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Detainment is Death in the Pandemic!

Simoun Magsalin

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Umaapaw na raw ang kulungan. [The jails are overflowing.] Nearly 30,000 people were reportedly arrested under the quarantine in the Philippines, with more than 4,000 of these arrested detained, based on a report dated April 18, 2020.¹ Doubtless, more have since been arrested and detained since then. The police even went on record saying there will no longer be any more warnings to the alleged “quarantine violators” and will arrest people as they see fit,² likely straining the capacities of the already overstretched jails and prisons.

As the recent proletarian demand “*tulong, hindi kulong*” [“aid, not detentions”] suggests, there is already a collective experience where the state is more felt in its punitive instruments of violence and policing more than its capacity to deliver aid. Indeed, every

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¹ Eimor Santos, “Nearly 30,000 quarantine violators arrested nationwide in a month,” (*CNN Philippines*, April 18, 2020). www.cnnphilippines.com (Retrieved on 2020-04-29)

² Rambo Talabong, “PNP begins to arrest lockdown violators without warning,” (*Rappler*, April 21, 2020). www.rappler.com (Retrieved on 2020-04-29)

evening on the news we watch helpless as more and more injustices are wrought onscreen as police inflict more and more violence upon people and communities. A man suffering from PTSD was shot and killed by police in broad daylight.³ There were mass arrests of people demanding food aid.⁴ Police maul a street vendor for not wearing a face mask.⁵ Watching these unfold fill us with loathing for the police.

Instead of the state providing people with face masks when its agents see people without these, they detain them, putting them more at risk of contracting the dreaded COVID-19. Instead of providing enough food and medicine to remove the need for people to go out, the state and its agents arrest people for a smallest deviation of procedure when people leave their homes to get food and medicines. It is clear then the state cares little for the well being of the people under this pandemic—it only cares for its “peace and order.”

The framework of this martial law cloaked in quarantine is always the peace and order *for* the state; fulfilling the needs of those in quarantine are secondary, if they are even considered at all. This regime of policing would detain people for any little slight, regardless of personal context. The state narrative frames people as “*pasaway*” [stubborn and willful] or “*tigas-ulo*” [stubborn, literally hard-headed], deliberately erasing the contexts of people to fit their image of automatic guilt. Like Duterte’s “war on drugs,” this narrative that people are *pasaway*, or *tigas-ulo* justifies the harshest of repressions. To these agents of the state, everyone

³ Vince Ferreras and Gerg Cahiles, “Retired soldier shot dead by police at checkpoint in Quezon City,” (*CNN Philippines*, April 22, 2020). cnnphilippines.com (Retrieved on 2020-04-29)

⁴ CNN Philippines Staff, “21 protesters demanding food aid arrested in Quezon City,” (*CNN Philippines*, April 1, 2020). cnnphilippines.com (Retrieved on 2020-04-29)

⁵ Rambo Talabong, “QC officials maul, drag fish vendor for not wearing face mask,” (*Rappler*, April 28, 2020). www.rappler.com (Retrieved on 2020-04-29)

is guilty until proven innocent. Installing a climate of fear and culpability seems to be the only method that this government knows in addressing issues.

Let us be clear: the state cares not about your lived experiences and motives. It cares not if you are at risk of starvation and you must leave your home to get food. It cares not that you have run out of medicines and you must obtain more. It only cares that you are outside your homes and thus breaking its pronouncements. What the state cares about most is punishing whom it pleases. The paltry provision of aid compared to the deployment of violence is testament to that.

The state is uncaring, and its prisons and jails more so.

Remember that it will always be the poor that bears the brunt of the state's policing and incarceration. Remember the arch-plunderer and widow of the dictator Marcos is still a free woman despite being already declared guilty.⁶ Remember that the senator Koko Pimentel that brazenly risked infecting others with COVID-19 because he refused to quarantine himself is still free with the law taking its sweet, sweet time to prosecute this quarantine violation.⁷ Quarantine violators among the proletariat face warrantless arrests while quarantine violators among the privileged do not even face a slap on the wrists. The law will always take its time punishing the wealthy and privileged for *they* are the ones that drafted and adopted the laws and it is people of privilege who comprise the police to begin with. The state and its laws will always protect property and privilege *for that is what the state was made for*. They made the laws and they can break them. Only in rare circumstances where the balance of

⁶ Lian Buan, "What's taking the Sandiganbayan long to issue warrant vs Imelda Marcos?," (*Rappler*, November 13, 2018). www.rappler.com (Retrieved on 2020-04-29)

⁷ Dona Z. Pazzibugan, "DOJ sets Pimentel probe in May," (*Philippine Daily Inquirer*, April 15, 2020). newsinfo.inquirer.net (Retrieved on 2020-04-29)

power goes against wealthy and powerful defendants that they are imprisoned.

The mass arrests and tortures inflicted by the state in the time of pandemic only convinces us more on the necessity of prison abolition. We are for prison abolition because the prisons are always machines designed to make those with less privileges to suffer. How many in prison are there for crimes motivated by need? How many are in prison because of the “war on drugs” whose addiction was penalized instead of treated medically? How many of those arrested for alleged quarantine violations were out of their homes due to need? We are under no illusion that arch-plunderers would go to jail anyway, so why pretend that those who are imprisoned actually deserve it? Prisons and jails are overwhelmingly for punishing the poor.

In the time of the COVID-19 pandemic, the institutions of imprisonment becomes institutions of death. There is no quarantine on the inside of prisons and jails. Detentions risks becoming death sentences as jails and prisons are all highly vulnerable in pandemics. People deprived of liberty do not deserve to die, much less die in such putrid conditions. Indeed, state has already practically sentenced many to die with its dragging of its feet on releasing people from detention. In some prisons the plague has already started to make its course, with 63 persons on the inside of a jail in Cebu City test positive for COVID-19.⁸ In other prisons like in the New Bilibid Prison, bodies are starting to pile up—suspected to be because of COVID-19—but the Bureau of Corrections remains silent on their cause of death and of how many inmates have already been killed by their negligence.⁹

⁸ Dale Israel, “63 persons inside Cebu City jail test COVID-19-positive,” (*Philippine Daily Inquirer*, April 25, 2020). newsinfo.inquirer.net (Retrieved on 2020-04-29)

⁹ Lian Buan, “Concern over deaths in Bilibid mounts in the face of the pandemic,” (*Rappler*, April 30, 2020). www.rappler.com (Retrieved on 2020-04-30)

We demand the police stop its campaign of public harassment of people. We demand that the state cease its program of mass incarceration of so-called *pasaway* and alleged quarantine violators. We demand that the persons deprived of liberty be released at once, so that they may care for their health and their families without the violence of detention getting in the way. We demand that non-violent convicts be released back into society before the prison system destroys what is left of their humanity and before the pandemic kills them on the inside.

In time, we demand that prisons be abolished and instead of incarceration, a regime of rehabilitation. In time, we demand an end to policing and instead of cops, non-violent reconciliations based on care and need. But until that day, we struggle against the policing of the current order.

Tulong, hindi kulong!

Bigas, hindi bala!