

Artists to DOJ: free Ericson Acosta now!

Artists led by the Concerned Artists of the Philippines (CAP) gathered at the National Commission for Culture and the Arts (NCCA) building in Intramuros today to call for the release of poet and cultural worker Ericson Acosta.

In an event dubbed “Kumustahan mula sa Piitan,” National Artist Bienvenido Lumbera, painter Neil Doloricon, TV and stage actor Nanding Josef and other supporters from the artist community reiterated their appeal to DOJ Secretary Leila de Lima to review Acosta’s case and to immediately withdraw the fabricated complaint against the detained artist.

Says Josef: “I know him (Acosta) personally as a cultural worker. I am humbled by his sacrifices and his commitment to the poor. This new administration is challenged to be different from its predecessors. Free those whose only ‘crime’ is genuinely serving the least served, and jail without delay those who have greedily taken away food on the table of the poor.”

Acosta, who is a poet, thespian, songwriter and former editor of the University of the Philippines’ student publication Philippine Collegian, was arrested by the military while conducting human rights research in Brgy. Bay-ang, San Jorge, Samar, last February 13.

A review petition was filed by the National Union of Peoples’ Lawyers (NUPL) September 1 at the DOJ, where National Commission for Culture and the Arts (NCCA) Executive Director Malou Jacob personally appeared to lend her support to the campaign to free Acosta. The petition states that the evidence against Acosta was planted and cited the military’s admission of human rights violations in the conduct of Acosta’s arrest and detention. He is currently detained at the Calbayog sub-provincial jail.

Acosta was brought to court for a scheduled arraignment last September 21 in Calbayog City. His legal counsel led by Atty. Jun Oliva of the (NUPL) moved to defer arraignment and proceedings pending the DOJ's decision on the review petition.

Acosta is among the country's political prisoners, numbering 354 as of August 2011. Human rights groups led by KARAPATAN and SELDA appeal to President Aquino to free all political prisoners through a general, unconditional and omnibus amnesty declaration.

Postcard-Petition

Through a postcard-petition addressed to President Aquino, artists and human rights advocates expressed concern over the administration's human rights record. They urged the chief executive to act decisively on the case of political prisoners as it affects vital national issues such as the peace talks.

"It behooves the government to forge favorable conditions in the conduct of its peace efforts by releasing political prisoners, a move your own mother immediately accomplished after the fall of the dictatorship," read the postcard-petition. They cite the continued detention of another recognized artist and poet, Alan Jazmines, who is an NDF consultant arrested by the military despite protection under the Joint Agreement on Safety and Immunity Guarantees (JASIG) of the GPH-NDF talks. Acosta, Jazmines and more than 70 other victims of political repression, were arrested and slapped with criminal charges under Aquino's watch.

It was the unjust detention of a poet in the 1950's, Amado V. Hernandez, which paved the way for the "Hernandez Doctrine" in Philippine jurisprudence. The Hernandez doctrine states that a person who commits a political offense could be charged with rebellion but not with common crimes or criminal charges. Hernandez was a staunch labor leader who was posthumously declared a National Artist for Literature. ###

CASE TIMELINE

February 13, 2011 – While on his way to San Jorge town from Barangay Bay-ang proper around 10 am, Acosta was arrested without warrant by elements of the 34th IBPA led by 2nd Lt. Jacob Madarang. Acosta was accompanied by a barangay official and was carrying only a laptop and some personal belongings at the time of his arrest. With threats, soldiers instructed Acosta's companions from the barrio to carry on, as they were only interested with the "Tagalog" whom they suspected of being a high-ranking NPA rebel. Acosta was conducting human rights research in the militarized barrio for Kapunungan han Gudti nga Parag-uma ha Weste han Samar

(KAPAWA – Small Peasants Association of Western Samar) and the Alliance of Concerned Samareños (ACOS).

Acosta was brought to the 34th IB Charlie detachment in Brgy. Blanca Aurora, San Jorge. They arrived about 9pm. Acosta was interrogated, coerced and tortured for 44 hours straight with only 2 hours of sleep. He was denied communication to his family as well as access to a lawyer, despite his repeated assertion of his rights. Arresting military officers file a belated report on Acosta's arrest on the same day.

February 15 – Around 7pm, Acosta was brought to the PNP Municipal Headquarters in San Jorge. While Acosta was still in the vehicle with military escorts, a grenade was presented by the military to police. Inside the building, Acosta was later told by police officers that he was being charged with illegal possession of explosive. He was brought to a hospital for medico-legal procedure and was detained overnight at the PNP San Jorge.

February 16 – Police completes the blotter procedure against Acosta. He was brought to the Calbayog Hall of Justice around 9am by military escorts in civilian clothes. Acosta was finally able to call his family when he asserted his rights in front of civilian employees in the building.

A complaint of illegal possession of explosive signed by the San Jorge PNP Chief Oscar Pagulayan was directly filed to the Regional Trial Court of Gandara, Samar, Branch 41 at 10:30 am, or seventy two (72) hours and thirty (30) minutes after Acosta's arrest on February 13, at 10:00 am. Acosta was then remitted to the Calbayog sub-provincial jail around 1:30 pm.

February 17 – AFP publicizes the capture of a “top ranking CPP personality,” Ericson Acosta aka “August Lim.” The AFP releases state that “..troops recovered from Acosta one (1) laptop notebook with complete accessories and spare battery, an external hard drive, Globe tattoo (USB globe broadband), one (1) unit Nokia 3530, 6 pcs SIM cards, a cash amounting to Four Thousand Eight Hundred pesos (P4, 800.00) only and his personal belongings.” As for the grenade subject of the illegal possession complaint, reports said that “(Acosta) ... attempted to draw a hand grenade from his pocket.”

March 1 –The Acting Presiding Judge of the Regional Trial Court of Gandara, Samar, Branch 41, Hon. Subanah E. Usman, instead of issuing a Commitment Order, issues an Order referring the case to the Office of the Provincial Prosecutor, Calbayog City for Preliminary Investigation.

April 11 – Acosta through his counsel, a legal team from the National Union of People's Lawyers (NUPL) led by Atty. Jun Oliva, files his counter-affidavit, which states: "**a.** He was arrested without warrant while not committing any crime or doing anything illegal; **b.** He was not informed of the reason for his arrest at the time of his arrest; **c.** He was denied the right to counsel; **d.** He was denied a phone call and prevented from contacting his family or his lawyer; **e.** He was subjected to prolonged interrogation for 44 hours; **f.** During tactical interrogation, he was physically and psychologically tortured; **g.** He was deprived of sleep, threatened, intimidated, coerced and forced to admit membership in the NPA; **h.** The grenade subject of the case was planted; **i.** The complaint against him was filed in court only after 72 hours and 30 minutes; **j.** He was detained in a military camp, which is not of civilian jurisdiction."

April 15 – The Free Ericson Acosta Campaign (FEAC) is launched in Quezon City. A statement calling for his immediate release is signed by hundreds of artists, journalists, human rights advocates and other supporters.

June 7 – Acosta receives Prosecutor Avalon's resolution dated April 20, recommending the filing of the illegal possession of explosive case in court.

June 21 – NUPL files a motion for reconsideration before the prosecutor.

August 12 – Amnesty International calls for the end of Acosta's detention and cites rights violations.

August 17 – NUPL receives Prosecutor Avalon’s resolution dated July 12, denying the motion for reconsideration.

September 1 – NUPL files a Petition for Review before the Department of Justice.

September 21 – Acosta is brought to court for a scheduled arraignment. Counsel moves to defer proceedings pending DOJ’s decision on the review petition. Acosta is again harassed by the military when made to ride the jail vehicle as a lone detainee with military escorts in full battle gear. Soldiers argued that their vehicle needed repairs.

*for more information on Acosta’s case and the campaign for his release,
visit www.freeacosta.blogspot.com*

**FREE ERICSON ACOSTA!
FREE ALL POLITICAL PRISONERS!**

Please visit:

FEAC [Facebook page](#)

[JAILHOUSE BLOG](#): Ericson Acosta's Prison Diary

[Free Ericson Acosta Campaign Blog](#)

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KARAPATAN is an alliance of human rights organizations and programs, human rights desks and committees of people’s organizations, and individual advocates committed to the defense and promotion of people’s rights and civil liberties. It monitors and documents cases of human rights violations, assists and defends victims and conducts education, training and campaign.