against MPs are not as high in comparison to Thailand and the Philippines, APHR documented an increase in cases being opened against parliamentarians since the unelected “back-door” Perikatan Nasional government took power in March 2020. Several opposition MPs have since either been called in for police questioning or charged for exercising their right to freedom of expression.⁹⁰

On 10 June 2020, MP **Sivarasa Rasiah** of the People’s Justice Party (PKR) was questioned by police regarding a comment he made almost seven months earlier, in November 2019, when he was the Deputy Minister of Rural Development, regarding the arrest of 12 persons suspected of having links to the Liberation Tigers of Tamil Eelam (LTTE).⁹¹

80 Section 13(a) Batas Pambansa BLG 880 (An Act Ensuring the Free Exercise by the People of Their Right Peaceably to Assemble and Petition the Government for Other Purposes); available at: https://lawphil.net/statutes/bataspam/bp1985/bp_880_1985.html.

81 Article 148 of the Revised Penal Code of the Philippines.

82 Article 151 of the Revised Penal Code of the Philippines.

83 In the crosshairs of the Presidency, p. 24

84 Section 10 of Republic Act 7610 (An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes.)

85 Article 3(8) Presidential Decree No. 603: The Child and Youth Welfare Code, available at: <https://pcw.gov.ph/presidential-decree-no-603-the-child-and-youth-welfare-code/>.

86 Email from former MP Antonio Tinio, dated 28 January 2020.

87 In the crosshairs of the Presidency, p. 23

88 In the crosshairs of the Presidency, p. 24; Email correspondence with former MP Antonio Tinio, dated 15 January 2020.

89 Interview with MP Sivarasa Rasiah on 26 June 2020.

90 Centre for Independent Journalism (CIJ), CSOs Stand in Solidarity with Individuals being Silenced or Censored for Dissent, 19 June 2020, [Hereinafter: CIJ, June 2020], available at: https://cijmalaysia.net/wp-content/uploads/2020/06/Joint-Statement-on-Continued-Use-of-Repressive-Laws-as-Tools-of-Suppression_19JUNE2020.docx-1.pdf.

91 Sivarasa Rasiah, (Facebook), 10 June 2020, available at: <https://www.facebook.com/sivarasa.rasiah.malaysia/posts/3978119172259124>; CIJ, June 2020; Amnesty International, Malaysia must not return to climate of fear for activists and critics, 12 June 2020, available at: <https://www.amnesty.my/2020/06/12/malaysia-must-not-return-to-climate-of-fear-for-activists-and-critics/>.

In particular, he commented that the arrests were part of a “*deep state*” plan to harm the Pakatan Harapan government’s reputation.⁹² He is currently being investigated under several laws, including sedition and the “*improper use of network facilities*.”⁹³

MP **Xavier Jayakumar** of PKR, the former Minister of Water, Land and Natural Resources, is also being probed by police under the Sedition Act and “*the improper use of network facilities*,” according to media reports, after he made critical comments about a parliamentary sitting in May 2020, where the king’s speech was the only item on the agenda.⁹⁴

Another PKR representative, MP **Fuziah Salleh**, former Deputy Minister in the Prime Minister’s Department, was charged on 29 April 2020 for allegedly posting on Facebook⁹⁵ a statement that “*is likely to cause fear or alarm to the public*”⁹⁶ in relation to a video that allegedly showed a chaotic situation at the Customs, Immigration and Quarantine complex in the southern Malaysian state of Johor during the COVID-19 pandemic.⁹⁷ Malaysia’s Immigration Department later confirmed that it was an old fire drill video.⁹⁸ Despite MP Salleh removing the post and issuing an apology,⁹⁹ she is still facing criminal charges and potentially up to two years of imprisonment. She has also made a complaint to the Malaysian Communications and Multimedia Commission over alleged breach of procedures during the investigations.¹⁰⁰

In June 2020, Democratic Action Party lawmaker, **Hannah Yeoh**, former Deputy Minister of Women, Family and Community Development, was also investigated for sedition, posting “*statements conducing to public mischief*,” and the “*improper use of network facilities*,” reports said.¹⁰¹ The two social media posts raised issues related to the new road map to combat child marriage, one of which was reportedly a fake statement attributed to her.¹⁰²

MP **Syed Saddiq**, former member of the Malaysian United Indigenous Party (BERSATU), and former Minister of Youth and Sports, was also reportedly questioned by police in June 2020, for sedition and the “*improper use of network facilities*,” over a March *Al-Jazeera* interview regarding the country’s political situation.¹⁰³

92 Sheridan Mahavera, Deputy minister blames ‘deep state’ for Tamil Tigers arrest, 27 November 2019, The Malaysian Insight, available at: <https://www.themalaysianinsight.com/s/200808>; Sean Augustin, Deep state behind Sosma arrests, claims deputy minister, 27 November 2019, Free Malaysia Today, available at: <https://www.freemalaysiatoday.com/category/nation/2019/11/27/deep-state-behind-sosma-arrests-claims-deputy-minister/>; Malaysiakini, Deputy minister: Decision to charge ‘LTTE 12’ made when AG was abroad, 27 November 2019, available at: <https://www.malaysiakini.com/news/501445>.

93 Section 233 of the Communications and Multimedia Act, available at: https://www.unodc.org/res/cld/document/mys/communications_and_multimedia_act_html/Malaysia_Communications_and_Multimedia_Act_1998.pdf; Sedition Act 1948, available at: <http://www.agc.gov.my/agcportal/uploads/files/Publications/LOM/EN/Act%2015.pdf>; Interview with MP Sivarasa Rasiyah on 26 June 2020.

94 Faisal Asyraf, Cops probe ex-minister over ‘worthless, rubbish’ remarks on Dewan Rakyat sitting, 20 May 2020, Malaysiakini, available at: <https://www.malaysiakini.com/news/526650>; Malay Mail, Police to call Dr Xavier over alleged statement with elements of sedition, 20 May 2020, available at: <https://www.malaymail.com/news/malaysia/2020/05/20/police-to-call-xavier-over-alleged-statement-with-elements-of-sedition/1868083>; CIJ, June 2020; and APHR, Essential parliamentary work must resume at the earliest, regional lawmakers say, 28 April 2020, available at: <https://aseanmp.org/2020/04/28/calls-for-parliament-to-return/>.

95 According to MP Fuziah Salleh, the post did not appear on her personal Facebook account.

96 Section 505(b) of the Penal Code; Communication on 5 June 2020.

97 Rizalman Hammim, Kuantan MP charged over statement on Facebook, New Straits Times, 29 April 2020, available at: <https://www.nst.com.my/news/crime-courts/2020/04/588430/kuantan-mp-charged-over-statement-facebook>.

98 AFP Fact Check, This video shows a safety drill at the Malaysian customs office building in December 2019, 20 April 2020, available at: <https://factcheck.afp.com/video-shows-safety-drill-malaysian-customs-office-building-december-2019>.

99 Interview on 17 April 2020; Fuziah Salleh, (Facebook), 11 April 2020, available at: <https://www.facebook.com/YBFuziahSalleh/posts/1407025952799061>.

100 MP Fuziah Salleh’s Press statement dated 14 April 2020 on file with APHR; and Malaysiakini, Fuziah alleges SOP breach and email, FB takeover attempt during probe, 14 April 2020, available at: <https://www.malaysiakini.com/news/520553>.

101 CIJ, June 2020.

102 Zurairi Ar, Cops probing Hannah Yeoh for ‘seditious, inflammatory’ Facebook post, but MP says quote not from her, 17 June 2020, Malay Mail, available at: <https://www.malaymail.com/news/malaysia/2020/06/17/cops-probing-hannah-yeoh-for-seditious-inflammatory-facebook-post-but-mp-sa/1876408>; Jerry Choong, Hannah Yeoh says meeting police on June 23, repeats being investigated over tweet on child marriage, 18 June 2020, Malay Mail, available at: [https://www.malaymail.com/news/malaysia/2020/06/23/hannah-yeoh-lawyers-laud-police-professionalism-in-investigation-against-he/1878070](https://www.malaymail.com/amp/news/malaysia/2020/06/18/hannah-yeoh-says-meeting-police-on-june-23-repeats-being-investigated-over/1876607?fbclid=IwAR1a0rRbAp8yX-m9sQwEKJwEXf0d9oR47Li6VA7Vkfakm57uOgJt03MIVzM; Yiswara Palansamy, Hannah Yeoh, lawyers laud police professionalism in investigation against her, pledge to continue cooperating, 23 June 2020, Malay Mail, available at: <a href=).

103 Hafiz Yatim, Syed Saddiq quizzed for 45 minutes over Al Jazeera interview, The Edge Market, 18 June 2020, available at: <https://www.theedgemarkets.com/article/syed-saddiq-under-probe-over-alleged-seditious-remarks>; Al Jazeera, Interview, Is it game over for Malaysia’s Mahathir Mohamad?, 7 March 2020, available at: <https://www.youtube.com/watch?v=nPmmIXa77IA>; Syed Saddiq, Twitter, 18 June 2020, available at: <https://twitter.com/SyedSaddiq/status/1273493859066994688>.

BERSATU is currently part of the ruling coalition, but Saddiq is one of the five lawmakers sacked from the party in May for sitting on the opposition bench during a parliamentary session.¹⁰⁴ The police has so far not taken further action in Saddiq's case.¹⁰⁵

While it's clear that those targeted are MPs from the opposition who have raised matters of public interest, or been critical of the government, these are also lawmakers who held ministerial positions in the previous Pakatan Harapan administration, revealing a more targeted form of persecution against senior members of the opposition.

The laws used against the MPs are also those frequently invoked by authorities to silence dissent and restrict freedom of expression in Malaysia.¹⁰⁶ MPs interviewed by APHR compared the current government's repressive tactics to those used by the previous Barisan Nasional administration.¹⁰⁷

The “lawfare” waged by authoritarian governments

“It became painfully clear that the use of lawfare to further authoritarian rule and to eliminate democratic discourse is now a pandemic.”

Senator Leila de Lima, Philippines.¹⁰⁸

APHR finds that the cases mentioned above in all three countries are examples of politically-motivated legal harassment against MPs or political parties who are critical of the government, or viewed as a threat to the ruling incumbents. Many of the cases were brought by State authorities or people close to the government. Few cases have led to charges or convictions, and instead many are still at the investigation stage, while some have been dismissed, indicating that there was never any legal basis in the first place.

The sheer number of cases faced by particular individuals or political parties, such as the FWP in Thailand, the Makabayan bloc and Senator Trillanes in the Philippines, or former ministers from the Pakatan Harapan administration in Malaysia, makes it clear that the judicial cases are aimed at undermining or threatening political opposition.

Many of the laws used are also criminal in nature, meaning that if convicted, the MPs could be sentenced to lengthy prison terms.

The laws that have been relied upon, notably in Malaysia and Thailand, have also routinely been used by authorities against human rights activists and the media, and have long been identified by human rights lawyers as putting excessive restrictions on the rights to freedom of expression, association or peaceful assembly.¹⁰⁹

104 Tarrence Tan, Dr M, Mukhriz, Syed Saddiq and two others axed from Bersatu, The Star, 28 May 2020, available at: <https://www.thestar.com.my/news/nation/2020/05/28/dr-m-mukhriz-syed-saddiq-and-two-others-sacked-from-bersatu>.

105 Interview with Mohamed Amshar bin Aziz, former Private Secretary of MP Syed Saddiq, on 27 August 2020.

106 HRW, Creating a Culture of Fear - The Criminalization of Peaceful Expression in Malaysia, 26 October 2015, available at: <https://www.hrw.org/report/2015/10/26/creating-culture-fear/criminalization-peaceful-expression-malaysia>.

107 Interview with MP Sivarasa Rasiah on 26 June 2020; Interview with MP Maria Chin on 26 June 2020.

108 Senator Leila de Lima, Lawfare: The silent pandemic afflicting the world, Opinion, Rappler, 20 November 2019, available at: <https://amp.rappler.com/thought-leaders/245317-lawfare-silent-pandemic-afflicting-the-world>.

109 HRW, Creating a Culture of Fear -The Criminalization of Peaceful Expression in Malaysia, 26 October 2015; Article 19, Malaysia: The Communications and Multimedia Act1998 - Legal Analysis, February 2017, available at: <https://www.article19.org/data/files/medialibrary/38689/Malaysia-analysis-Final-December.pdf>; HRW, To Speak Out is Dangerous - Criminalization of Peaceful Expression in Thailand, 24 October 2019, available at: <https://www.hrw.org/report/2019/10/24/speak-out-dangerous/criminalization-peaceful-expression-thailand>; International Commission of Jurists, Dictating the Internet: Curtailing Free Expression, Opinion and Information Online in Southeast Asia, December 2019, available at: <https://www.icj.org/wp-content/uploads/2019/12/Southeast-Asia-Dictating-the-Internet-Publications-Reports-Thematic-reports-2019-ENG.pdf>.

In addition, the charges of drug trafficking, or relating to child abuse or kidnapping that have been used against a number of MPs in the Philippines, not only carry heavy prison penalties, but could also seriously damage the MP's reputation (See Section 2.1).

APHR's findings of a growing number of trumped-up cases against opposition MPs is a reflection of a broader judicial crackdown against critical voices in increasingly authoritarian countries such as Thailand, the Philippines and, to some extent, Malaysia. Those affected also include human rights defenders, the media, civil society, and pro-democracy and political activists. The term "lawfare" is becoming more commonly used to refer to this tactic of taking legal action as part of a hostile campaign against pro-democracy forces and political opponents.

As Atty Maria Sol Taule, from the human rights group, Karapatan in the Philippines explained: *"For the Duterte administration, we've observed a growing number of illegal arrest and detention, and [...] filing of trumped up criminal charges against human rights defenders and activists. Most are non-bailable in nature like murder, kidnapping, illegal possession of firearms and explosives."*¹¹⁰

Authorities have also targeted media personnel with lawsuits, including journalist and CEO of independent outlet *Rappler*, Maria Ressa, who is facing multiple judicial cases.¹¹¹ The recent adoption of the Anti-Terrorism Act of 2020 also raises further fears that this will be another weapon in the Philippine authorities' lawfare against dissenters.¹¹²

In Malaysia, repressive laws, including those used against Malaysian MPs mentioned above, are also invoked against human rights activists, journalists, and lawyers. The recent judicial harassment against opposition MPs has also coincided with an attack on press freedom under the new administration. In July 2020, the authorities opened investigations into news channel *Al Jazeera* after it aired a documentary that was critical of the authorities' treatment of refugees and migrants during the coronavirus pandemic. Meanwhile, leading domestic outlet *Malaysiakini* and its editor-in-chief are facing charges of contempt for online comments left on an article on their news website that were critical of the country's judiciary.¹¹³

In Thailand, rights activists and dissidents are also being arrested and charged under the same repressive laws that are being used to target opposition MPs.¹¹⁴

In particular, in recent months, a series of youth-led anti-government protests have spread in Bangkok and across Thailand, with demonstrators calling for the resignation of the government and a new Constitution to be enacted.

Protestors have also raised questions about the role of the monarchy in the country's politics, a subject that was taboo until recently, due to the country's strict lèse majesté laws.

¹¹⁰ Interview with Maria Sol Taule of Karapatan on 15 July 2020.

¹¹¹ HRW, Philippines: Rappler Verdict a Blow to Media Freedom, 15 June 2020, available at: <https://www.hrw.org/news/2020/06/15/philippines-rappler-verdict-blow-media-freedom>; Amnesty International, Philippines: Quash conviction of Rappler journalists Maria Ressa and Rey Santos, 15 June 2020, available at: <https://www.amnesty.org/en/latest/news/2020/06/philippines-quash-conviction-of-rappler-ressa-santos/>; CIVICUS, Attacks on the press and critics persist as UN report on the Philippines finds widespread violations, 25 June 2020, available at: <https://monitor.civicus.org/country/philippines/>.

¹¹² Interview with MP Carlos Zarate on 17 July 2020; Interview with the Commission on Human Rights on 24 July 2020; Amnesty International, Philippines: Dangerous anti-terror law yet another setback for human rights, 3 July 2020, available at: <https://www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/>; The Asia Pacific Partnership for Atrocity Prevention, Statement on The Philippines, 29 June 2020, available at: https://r2pasiapacific.org/files/5078/2020_APPAP_Philippines_statement.pdf.

¹¹³ CIVICUS, Malaysia: End harassment and intimidation of media workers and critics, 11 July 2020, available at: <https://monitor.civicus.org/updates/2020/08/05/malaysian-authorities-ramp-persecution-journalists-and-activists-stifle-criticism/>; CIJ June 2020; APHR, CSOs stand in solidarity with Al Jazeera and for media freedom, 8 July 2020, available at: <https://aseanmp.org/2020/07/08/malaysia-solidarity-press-freedom/>; HRW, Malaysia: Stop Treating Criticism as a Crime, 8 July 2020, available at: <https://www.hrw.org/news/2020/07/08/malaysia-stop-treating-criticism-crime>.

¹¹⁴ TLHR, As if the NCPO Never Left: Six Years After the Coup and the Persistence of Human Rights Violations, 22 May 2020.

Authorities have responded by arresting and charging student leaders under sedition and other criminal offences.¹¹⁵

APHR found that the weaponization of laws and the legal system is also a strategy used to remove opponents from politics entirely, through the dissolution of a political party that results in the arbitrary removal of all its lawmakers from parliament, as happened recently in Thailand, and previously in Cambodia.

¹¹⁵ APHR, Regional MPs urge Thai authorities to respect freedom of speech and assembly, 11 August 2020, available at: <https://aseanmp.org/2020/08/11/thai-authorities-respect-free-speech/>; HRW, Thailand: Drop Charges, Free Democracy Activists, 20 August 2020, available at: <https://www.hrw.org/news/2020/08/20/thailand-drop-charges-free-democracy-activists>.



Photo Credits: EPA-EFE/Narong Sangnak

Section 1.2 Arbitrary Removal of Parliamentary Status

APHR found that in Thailand, 12 MPs from the FWP have been arbitrarily stripped of their parliamentary status as a result of two legal cases that involved the Election Commission and the Constitutional Court, whose decisions also led to their bans from politics.

On 8 May 2019, the Thai Election Commission announced the official results of the general election, which, to the surprise of many, placed the FWP as the third most popular party. Fifteen days later, and after a request from the Election Commission for a ruling, the Constitutional Court suspended **Thanathorn Juangroongruangkit**, the leader of the party, from carrying out his duties as an MP because he allegedly still held shares in a media company when he applied to run for office.¹¹⁶ Juangroongruangkit denied the charges and said he had sold the shares in January 2019.¹¹⁷ He was, however, fully disqualified as an MP in November 2019 after being found guilty by the Constitutional Court.¹¹⁸ It should be noted that similar allegations made against 41 other sitting MPs, including those aligned with the military, have not been investigated, nor have the accused been suspended by the court.¹¹⁹

The case against Juangroongruangkit did not end there, however. Following the Constitutional Court decision, the Election Commission filed criminal charges against him in March 2020 for applying to be a member of the House of Representatives candidate knowing he was not qualified.¹²⁰ If found guilty he faces up to 10 years in prison, a fine of up to 200,000 baht (US\$6,300), and a 20-year ban from politics.¹²¹

¹¹⁶ Office of the Constitutional Court, Press Release No. 11/2019, 26 June 2019, available at: http://www.constitutionalcourt.or.th/occ_en/download/Press_en/11_2562.pdf; Constitution of Thailand, Unofficial Translation, available at: http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf; Bangkok Post, 'Court suspends Thanathorn from MP', 23 May 2019, available at: <https://www.bangkokpost.com/thailand/politics/1682696/court-suspends-thanathorn-from-mp>.

¹¹⁷ APHR, Thailand: Regional MPs urge end to judicial harassment of opposition politician, 27 May 2019, available at: <https://aseanmp.org/2019/05/27/thailand-judicial-harassment-thanathorn/>.
¹¹⁸ The Constitutional Court of Thailand, Constitutional Court Ruling No. 14/2562 (2019), 20 November 2019, available at: http://www.constitutionalcourt.or.th/occ_en/download/article/article_20200124134047.pdf; APHR, ASEAN lawmakers disappointed by court ruling stripping Thailand opposition leader of parliamentary seat, 20 November 2019, available at: <https://aseanmp.org/2019/11/20/decry-ruling-thanathorn/>.

¹¹⁹ Office of the Constitutional Court, Press Release No. 11/2019, 26 June 2019, available at: http://www.constitutionalcourt.or.th/occ_en/download/Press_en/11_2562.pdf;

¹²⁰ Section 151 of the 2018 Organic Act on the Election of Members of the House of Representatives.

¹²¹ HRW, Thailand: Drop Charges Against Opposition Leader, 13 March 2020, available at: <https://www.hrw.org/news/2020/03/13/thailand-drop-charges-against-opposition-leader>.

The second case that led to FWP lawmakers being stripped of their MP status, and banned from politics for 10 years, started after Juangroongruangkit stated in a speech at the Foreign Correspondents' Club of Thailand in Bangkok on 15 May 2019 that he had loaned a significant amount of money to the party.¹²² Following the event, a complaint was lodged with the Election Commission, which on 11 December 2019, issued a public statement stating that FWP had violated Article 72 of the Organic Political Party Act, which prohibits political parties and their executives from accepting cash, assets or other benefits which they know or should have known to be illegitimate. The Election Commission therefore recommended to the Constitutional Court to disband the FWP.¹²³

On 21 February 2020 the Constitutional Court found the party guilty of accepting a loan from its founder. In its decision the Court dissolved the FWP, stripped another 11 of the party's executive members of their MP status, and banned all 16 executive members from politics for 10 years, which includes a ban from running as an electoral candidate, as well as registering a new party or joining a political party.¹²⁴

Following the party dissolution, about 50 of its former MPs joined the new Move Forward Party, which has vowed to continue the FWP agenda in parliament.¹²⁵ Although Move Forward MPs remain in parliament, the removal of 12 MPs, especially senior party members, from parliament means that the movement lost a significant chunk of the mandate it won legitimately in the 2019 election. Both decisions of the Constitutional Court not only stripped the people who voted for the FWP from their voice in parliament, but gave a clear majority to the ruling coalition, which had up until then ruled with only a very small margin.

Former FWP MP Chamnan Chanruang believed that the case was “political” based on how quickly the party was dissolved.¹²⁶ Indeed, less than a year after its strong performance in the election, the FWP was dissolved, its senior members stripped of their MP status, banned from politics and left facing a slew of politically-motivated criminal cases.¹²⁷ The combination of all these events leave little doubt that the FWP is being singled out for its threat to the political establishment's grip on power. It depicts a systematic attempt at eradicating an increasingly popular party that directly challenged the political establishment of Thailand and the role of the military in politics.

When writing to the Thai authorities about the possible dissolution of the party and criminalization of its members, the UN Special Rapporteurs expressed concerns that “*the current proceedings are being used to penalize the FFP [FWP] for its criticism of the ruling government.*”¹²⁸

¹²² Foreign Correspondents' Club of Thailand, What is the future of Future Forward? - An evening with Thanathorn Juangroongruangkit, 15 May 2019, YouTube, available at: <https://www.youtube.com/watch?v=nZmlFsIYzRY>.

¹²³ Reuters, Thai election panel wants opposition party dissolved over loans from leader' 11 December 2019, available at: <https://www.reuters.com/article/us-thailand-politics/thai-election-panel-wants-opposition-party-dissolved-over-loans-from-leader-idUSKBN1YF17M>; and Bangkok Post, Future Forward dissolution request sent to court, 11 December 2019, available at: <https://www.bangkokpost.com/thailand/politics/1813684/future-forward-dissolution-request-sent-to-court>.

¹²⁴ Office of the Constitutional Court, Press Release No. 7/2019, 21 February 2020, available at: http://www.constitutionalcourt.or.th/occ_en/download/article/article_20200305112117.pdf; and APHR, MPs urge Thai authorities to end attacks on pro-democracy groups, 21 February 2020, available at: <https://aseanmp.org/2020/02/21/future-forward-party-dissolved/>.

¹²⁵ Bangkok Post, 50 MPs join Move Forward, 14 March 2020, available at: <https://www.bangkokpost.com/thailand/politics/1878785/50-mps-join-move-forward>.

¹²⁶ Interview with Pannika Wanich, Yaowualux Wongprapararat, Klaikong Vaidyakarn, Chamnan Chanruang, and Ronnawit Lorlertsoonthorn on 19 June 2020 [Hereinafter: Interview with FWP members on 19 June 2020].

¹²⁷ See Section 1.1.

¹²⁸ David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Clement Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Communication to Government of Thailand, 20 January 2020.

Members of the FWP also noted how the loss of parliamentary status amounted to a violation of their civic and political rights, i.e. the right to participate in public affairs.¹²⁹ Former executive member Ronnawit Lorlertsoonthorn expressed disappointment that, even though he was not an MP, he was planning to run as an electoral candidate in the next election, something no longer possible due to the 10-year ban.¹³⁰

It is important to note that the FWP is not the first opposition political party to be dissolved by way of a Constitutional Court ruling in Thailand. The most recent examples include the Thai Rak Party of former Prime Minister Thaksin Shinawatra in May 2007, and the Thai Raksa Chart in March 2019 after the party was found guilty of violating the election law for nominating Princess Ubolratana as its Prime Ministerial candidate.¹³¹

The undue suspension and loss of parliamentary mandate is, according to the IPU, the primary rights violations faced by MPs worldwide.¹³² In Southeast Asia, Cambodia offers another example where the only viable opposition, the CNRP, was dissolved through a Supreme Court ruling in November 2017 that similarly resulted in all its lawmakers being removed from their parliamentary seats and 118 senior members banned from politics for five years.¹³³ Without any opposition during the July 2018 election, this set the path for single-party rule, with the Cambodian People's Party of Prime Minister Hun Sen winning all seats in the National Assembly. Rights experts APHR interviewed spoke about the devastating impacts this has had on human rights and democracy in the country, including undermining the purpose of elections and depriving voters "of any real choice"¹³⁴ at the polls.¹³⁵

¹²⁹ Interview with FWP members on 19 June 2020; ICCPR, Article 25; UDHR, Article 21.

¹³⁰ Interview with FWP members on 19 June 2020.

¹³¹ Kevin Hewison, Thai Constitutional Court dissolves another major party, East Asia Forum, 1 March 2020, available at: <https://www.eastasiaforum.org/2020/03/01/thai-constitutional-court-dissolves-another-major-party/>; Gary Boyle, Constitutional Court disbands Thai Raksa Chart, Bangkok Post, 7 March 2019, available at: https://www.bangkokpost.com/learning/easy/1640800/constitutional-court-disbands-thai-raksa-chart?cx_placement=article#cxrecs_s.

¹³² IPU, Violations of the human rights of MPs – 2019, available at: <https://www.ipu.org/resources/publications/infographics/2019-12/violations-human-rights-mps-2019>.

¹³³ APHR, Dissolution of opposition party renders Cambodian elections illegitimate, 16 November 2017, available at: <https://aseanmp.org/2017/11/16/dissolution-of-opposition-party-cambodia/>; BBC, 'Cambodia top court dissolves main opposition CNRP party', 16 November 2017, available at: <https://www.bbc.com/news/world-asia-42006828>.

¹³⁴ Interview with Sebastian Strangio on 24 June 2020.

¹³⁵ Interview with Sebastian Strangio on 24 June 2020; Interview with Sophal Ear on 25 June 2020.



Photo Credits: EPA/Mike Alquinto

Section 1.3 Threats and Harassment

APHR found that in Thailand and the Philippines opposition MPs, often those who have faced judicial harassment, are also the victims of other intimidation tactics including threats, surveillance, and disinformation campaigns that take place both online and offline. In addition, female opposition MPs are also the victims of misogynistic campaigns.

Sexist vilification of female opposition MPs

During its research, APHR found that the tactics used against female opposition MPs include sexist campaigns of vilification that aim to discredit them as a woman and a politician.

For example, in the Philippines, the vilification campaign against Senator Leila de Lima was highly misogynistic, with the President referring to her in public as an “immoral woman” while making regular remarks about her sex life. The administration also attempted to show a purported sex video featuring Senator de Lima.¹³⁶ The UN Working Group on Arbitrary Detention, in its report about the detention of Senator de Lima, found that she had also been the subject of gender-based attacks and discriminatory language by President Duterte and his political allies.¹³⁷

Senator Risa Hontiveros was called a “thirsty slut” online for a dress she wore during the 2019 State of the Nation Address,¹³⁸ while MP Sarah Elago, who is the youngest lawmaker in the Philippines, has also been attacked based on her gender, including through the publication of a fake sex video that was shared on several websites.¹³⁹ MP Elago reported the incident to the National Bureau of Investigation in December 2019, but has yet to receive any information on the case.¹⁴⁰

¹³⁶ In the crosshairs of the Presidency, p. 27; IPU, Committee on the Human Rights of Parliamentarians, Report on the mission to the Philippines 22 - 24 May 2017, CL/201/11(b)-R.1, 18 October 2017, para. 22; and Erin Cook, Is Duterte Waging a War on Women Opposition in the Philippines?, The Diplomat, 21 November 2019, available at: <https://thediplomat.com/2019/11/is-duterte-waging-a-war-on-women-opposition-in-the-philippines/>.

¹³⁷ UN Working Group on Arbitrary Detention, Opinion No. 61/2018 concerning Leila Norma Eulalia Josefa De Lima (Philippines), 30 November 2018, para. 72.

¹³⁸ Senator Risa Hontiveros, End online attacks against female MPs in SE Asia, Asia Times, 7 March 2020, available at: <https://asiatimes.com/2020/03/end-online-attacks-against-female-mps-in-se-asia/>.

¹³⁹ Interview with MP Sarah Elago on 8 July 2020; Email from MP Sarah Elago dated 18 August 2020.

¹⁴⁰ Email from MP Sarah Elago dated 18 August 2020; Communication from MP Sarah Elago dated 7 September 2020.

In Thailand, Pannika Wanich, former MP and Spokesperson of the FWP, shared her frustrations about reporters choosing to focus on the brand of her dress, rather than her work in parliament. Pannika has also been called a “pretty face” by the Thai Prime Minister in Parliament, in an attempt to reduce her to her looks.¹⁴¹

In Malaysia, a female opposition lawmaker, who requested anonymity, was the victim of online sexual harassment on Facebook and Whatsapp, which included false and explicit content that aimed to denigrate and humiliate her.¹⁴² More recently, MP Kasthuri Patto of the opposition Democratic Action Party in Malaysia, who is ethnically Indian, was interjected by a male lawmaker with a racist remark (“dark, can’t see”) when she sought clarification in parliament about why there were no female MPs in the new selection committee line-up.¹⁴³ This case also exemplifies how women can face multi-level discriminations based on their gender as well as, in this case, association with a minority group.

Such incidents are not isolated to Southeast Asia. According to a study conducted by the IPU “sexism, harassment and violence against women parliamentarians are very real and widespread.”¹⁴⁴ Female MPs face the most attacks on social media, such as sexist and misogynistic remarks, mobbing, humiliating images, and threats. Often attacks against female MPs are sexually charged, relate to women’s private lives, or their appearance. Those who are more susceptible to attacks tend to be more vocal on particular issues such as women’s rights, or be part of the opposition, from the youth, or belong to a minority group.¹⁴⁵

Misogynistic remarks made by leaders normalize sexist behavior and gender-based violence and encourage others to follow suit. They ultimately threaten female participation in politics and aim to discredit opposition female politicians who challenge authorities.

Red-tagging

In the Philippines, “red-tagging” has long been used by authorities to vilify human rights defenders, politicians, religious members, media personnel, and others perceived as threats to the country, by accusing them of being Communists.¹⁴⁶ According to the UN High Commissioner for Human Rights: “For decades red-tagging [...] has been a persistent and powerful threat to civil society and freedom of expression.”¹⁴⁷

Among the Philippine MPs interviewed, APHR found that all six lawmakers from the left-wing Makabayan bloc have been red-tagged, and some even said that they experience this “almost everyday.”¹⁴⁸ They have been red-tagged online and offline, including on social media, in reports, and news articles.

¹⁴¹ Interview with Pannika Wanich, on 21 May 2020.

¹⁴² Interview with anonymous Malaysian MP, on 28 August 2020.

¹⁴³ Malaysiakini, ‘Gelap, bedak, undi’ - Rocky start for Azhar as Dewan Rakyat speaker, 13 July 2020, available at: <https://www.malaysiakini.com/news/534191>; Soo Wern Jun, Uproar in Parliament as Baling MP throws racist remark to Batu Kawan MP, Malay Mail, 13 July 2020, available at: <https://www.malaymail.com/news/malaysia/2020/07/13/uproar-in-parliament-as-baling-mp-throws-racist-remark-to-batu-kawan-mp/1884028>; KiniTV, Dewan Rakyat kecoh gara-gara kenyataan ‘gelap, pakai bedak’, 13 July 2020, YouTube, available at: <https://www.youtube.com/watch?v=dbPCvdwKA0w>.

¹⁴⁴ IPU, Sexism, harassment and violence against women parliamentarians, Issue Brief, October 2016, p. 3, available at: <https://www.ipu.org/resources/publications/issue-briefs/2016-10/sexism-harassment-and-violence-against-women-parliamentarians>.

¹⁴⁵ Ibid. p. 6.

¹⁴⁶ Associate Justice Leonen, Dissenting opinion of in Carlos Isagani Zarate et al. case, Supreme Court, 10 November 2015, p. 1, available at: https://lawphil.net/sc_res/2015/pdf/gr_220028_leonen.pdf.

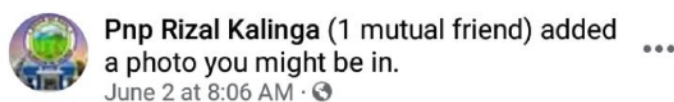
¹⁴⁷ OHCHR, Situation of human rights in the Philippines, 29 June 2020, A/HRC/44/22, para. 49.

¹⁴⁸ Interview with MP Carlos Zarate on 17 July 2020.

Most of what they reported was conducted by the security forces or the National Task Force on Ending Local Communist Armed Conflict (NTF-ELCAC), and in some cases by a government spokesperson directly.¹⁴⁹ MP Carlos Zarate told APHR that red-tagging efforts had intensified after President Duterte issued Executive Order No.70, which established the NTF-ELCAC.¹⁵⁰

MP Carlos Zarate filed complaints with the Commission on Elections on 16 August 2019 and the Office of the Ombudsman on 9 June 2020 against General Antonio Parlade of the Armed Forces of the Philippines for allegedly red-tagging him and other members of the Makabayan bloc during the 2019 election campaigns.¹⁵¹ On 17 April 2019, the Makabayan bloc submitted a complaint with the Commission on Elections against top officials of the Armed Forces of the Philippines for labeling them as “legal fronts” of Communist groups just before the election.¹⁵² All three complaints are still being investigated.¹⁵³ MP Sarah Elago has also submitted complaints and requests for investigation before the Commission on Human Rights and the National Bureau of Investigations about the red-tagging and disinformation received from the police and army.¹⁵⁴

These lawmakers believe that they have been targeted due to their opposition against the administration and their policies, as well as their advocacy on various human rights issues relating to indigenous people, women, workers, and other marginalized groups in society.



Screenshot shared by MP Arlene Brosas with APHR, showing a Facebook post with photos of lawmakers from the Makabayan Bloc, MP France Castro, MP Ferdinand Gaité, MP Carlos Zarate, MP Arlene Brosas, MP Sarah Elago, and MP Eufemia Cullamat, with the text: “Communist lawmakers who only think about taking down the government”. This post was found on a Facebook page that appears to belong to the Philippine National Police in the northern province of Kalinga.

¹⁴⁹ Interview with MP Carlos Zarate on 17 July 2020; Interview with Ferdinand Gaité on 13 July 2020; Interview with MP Sarah Elago on 8 July 2020; Interview with MP Eufemia Cullamat on 4 July 2020; MP Arlene Brosas on 15 July 2020; Priam Nepomuceno, No more hiding places for Reds, Parlade says, 8 November 2019, Philippine News Agency, available at: <https://www.pna.gov.ph/articles/1085480>; Gabriel Pabico Lalu, Badoy insists Makabayan reps are CPP-NPA execs; Gaité says explain pork barrel, Inquirer, September 2020, available at: <https://newsinfo.inquirer.net/1332050/badoy-insists-makabayan-reps-are-cpp-npa-execs-gaite-says-explain-pork-instead>. The NTF-ELCAC was established in 2018, through the President’s Executive Order No. 70, and is tasked to implement the government’s policy to institutionalize a whole-of-nation approach for inclusive and sustainable peace. This task force is headed by the President and consists of members from government agencies and the private sector, available at: <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>.

¹⁵⁰ Interview with MP Carlos Zarate on 17 July 2020.

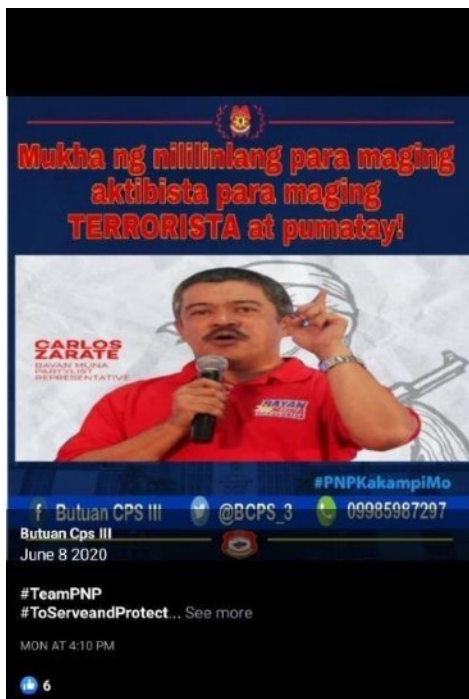
¹⁵¹ Complaints from Representative Carlos Zarate, on file with APHR.

¹⁵² Ibid.

¹⁵³ Correspondence with MP Carlos Zarate on 1 September 2020.

¹⁵⁴ Philippine Daily inquirer, Youth rep files complaint on Red-tagging, threats, 17 July 2020, available at: <https://newsinfo.inquirer.net/1308005/youth-rep-files-complaint-on-red-tagging-threats>; Email from Sarah Elago on 18 August 2020.

According to MP Carlos Zarate: “President Duterte’s administration is now resorting to more repressive measures [...] while openly they’re saying that they are combating the communist rebellion, they are actually really targeting unarmed civilians or organizations like us, or who are members of parliament and who are waging our advocacies inside parliament.”¹⁵⁵



Screenshot shared by MP Carlos Zarate, showing a post, dated 8 June 2020, from the Facebook page of the Butuan City Police Station No. 3 with a photo of MP Carlos Zarate and the text “This is the face of a person deceived to be an activist, to become a terrorist and to kill.”

Red-tagging in the Philippines is not a mere threat, and some activists and lawyers who have been labeled as such have been physically attacked and killed. MP Carlos Zarate pointed to the example of his political party's coordinator in Iloilo City, in the country's south, who was labeled a terrorist, and shot dead on 30 April 2020.¹⁵⁶ MP Zarate said:

“That is the pattern that has already been established here: labeling, red-tagging, terrorist tagging at some point will lead to killing.”¹⁵⁷

As the UN stated: “such public labelling has proved extremely dangerous.”¹⁵⁸ Rights groups have also extensively documented how the pervasive labeling of “Communist” has led to harassment and attacks, including disappearances and murders, against human rights defenders.¹⁵⁹

Surveillance

A number of lawmakers from Thailand and the Philippines APHR spoke to said they have been subjected to surveillance, either by the authorities or by unknown individuals. While most shared their experiences during their time as elected representatives, some members of the now-dissolved FWP said that surveillance began before the 2019 election.

In the Philippines, at least two MPs from the Makabayan bloc have faced surveillance. Lawmaker Ferdinand Gaité told APHR that he is highly suspicious that state forces have attended his activities, including a 2019 fact-finding mission in Las Navas, in the country's east, to learn more about alleged military harassment and to provide aid relief.¹⁶⁰

The delegation was tailed by the military during the mission, and several activists were arrested after the trip.¹⁶¹

¹⁵⁵ Interview with Representative Carlos Zarate on 17 July 2020.

¹⁵⁶ Satur C. Ocampo, Helping feed the poor, Iloilo activist is shot dead, 2 May 2020, available at: <https://www.philstar.com/opinion/2020/05/02/2011223/helping-feed-poor-iloilo-activist-shot-dead>; Interview with Representative Carlos Zarate on 17 July 2020.

¹⁵⁷ Interview with Representative Carlos Zarate on 17 July 2020.

¹⁵⁸ OHCHR, Situation of human rights in the Philippines, 29 June 2020, A/HRC/44/22, para. 52.

¹⁵⁹ OHCHR, Situation of human rights in the Philippines, 29 June 2020, A/HRC/44/22, paras. 49-56; Amnesty International, Philippines: top “red-tagging”, investigate killings of activists, 24 June 2019, available at: <https://www.amnesty.org/download/Documents/ASA3505872019ENGLISH.pdf>; Commission on Human Rights, Report on the Situation of Human Rights Defenders in the Philippines, July 2020, p. 23-32, available at: <http://chr.gov.ph/wp-content/uploads/2020/07/CHRP-2020-Report-on-the-Situation-of-Human-Rights-Defenders.pdf>.

¹⁶⁰ Interview with Representative Ferdinand Gaité on 13 July 2020.

¹⁶¹ Interview with MP Ferdinand Gaité on 13 July 2020.

MP Zarate also told APHR that in March 2020 an unidentified motorcyclist asked a staff member from the human rights organization Hustisya about the lawmaker's whereabouts.¹⁶² MP Zarate explained: "I took it as somebody wants to send you a message."¹⁶³

In Thailand, former MP Kunthida Rungruengkiat, who handled FWP's policies in the country's Deep South, said she was surveilled whenever she visited the area.¹⁶⁴ She said: "The hotel where I was staying was called and [the caller] asked for my room number. Also, the police officers who were following us would send us photos to show us they were following us."¹⁶⁵

Surveillance also happens even when an individual is no longer an MP. Much of the monitoring takes place outside of Bangkok, and the authorities often ask questions to those who attended their events, including students and supporters.¹⁶⁶

Online disinformation campaigns

Around the world, online attacks against lawmakers or politicians have increased.¹⁶⁷ As Internet users in the region continue to grow, the online sphere has also become susceptible to the spread of disinformation and other forms of information disorder, which pose an increasing threat to human rights and democracy.

In Thailand and the Philippines, entities directly related to the authorities have been linked to organized disinformation campaigns against opposition politicians and human rights activists, revealing a clear intention to use the online sphere and fake information as a way to undermine, and threaten, the opposition.

In February 2020, former FWP MP Wiroj Lakkhanaadisorn presented in parliament about a government-backed information operation, including how the Thai military was mobilized to post harsh comments using fake social media accounts from 2017 to 2019 to discredit government opponents, human rights activists and critics. The Thai Prime Minister has since denied such allegations, despite Lakkhanaadisorn making public military documents to back up the claim.¹⁶⁸ Former MP Pannika Wanich told APHR that her Twitter account and those of other FWP leaders are "followed very closely" by information operation and fake accounts, who post harsh and false comments.¹⁶⁹

In the Philippines, opponents of the Duterte administration often face online disinformation campaigns through pro-Duterte websites and social media accounts that produce false information and misleading content to undermine their credibility.¹⁷⁰

162 Interview with MP Carlos Zarate on 16 July 2020; Manila Bulletin, Rep. Zarate hits surveillance, harassment against him, 1 March 2020, available at: <https://mb.com.ph/2020/03/01/rep-zarate-hits-surveillance-harassment-against-him/>.

163 Interview with MP Carlos Zarate on 17 July 2020.

164 Interview with former MP Kunthida Rungruengkiat on 7 July 2020.

165 Ibid.

166 Interview with FWP members on 19 June 2020.

167 See for example: Institute for the Future, State-Sponsored Trolling - How Governments Are Deploying Disinformation as Part of Broader Digital Harassment Campaigns, 2018, p 20, 29, and 31, available at: https://www.iftf.org/fileadmin/user_upload/images/DigIntel/IFTF_State-sponsored_trolling_report.pdf; UK Parliament, Democracy, freedom of expression and freedom of association: Threats to MPs, 18 October 2019, available at: https://publications.parliament.uk/pa/jt201919/jtselect/jtrights/37/3705.htm#_idTextAnchor018; and Amnesty International, Troll Patrol India - Exposing Online Abuse Faced by Women Politicians in India, 2020, available at: <https://amnesty.org.in/wp-content/uploads/2020/01/Troll-Patrol-India-Findings.pdf>.

168 Bangkok Post, Army must stay neutral, Editorial, 29 February 2020, available at: <https://www.bangkokpost.com/opinion/opinion/1868219/army-must-stay-neutral>; and The Nation, PM denies role in Army 'cyber-war on critics', 27 February 2020, available at: <https://www.nationthailand.com/news/30382956>.

169 Interview with FWP members on 19 June 2020.

170 In the crosshairs of the presidency, p. 29-31.

For instance in 2019, Facebook announced it had removed at least 200 pages of coordinated inauthentic behavior that were linked to a network organized by the social media manager of the President's electoral campaign.¹⁷¹ An analysis by VERA Files in 2018 also showed that the most frequent targets of these “fake news” include opposition politician Vice President Leni Robredo and Senators Risa Hontiveros, Antonio Trillanes and Leila de Lima.¹⁷²

Another lawmaker who is frequently targeted with a barrage of disinformation is MP Sarah Elago. This year alone, she's been linked to several false news items related to COVID-19 and Communism, including: accused of calling for people power in response to Duterte's curfew order;¹⁷³ advising the public to sneeze with their eyes open to prevent spreading the virus;¹⁷⁴ linked to a post claiming a rise in COVID-19 cases was due to the State of the Nation Address rally;¹⁷⁵ and doctored or misleading photographs that falsely claim Elago was arrested for recruiting Communist rebels.¹⁷⁶ These posts were shared either by netizens or the authorities. In August, independent news outlet *Rappler* found that the online harassment against Elago was part of “coordinated behavior” by the authorities to share disinformation against government opponents.¹⁷⁷

The UN High Commissioner for Human Rights also reported that social media in the Philippines has been “used to spread misinformation, to troll, to red-tag and to harass civil society and opposition politicians, with women particularly subjected to misogynistic comments.”¹⁷⁸

APHR's research reveals how in Thailand, the Philippines and to some extent Malaysia, governments have been using a range of tactics to undermine, intimidate and harass vocal opposition MPs. By filing politically-motivated cases, stripping parliamentarians of their seats, threatening or surveilling them, organizing online campaigns of disinformation or sexist vilification, authorities are trying to silence critical voices. These reprisals not only violate the fundamental freedoms of MPs, but aim to silence political opponents and undermine the very concept of democracy.

171 Facebook, Removing Coordinated Inauthentic Behavior From the Philippines, 28 March 2019, available at: <https://about.fb.com/news/2019/03/cib-from-the-philippines/>.

172 Vera Files, Duterte, allies reap the most benefits from disinformation, 19 December 2018, available at: <https://verafiles.org/articles/duterte-allies-reap-most-benefits-disinformation>.

173 Rappler Fact Check, False, Sarah Elago quote calling for 'People Power', 22 April 2020, available at: <https://rappler.com/newsbreak/fact-check/sarah-elago-quote-calling-for-people-power>.

174 Vera Files Fact Check, Sarah Elago 'quote' telling people to 'sneeze with eyes open' NOT TRUE, 16 April 2020, available at: <https://verafiles.org/articles/vera-files-fact-check-sarah-elago-quote-telling-people-sneez>.

175 Vera Files Fact Check, 'Spike' in UP's COVID-19 cases 'due to SONA protest' NO BASIS, 11 August 2020, available at: <https://www.verafiles.org/articles/vera-files-fact-check-spike-s-covid-19-cases-due-sona-prot>.

176 AFP Fact Check, The original photo from Philippine lawmaker Sarah Elago has been doctored, 9 June 2020, available at: <https://factcheck.afp.com/original-photo-philippine-lawmaker-sarah-elago-has-been-doctored>.

177 Rappler, With anti-terror law, police-sponsored hate and disinformation even more dangerous, 13 August 2020, available at: https://rappler.com/newsbreak/investigative/anti-terror-law-state-sponsored-hate-disinformation-more-dangerous?fbclid=IwAR163KiwecWepOMgp3Re8iwPF4j4Yz1NwsCdL2kan1l-XP_MpPCrnxCj5h4.

178 OHCHR, Situation of human rights in the Philippines, 29 June 2020, A/HRC/44/22, para. 60.



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Chapter 2: Impacts on MPs and Democracy

The harassment, threats, and intimidation of MPs have significant consequences, for the individuals themselves, and society as a whole. For the lawmakers, they create a chilling effect that can result in them and their colleagues being reluctant to speak out on certain issues, while also having psychological and reputational impacts. They also swallow up resources that could be better spent on MPs doing their jobs effectively.

Then there are the wider repercussions on democratic representation and society as a whole. Instilling a climate of fear among parliamentarians threatens the very foundation of a healthy democracy by silencing opposition parties, weakening parliament's representativity, and stifling the crucial oversight role that parliament plays over the executive. Reprisals against MPs, whose work is of a public nature, reveals a deliberate strategy by authoritarian governments to create a trickle-down chilling effect to the general public, aimed at silencing all forms of dissent.



Photo Credits: EJA/Rolex Dela Pena

Section 2.1: On Parliamentarians

“It affected me in a way that I would devote some attention, time and energy, both physical and emotional energy, in facing [cases against me] instead of just focusing on my legislative work. But, in terms of diminishing my desire to fulfil my mandate as a member of the opposition, it did not.”

Former Senator, Antonio Trillanes, Philippines.¹⁷⁹

There can be no escaping the fact that anyone routinely facing threats and harassment of any kind will be negatively affected by them in some way, as will their families, friends and colleagues.

Several of the MPs interviewed for this report said that upon entering politics they expected to face threats or intimidation, particularly if they were part of the opposition, but that despite this preparedness the threats and attacks they faced, whether legal, in-person, or online, still had an impact on themselves and those around them.

A chilling effect

One of the strongest impacts these attacks have on MPs was described as a "*chilling effect*" not only on the lawmaker targeted, but also their colleagues and loved ones.¹⁸⁰ This has resulted in parliamentarians being cautious or unwilling to speak out on controversial topics, or to criticize the government due to fear of repercussions. It establishes a climate of self-censorship among MPs.

For instance, in the Philippines, the ongoing detention of Senator Leila de Lima has led other lawmakers to think twice before criticizing the President and his policies.¹⁸¹

¹⁷⁹ Interview with former Senator Antonio Trillanes on 14 July 2020.

¹⁸⁰ Interview with MP Ferdinand Gaité on 13 July 2020, and MP Sivarasa Rasiyah on 26 June 2020.

¹⁸¹ In the crosshairs of the Presidency, p. 28.

As former Senator Antonio Trillanes explains:

*"When Senator Leila De Lima was put away on purely trumped-up charges, it sent a chilling message to national politicians, Senators in particular, who normally are very vocal [...]. They were silenced [...]. This is how Duterte is running the country. He has no tolerance for political dissent."*¹⁸²

Another Philippine lawmaker spoke about the fear she faces from being “red-tagged” by the authorities.¹⁸³ MP Eufemia Cullamat said that many of her community members have been arrested, jailed, and killed after being falsely accused of being part of the Communist movement. While she does not allow it to stop her from carrying out her duties as an MP, such fear has made her think twice about speaking out on particular issues.

In Thailand, the targeting of the FWP party has sent the message that the issues it campaigned on are sensitive. Move Forward MP Rome Rangsiman explained: *"When it comes to the financial budget, we know that there are some areas that we can't touch, because if we do we will have a problem, and if we have a problem then we can't stand for the people."*¹⁸⁴

Thanathorn Juangroongruangkit also explained how the filing of lawsuits against his party members had a more insidious intention: *"They're also aimed at leveraging politically against what we do. We've got some unofficial offers, backdoor, that they want to use these cases to make us compromise, to make us not stand firm on what we believe, what we are fighting."*¹⁸⁵

Female MPs are also heavily impacted by the threats and harassment they face. In its study on sexism, harassment and violence against women parliamentarians, the IPU found that two-fifths of those subjected to threats said the incidents *"had undermined their ability to fulfil their mandates as MPs and freely express their opinions."*¹⁸⁶

The tactics described in Chapter 1 are a blatant example of authorities attempting to use politically-motivated charges, threats and harassment to intimidate the opposition. By opening a case against, or threatening and harassing an MP for comments that are critical of the administration, the authorities send the message that any discussion on this topic will come with consequences, therefore attempting to shut down any conversation about this issue in the future. This stifling of debate prevents an MP from effectively carrying out their mandate and affects the overall check and balance on the executive (See Section 2.2).

Heightened security concerns

Parliamentarians who spoke to APhR expressed concerns about their security due to the threats made against them, and several said they had been forced to adapt their work and life schedules as well as improve their security measures as a direct result. In its report on threats to women MPs, IPU said that almost half of those surveyed *"had feared for their security and that of their friends and family"*.¹⁸⁷

¹⁸² Interview with former Senator Antonio Trillanes on 14 July 2020.

¹⁸³ Interview with MP Eufemia Cullamat on 4 July 2020.

¹⁸⁴ Interview with MP Rangsiman Rome on 17 July 2020.

¹⁸⁵ Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.

¹⁸⁶ IPU, Sexism, harassment and violence against women parliamentarians, Issue Brief, October 2016, p. 7.

¹⁸⁷ IPU, Sexism, harassment and violence against women parliamentarians, Issue Brief, October 2016, p. 7.

In the Philippines, MPs who have been threatened said they had resorted to heightening their security protocols to protect themselves and their families. Former opposition MP Tom Villarin said he had increased security in his neighborhood after he started receiving death threats over the phone while he was a sitting MP.

The measures included installing CCTV cameras at his home and office, and regularly changing the routes he takes in his day-to-day life. Villarin also said that he had written to his local neighborhood association instructing them not to provide information to people who came to his village asking for his address.¹⁸⁸

It's not only happening in the Philippines, however. In Thailand, MP Rome Rangsiman,¹⁸⁹ said he started taking increased precautions, including by traveling with his team as much as possible, after rumors emerged online that he faced potential threats from powerful people within the Thai establishment for shedding light on alleged business dealings between the Deputy Prime Minister's foundation and private companies¹⁹⁰ and raising concerns in parliament about the disappearance of Thai activist Wanchalerm Satasaksit in Cambodia.¹⁹¹

MPs having to spend additional time and money on security for them and their family makes it more difficult to do their job effectively, not only by placing additional resources on such tasks, but also adding undue stress to the role.

Distraction and burden on resources

MPs also told APHR that these harassment tactics, particularly lawsuits, are used to drain their resources and distract them from their primary responsibilities as lawmakers.

Former FWP leader Thanathorn Juangroongruangkit said that all the legal cases filed against the party and its members were a tactic by the authorities “to distract us, to make us lose focus.” He recounted how they have spent “a lot” of time, money and energy to deal with the cases, which could have otherwise been used more constructively.¹⁹²

Former Philippine Senator Antonio Trillanes shared a similar sentiment about how the slew of cases filed against him were intended to harass him and cause him inconvenience. He estimated that he has spent at least one million pesos (USD 20,561) on bail and travel bonds for all his legal cases.¹⁹³ Meanwhile when MP Arlene Brosas was asked about the impact of being “red-tagged” she said: “This is a time supposedly for more work for me to [...] help those who have problems in violence against women and children [...]. But now, I have to compile [evidence]. It's an added inconvenience.”¹⁹⁴

Lawmakers who lost their MP status in Thailand as a consequence of the dissolution of the FWP also explained that losing their position meant they lost access to a salary, and the prospects of a career as a direct result.

188 Interview with former MP Tom Villarin on 14 July 2020.

189 Interview with MP Rangsiman Rome on 17 July 2020.

190 Marwaan Macan-Markar, Thailand's ex-army chief poised to contain rifts in ruling party, Nikkei Asian Review, 9 July 2020, available at: <https://asia.nikkei.com/Politics/Turbulent-Thailand/Thailand-s-ex-army-chief-poised-to-contain-rifts-in-ruling-party>.

191 Cod Satrusayang, #SaveRome trends on Thai twitter after rumors spread online of campaign against Move Forward MP, Thai Enquirer, 19 June 2020, available at: <https://www.thaienquirer.com/14662/saverome-trends-on-thai-twitter-after-rumours-spread-online-of-campaign-against-move-forward-mp/>.

192 Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.

193 Interview with former Senator Antonio Trillanes on 14 July 2020.

194 Interview with MP Arlene Brosas on 15 July 2020.

Among those, former MP Klaikong Vadyakarn said he became immediately unemployed after the party was dissolved,¹⁹⁵ while former MP Chamnan Chanruang said the MPs lost their salary.¹⁹⁶ While those who are more experienced might be able to combat this by returning to their old careers or rely on pensions, younger former MPs may not have forged a career path of their own, and are left without a line of work.

Meanwhile, the online attacks against female parliamentarians are a major drain on resources, often creating additional workloads for women that their male counterparts do not experience. As noted by the IPU, lawmakers who face online attacks have to devote additional time to take measures such as improving their security, blocking or reporting abuse or combating disinformation.¹⁹⁷

This burden on resources is not unique to opposition lawmakers. Human rights defenders facing similar legal cases, or harassment, reported having to divert their energy and resources to fighting judicial proceedings.¹⁹⁸

Damage to public image

The reprisals faced by MPs, whether in the form of “*red-tagging*” or opening of trumped-up charges, also aim to damage their public image. When a criminal case is opened against a parliamentarian, the stakes are high in terms of damage to their reputation, since MPs are often regarded as leaders in their communities and rely on being re-elected to continue their work.

If a criminal case is opened against an opposition MP, for example, then the government can use this to accuse them of conducting illegal behavior and therefore undermine their reputation, the message they are sending, or the work they are doing.

This is particularly true when it comes to “*red-tagging*” in the Philippines, where the president and his allies have routinely resorted to labelling those perceived as “*threats*” or “*enemies of the State*,”¹⁹⁹ including opposition MPs, as Communists or Communist sympathizers (See Section 1.3). In addition, many of the cases filed against MPs are criminal in nature with lengthy prison sentences, and charges relating to “*drug trafficking*”, “*kidnapping*” and “*child abuse*”, which have been used against opposition lawmakers in the Philippines, have serious implications for one’s reputation.

MP Carlos Zarate said that the online attacks he and his family experienced were also aimed at damaging his credibility: “*There’s now a trend that these trolls, these bloggers, are very loyal to the President. They will attack your family, make up stories. They think they will hurt [you] mentally or your public image will be hurt.*”²⁰⁰

The misogynistic attacks towards women MPs, whether criticizing their choice of clothing or creating rumors about their private life, are also aimed at ruining their reputation, and questioning their morals.

195 Interview with former MP Klaikong Vadyakarn on 19 June 2020.

196 Interview with former MP Chamnan Chanruang on 19 June 2020.

197 IPU, Sexism, harassment and violence against women parliamentarians, Issue Brief, October 2016, p. 7.

198 Amnesty International, Human Rights Defenders Under Threat, May 2017, p. 19, available at: <https://www.amnesty.or.th/files/7915/5497/4601/ENG.pdf>.

199 Jodesz Gavilan, Lives in danger as red-tagging campaign intensifies, 20 February 2020, Rappler, available at: <https://rappler.com/newsbreak/in-depth/lives-in-danger-duterte-government-red-tagging-campaign>.

200 Interview with MP Carlos Zarate on 16 July 2020.

As former FWP MP Pannika Wanich explained:

*“If you want to discredit female politicians you criticize their look, or you gossip that they’re having a sexual affair with someone else [...] It’s not just me, other female politicians also face this kind of criticism.”*²⁰¹

The impacts of such criminalization and vilification campaigns on one’s reputation have also been well documented in the case of human rights defenders. For example, the organization Peace Brigades International said: *“The strategy of criminalization aims to tarnish the reputation of the [human rights defender] and their organization, thereby seeking to negate any support they may receive. In practice, this can mean that the defender and organization lose face and political capital within their own communities, as well as with the general public, civil society, media, the state, the international community and funders.”*²⁰²

Psychological impacts

MPs also spoke of the psychological impacts the harassment has had on them. While some said they were able to ignore such incidents, others admitted they had adversely impacted their ability to do their work.

MP Kunthida Rungruengkiat talked about an incident where, after making a proposal in parliament, she faced heightened criticism by fellow MPs, including patronizing comments referring to her age and gender. The incident attracted significant domestic media attention. MP Rungruengkiat explained: *“I went to a psychiatrist. It was my first time speaking in parliament and it made me think I can’t do my job. My confidence was impacted, and it made me feel that I couldn’t do my tasks properly. It lasted a long time. It brought a lot of stress and pressure to the role.”*²⁰³

When talking about the surveillance and threats he is facing Philippines MP Carlos Zarate said: *“At some point, it will also impact you mentally [...] as a person, not just as a member of parliament.”*²⁰⁴

The sexist online attacks that female MPs face also have a major impact on those targeted. The IPU study found that two-thirds of those they surveyed said they had been distressed by their experience.²⁰⁵

Parliamentarians also told APHR that the harassment they faced has had an impact on their family and friends, including unnecessary worries and stress of potential imprisonment.²⁰⁶

Former FWP leader Thanathorn Juangroongruangkit said that his family and friends were worried about him going to jail as a result of the cases against him. He said: *“I’m causing them stress. Particularly my mother. She’s 68 [...] and she has to have the stress concerning her son’s future if he’s going to end up in jail.”*²⁰⁷

²⁰¹ Interview with former MP Pannika Wanich on 19 June 2020.

²⁰² Peace Brigades International, Criminalization of Human Rights Defenders, Undated, p. 3, available at: https://www.peacebrigades.org/fileadmin/user_files/groups/uk/files/Publications/Crim_Report.pdf.

²⁰³ Interview with former MP Kunthida Rungruengkiat on 8 July 2020.

²⁰⁴ Interview with MP Carlos Zarate on 16 July 2020.

²⁰⁵ IPU, Sexism, harassment and violence against women parliamentarians, Issue Brief, October 2016, p. 7.

²⁰⁶ Interview with MP Ferdinand Gaité on 13 July 2020; Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.

²⁰⁷ Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.

Resilience and determination

Despite the threats faced by some MPs, what APHR found throughout its research was a strong determination for parliamentarians to continue doing their jobs as representatives of the people.

In the Philippines, Senator Francis Pangilinan described the threats to MPs as an "occupational hazard" that they must fight back against. He explained: "*We have to speak out. We shouldn't allow ourselves to be cowed into silence. It's not easy, but someone's got to do it.*"²⁰⁸

MPs often expressed a sense of obligation to overcome the threats and continue doing their job as agents of the people, of holding the government to account, and raising important, and often difficult, issues in parliament.

In Malaysia, some of the MPs who are the most outspoken have been involved in this line of work for many years. Those that APHR interviewed said they had become used to the acts of intimidation currently being deployed against them or have not allowed these to affect their work. For instance, opposition MP Sivarasa Rasiyah said he had witnessed many acts of intimidation in the past. He said: "*We've gone through a lot of these [tactics] before, so we recognize it. We are not so easily intimidated into silence.*"²⁰⁹

Current and former MPs targeted in Thailand also showed a similar determination. Thanathorn Juangroongruangkit, for example, said: "*We will continue to campaign for what we believe. We will continue to campaign for the end of junta rule in Thailand. We will continue our campaign to amend the 2017 constitution. We will do this continuously, no stopping.*"²¹⁰

The threats and harassment faced by MPs not only impact the individual lawmakers targeted, but also those around them, including their colleagues and families. As well as the reputational and psychological effects they can have, they also hinder the ability of parliamentarians to do their job of holding the government to account, by taking away crucial resources and creating a climate of fear that prevents MPs and their allies from speaking up on issues deemed controversial.

It's not only the individuals and those around them who are impacted by these reprisals, however. They also have an effect on wider society, including by undermining the crucial oversight role parliament plays over the executive, as well as creating a trickle-down climate of fear that erodes the wider civic space.

²⁰⁸ Interview with Senator Francis Pangilinan on 31 July 2020.

²⁰⁹ Interview with MP Sivarasa Rasiyah on 26 June 2020.

²¹⁰ Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.



Photo Credits: EFE/Diego Azubel

Section 2.2: On Democracy

Because of their status as parliamentarians, the threats and attacks that they face have wider repercussions on society as a whole. When lawmakers are attacked, it weakens parliament's representativity, and by extension its ability to exercise checks and balances on the executive, and uphold fundamental freedoms.

Targeting public figures such as MPs also creates a climate of fear within society and stifles debate and civic space. Prominent opposition MPs, for example, facing a litany of trumped-up charges and aggressive rhetoric, sends a clear message that anybody in society could face similar treatment. Such a strategy aims to have the knock-on effect of silencing all forms of dissent.

Weakening of parliament

“When your opposition leaders are viciously attacked, how do we expect to have an effective check on the abuses and excesses of government?”

Senator Francis Pangilinan, Philippines.²¹¹

A strong parliament is a crucial component of democracy, whereby citizens elect representatives to make decisions on their behalf, including passing and amending laws and holding governments to account. In essence, a parliamentary democracy lends citizens a voice in deciding their country's direction through their vote.²¹²

The precise list of functions of a parliament may vary from country to country, but some of its main tasks include: amending and introducing laws; oversight of the executive; debating issues of national and international importance; ratifying treaties; and debating and approving budgets.²¹³

An effective parliament is one that is representative of a country's general population, as well as transparent by providing access to the media and the public. They should also be accountable, meaning that parliamentarians are held to account both for their performance in office and their general conduct.²¹⁴

²¹¹ Interview with Senator Francis Pangilinan on 31 July 2020.

²¹² United Nations, 'Parliamentarians' role is more vital than ever during COVID-19', 30 June 2020, available at: <https://www.un.org/en/observances/parliamentarism-day>.

²¹³ IPU, Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice, Undated, available at: <http://archive.ipu.org/dem-e/guide/guide-1.htm>.

²¹⁴ Ibid.

As the IPU explained: *“Parliament is the institution that embodies society in the diversity of its composition and its opinions and which relays and channels this diversity in the political process.”*²¹⁵ Therefore, the opposition’s ability to participate in the democratic process in a meaningful manner is essential to building an inclusive state that provides for all citizens, regardless of their political leanings.²¹⁶ Indeed, a variety of political parties ensures that members of different sections of society have their voices heard in parliament and public debates, and that issues related to their constituents, or groups they represent, are highlighted in parliament.

In Thailand, the dissolution of the FWP disenfranchised the more than six million people who voted for the party in the 2019 general election.²¹⁷ Although many former FWP MPs are still in parliament through the newly-formed Move Forward party, the coalition of FWP-aligned MPs was significantly weakened after 12 members of the party’s Executive Committee lost their MP status and were banned from politics.²¹⁸ This has resulted in the removal of a number of diverse voices from Thailand’s parliament.

Similarly, the online attacks against women MPs can negatively impact parliament’s societal representation, by lessening female MP voices, pressuring them to leave politics, or discouraging the next generation who could be fearful of harassment or threats in the future. This would further entrench the male-dominated parliaments that we currently see in Southeast Asia and globally. As the IPU stated in its 2016 report: *“When women decide that the risk to themselves and their families is too great, their participation in politics suffers, as do the representative character of government and the democratic process as a whole.”*²¹⁹

Also weakened is the oversight role parliament has over the executive branch. Parliamentary oversight means holding the executive accountable, and ensuring it implements policies and laws that are reflective of society’s wishes. As such, it is a cornerstone of democracy. In a healthy democracy, the role of opposition parties is to act as a check and balance on the government, to raise concerns on any issues that could be a threat to a society that is fair and equitable for all.

The IPU explained that the opposition in Parliament *“by overseeing and criticizing the action of the government, it works to ensure transparency, integrity and efficiency in the conduct of public affairs and to prevent abuses by the authorities and individuals, thereby ensuring the defence of the public interest”*²²⁰

A parliament without an effective opposition becomes nothing more than a rubber stamp for the government, and risks undermining the entire legislative process and their ability to hold the executive to account. In Southeast Asia, a warning sign of how fragile this might be can be witnessed in Cambodia, where in 2017 the only viable opposition party, the CNRP, was dissolved after the Supreme Court found it guilty of attempting to overthrow the government.

²¹⁵ IPU, Guidelines on the rights and duties of the opposition in parliament, May 1999, para. 4, available at: <http://archive.ipu.org/dem-e/opposition.pdf>.

²¹⁶ Ibid.

²¹⁷ Tom Felix Joehnk and Matt Wheeler, You Have Awakened A Sleeping Giant, New York Times, 17 August 2020, available at: <https://www.nytimes.com/2020/08/17/opinion/thailand-protests.html>.

²¹⁸ See Section 1.2

²¹⁹ IPU, Sexism, harassment and violence against women parliamentarians, Issue Brief, October 2016, p. 7.

²²⁰ IPU, Guidelines on the rights and duties of the opposition in parliament, May 1999, para. 6.

As a result, the ruling Cambodian People's Party, led by Prime Minister Hun Sen, holds all 125 seats in the National Assembly, a position of power it is using to push through increasingly repressive legislation.²²¹

As Sophal Ear, an academic on Cambodian politics, said: *“When you don’t have a viable opposition party [...] it means a total lack of accountability, and an inability to then speak up when there are problems.”*²²²

Parliaments also play a crucial role in protecting and promoting human rights, for example by introducing legislation that ensures that rights are guaranteed to international human rights standards so that the general public can participate as effectively as possible in the democratic process.²²³

However, for parliamentarians to effectively fulfil their role as a check and balance on the executive, and as guardians of human rights, they must be able to speak on behalf of the people they represent without fear of reprisals.

Consequentially, the attacks against lawmakers could have a more worrying implication on democracy as a whole: the loss of faith in parliamentary democracy.²²⁴ If the very people voters have elected are unable to effectively ensure that their basic rights are protected, adequately represent their concerns in parliament, or hold the executive to account, it will challenge people’s belief that such a system can be effective. The removal of people’s voice, through the dissolution of political parties, could also contribute to members of the general public losing confidence and choosing not to engage in politics.

Restrictions of civic space

By the nature of the work they do, parliamentarians are regularly in the public eye, and if a case is opened against them, or an attack made against them, this tends to gain significant media attention. If the general public witnesses MPs being routinely attacked or regularly facing threats, particularly from the judiciary, then this can send a shockwave through society, creating a climate of fear. The message it sends is clear: if an MP can be attacked, then so can you.

This contributes to limiting civic space not just in parliament but in society as a whole, with members of the public being reluctant to speak out on topics regarded as controversial, or to be critical of the government or senior officials. It also works as a deterrent, making the next generation reluctant to enter politics out of fear that the harassment faced by the current crop of MPs could happen to them.

In Thailand, former FWP leader Thanathorn Juangroongruangkit said that the judicial harassment he and his colleagues are facing are a deliberate message to the general public, and the potential next generation of people wanting to enter politics:

221 HRW, Cambodia: Emergency Bill Recipe for Dictatorship, 2 April 2020, available at: <https://www.hrw.org/news/2020/04/02/cambodia-emergency-bill-recipe-dictatorship>.

222 Interview with academic Sophal Ear, 25 June 2020.

223 IPU, Human Rights Handbook for Parliamentarians, 2005, p. 9.

224 Interview with a representative from CIVICUS, on 7 August 2020.

*"[Authorities are saying] if you speak the truth to the people, if you stand for what is right, if you fight for democracy, if you fight for human rights, this is what you get. So for new faces I think this will be a lesson for them. If they want to come into politics, they will think about us."*²²⁵

The UN Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and the rights to freedom of peaceful assembly and of association, agreed, and said that the attacks against the FWP in Thailand could: *"[I]ntimidate and deter other individuals, including members of other political parties, civil society and human rights defenders, and others, from speaking on the role of the military and the monarchy in Thai politics and other issues of public interest."*²²⁶

Similarly in the Philippines, the reprisals faced by opposition MPs send a message to the wider population in the country that critical voices will not be tolerated. MP Carlos Zarate said: *"It is an impact on the larger members of our population, for example the farmers, the workers, the indigenous peoples. What happened to us will also have an impact on the overall human rights situation in our country, and in general, the kind of democracy that we have."*²²⁷

Yet the protection of civic space is crucial, to enable everyone to play a role in society by exercising their fundamental rights of expression, peaceful assembly, information, association, and participation. According to the Transparency and Accountability Initiative: *"When civic space is restricted, human and civil rights are denied, government accountability is jeopardized, citizens voices are silenced, civic energy is sapped, confidence in state authorities is eroded and opportunities for dialogue and development are lost."*²²⁸

An effective civic space can also act as a link between MPs and the general public, and help ensure that decisions made in government reflect the desires of the people.

²²⁵ Interview with former MP Thanathorn Juangroongruangkit on 16 March 2020.

²²⁶ David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Clement Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association, Communication to Government of Thailand, 20 January 2020.

²²⁷ Interview with MP Carlos Zarate on 17 July 2020.

²²⁸ Transparency and Accountability Initiative, 'Improving the Measurement of Civic Space', 2015, p. 14, available at: <https://www.transparency-initiative.org/archive/wp-content/uploads/2015/05/TAI-Civic-Space-Study-v13-FINAL.pdf>.



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Conclusion and Recommendations

The authorities of Thailand, the Philippines and Malaysia have been using a range of tactics to intimidate and harass vocal opposition MPs. By filing politically-motivated cases, stripping parliamentarians of their seats, threatening or surveilling them, and organizing online disinformation campaigns, authorities are trying to silence the political opposition. Female lawmakers also told APhR about the sexist vilification they face, which posed an additional challenge for women in politics.

These reprisals against opposition lawmakers do not only violate their fundamental rights, but they also have serious implications, both personally, as well as on an MP's effectiveness to oversee government's actions and uphold fundamental freedoms. As the IPU stated: "*If parliamentarians' right to freedom of expression is not respected, democracy and indeed all human rights are very much at risk.*"²²⁹

These reprisals faced by opposition MPs are not isolated, but have gone hand-in-hand with a broader crackdown by these governments on human rights defenders, journalists, and other critics of the government, revealing a systematic attempt at attaining unchecked power and undermining democracy.

²²⁹IPU, Freedom of expression for parliaments and their members: Importance and scope of protection, 2018, p. 10, available at: <https://www.ipu.org/resources/publications/handbooks/2018-10/freedom-expression-parliaments-and-their-members-importance-and-scope-protection>.

In light of the above, APHR presents the following recommendations:

To the governments of Thailand, the Philippines and Malaysia:

- Immediately end all forms of politically-motivated harassment of opposition lawmakers, including the use of criminal charges, threats, surveillance, disinformation, or other forms of harassment, and ensure MPs are able to fulfill their mandate effectively without fear of reprisal;
- Immediately drop all politically-motivated investigations and charges against lawmakers, including those documented in this report;
- Ensure that prompt, impartial, and thorough investigations are carried out into allegations of such threats and harassment and the perpetrators held to account;
- Ensure that parliamentary immunity and the right to freedom of expression for all parliamentarians are effectively upheld;
- End all use of threatening, sexist and misogynist rhetoric against lawmakers, and take concrete steps to prevent gender-based harassment from occurring again in the future;
- Publicly condemn “*disinformation*” campaigns targeting lawmakers online, and develop a comprehensive plan to curb such disinformation through collaboration with media outlets, civil society, social media platforms, national human rights institutions, and other stakeholders;
- Initiate reforms of all laws that have been identified as restricting the rights to freedom of expression, association, and peaceful assembly with a view to bringing them in line with international human rights law and standards; and
- Urgently end all attacks and drop all politically-motivated charges against human rights defenders, media, and peaceful political activists.

To the Government of the Philippines:

- Immediately and unconditionally release Senator Leila de Lima and drop all criminal charges against her.

To the Speakers and the human rights standing committees of the parliaments of the Philippines, Malaysia and Thailand:

- Ensure that all parliamentarians are able to carry out their parliamentary mandate effectively and without fear of retaliation, and that the right to freedom of expression for all parliamentarians is effectively upheld;
- Ensure that systematic protection measures, including parliamentary immunity, are promptly granted and effectively put in place by the relevant authorities whenever parliamentarians are under threat;
- Launch parliamentary inquiries or fact-finding missions into the above mentioned violations of the rights of parliamentarians, and provide concrete recommendations for action; and
- Ensure that no sexist and misogynistic language is used against female parliamentarians, and work at reinforcing and adopting internal parliamentary policies aimed at eliminating sexism, harassment and gender-based violence.

To parliamentarians in Southeast Asia:

- Use your position in parliament, including through asking questions to the government or using privilege speech, to ask your government about actions it is taking on the above mentioned human rights violations;
- Systematically call for the immediate and unconditional release of Senator Leila de Lima both inside and outside of parliament;
- Work to amend all laws that have been identified as restricting the rights to freedom of expression, association, and peaceful assembly with a view to bringing them in line with international human rights law and standards; and
- Refrain from using sexist and abusive language against women lawmakers and immediately rebuke such comments, including those made by peers.

To ASEAN governments:

- Encourage the Philippines, Thailand and Malaysia as Member States of ASEAN, to adhere to the concept of rule of law in line with the ASEAN Charter and in accordance with ASEAN's broader commitment to democracy, good governance, and the promotion and protection of human rights; and
- Encourage the ASEAN Intergovernmental Commission on Human Rights (AICHR) to request information from the government of the Philippines, Thailand and Malaysia on the human rights violations documented in this report and how it is planning to address them, to carry out its own investigation under its mandate to conduct "*studies on thematic issues of human rights in ASEAN*", and "*develop common approaches and positions*" on the matter.

To international partners, including Japan, the United States of America, and the European Union:

- Use all available means to persuade the Philippine, Malaysian and Thai governments to respect human rights and democratic principles, including by ending all politically-motivated harassment of opposition lawmakers.

Annex

List of opposition MPs from Thailand, Malaysia, and the Philippines who are facing/or have faced investigations or legal cases since 2018.

| No | Name | Country | Gender |
|----|---|-------------|--------|
| 1 | Senator Leila de Lima | Philippines | Female |
| 2 | Senator Risa Hontiveros | Philippines | Female |
| 3 | Former Senator Antonio Trillanes | Philippines | Male |
| 4 | MP Carlos Zarate | Philippines | Male |
| 5 | MP France Castro | Philippines | Female |
| 6 | MP Sarah Elago | Philippines | Female |
| 7 | Former MP Antonio Tinio | Philippines | Male |
| 8 | Former MP Ariel Casilao | Philippines | Male |
| 9 | MP Sivarasa Rasiah | Malaysia | Male |
| 10 | MP Fuziah Salleh | Malaysia | Female |
| 11 | MP Hannah Yeoh | Malaysia | Female |
| 12 | MP Syed Saddiq | Malaysia | Male |
| 13 | MP Xavier Jayakumar | Malaysia | Male |
| 14 | Former MP Thanathorn Juangroongruangkit | Thailand | Male |
| 15 | Former MP Piyabutr Saengkabokkul | Thailand | Male |
| 16 | Former MP Kunthida Rungruangkiat | Thailand | Female |
| 17 | Former MP Chamnan Chanruang | Thailand | Male |
| 18 | Former MP Pongsakorn Rodchompu | Thailand | Male |
| 19 | Former MP Pannika Wanich | Thailand | Female |
| 20 | Former MP Klaikong Vaidhyakarn | Thailand | Male |
| 22 | Former MP Yaowaluk Wongprapararat | Thailand | Female |
| 22 | Former MP Surachai Srisarakam | Thailand | Male |
| 23 | Former MP Janewit Kraisin | Thailand | Male |
| 24 | Former MP Jaruwan Saranyaket | Thailand | Female |
| 25 | Former MP Niraman Sulaiman | Thailand | Male |
| 26 | MP Rome Rangsiman | Thailand | Male |
| 27 | MP Pita Limjaroenrat | Thailand | Male |

PARLIAMENTARIANS AT RISK

Reprisals against opposition MPs in Southeast Asia

Lawmakers globally are increasingly at risk. In 2019, 533 MPs in 40 countries suffered human rights violations, according to the Inter-Parliamentary Union, with Asia the second most dangerous region.

APHR's new report, *Parliamentarians at risk: Reprisals against opposition MPs in Southeast Asia*, highlights the growing risks for lawmakers. Reprisals including physical intimidation and harassment of opposition MPs in Southeast Asia shed light on how governments in the region, notably the Philippines, Thailand and increasingly Malaysia, have been targeting lawmakers as part of their broader attempts to suppress dissent and strengthen their hold on power. Tactics documented include filing politically-motivated cases, stripping MPs of their seats, threatening or surveilling them, and organizing online campaigns of disinformation or sexist vilification.

The report further analyses how such reprisals not only violate the fundamental rights of those targeted, but also aim to restrict civic space and undermine democratic representation. They also go hand-in-hand with a broader crackdown on human rights defenders, the media, and other forms of dissent.