



**PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA**

NV-EPG-414-2020

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (Attn: Special Procedures Branch) and, with reference to joint communication JAL PHL 4/2018 dated 23 April 2018 on information received concerning alleged threats against the group Karapatan, has the honor to enclose the response from the Philippine Government.

The response provides information on recent and previous allegations made by Karapatan which establish its long track record of peddling questionable facts and bloated figures concerning cases of deaths and human rights violations in the Philippines. It is regrettable that Karapatan has consistently and inexplicably refused the government's repeated calls for the latter to cooperate, provide information, and utilize the existing accountability mechanisms for the resolution of cases of alleged human rights violations which it raises before the international community.

Karapatan's allegations of a "hostile environment" and "undermining of the work of civil society" are strongly belied by the presence of 101,843 registered non-profit organizations in the Philippines with over 60,000 non-government organizations engaged in advocacy work and around 10,000 grassroots community-based organizations, attesting to the vast civic space and the government's respect for the role of civic actors in national development.

The Permanent Mission of the Philippines requests the assistance of the OHCHR Special Procedures Branch in publishing the Philippine Government's response on to the SPMH communications website.

The Permanent Mission of the Republic of the Philippines to the United Nations and other International Organizations in Geneva avails itself of the opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Attn: Special Procedures Branch) the assurances of its highest consideration.

Geneva, 26 October 2020

**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
(Attn: Special Procedures Branch)**

Palais Wilson
52 Rue de Paquis
CH-1201 Geneva, Switzerland



Enclosure: The Philippine Government's Response to JAL PHL 4/2018 dated 23 April 2018

The Philippine Government's Response to Joint Communication JAL PHL 04/2018 dated 23 April 2018 on information received concerning alleged vilifying public statements and threats against the group Karapatan.

Joint Communication JAL PHL 4/2018 of 2 May 2017 conveyed concerns over information received on the alleged vilifying statements and threats targeting the group Karapatan for what was attributed to its work in the defense of human rights

Karapatan as a source of allegations vs. the Philippines

Karapatan has been a regular source of unsubstantiated and sweeping allegations of reprisals. In June 2019 the Philippines responded to a communication from the office of the UN Secretary General on the basis of a complaint from Karapatan on the government's alleged continuous intimidation, harassment, and threat against the organization, constituting a systematic and wide-scale crackdown against civil society.

In its note sent to the UN Secretary-General in June 2019, the Philippines cited that Karapatan was one of the NGOs that were unlawfully operating in the country, with data from the Philippine government's Securities and Exchange Commission (SEC) as of 15 April 2019 showing that its corporate existence and registration had long been ordered revoked more than ten (10) years ago, since 25 October 2005, for non-filing of reports.

The Philippines also cited that across different political administrations including the current one, Karapatan had a long track record of peddling questionable facts and bloated figures concerning cases of deaths and human rights violations in the Philippines.

The Philippines referred to a case in 2006 where Karapatan called international attention to and raised concerns on alleged 724 extra-judicial killings from the period 2001 to 2006 during the Arroyo administration, where official sources indicated a figure of only 111. An independent domestic body, the Melo Commission, was created to look into the allegations, verify the cases, and establish the facts. Karapatan failed to substantiate its figures and present evidence for its claims before this independent domestic body.

The Melo Commission Report of 22 January 2007 deplored the refusal of Karapatan and its allied groups to come forward and cooperate. The Melo Commission was the independent commission to address media and activist killings created under Administrative Order no. 157 of 2006. The Melo Commission Report stated:

"Quite deplorable is the refusal of the activist groups such as Karapatan, Bayan Muna, etc., to present their evidence before the commission. If these activist groups were indeed legitimate and not merely NPA fronts, as they have been scornfully tagged, it would have been to their best interest to display the evidence upon which they rely for their conclusion that the military is behind the killings. In fact, this refusal irresistibly lends itself to the interpretation that they do not have the necessary evidence to prove their allegations against the military. It would not even be unreasonable to say that their recalcitrance only benefits the military's position that they are indeed mere fronts for the CPP-NPA and thus, enemies of the state."

Allegations of reprisal in HRC43

In their statements and representations in the 43rd Human Rights Council session (HRC43) in March 2020, Karapatan and representatives from allied organizations have alleged acts of reprisal and intimidation by the government on the basis of the following:

- 1) the Philippine statements delivered at HRC43 which cited the exploitation of the human rights defender badge by certain actors in the Philippines for terrorism and criminal purposes, and
- 2) the alleged revival of a perjury case in relation to Karapatan's participation in HRC43.

The allegations made by Karapatan et.al that reprisals and acts of intimidation were made against them because of their participation in HRC43 are **untrue**. As a background, three organizations namely Karapatan, Rural Missionaries of the Philippines (RMP), and Gabriela filed in May 2019 Petitions for Writ of Amparo and Writ of Habeas Data against the President, the National Security Adviser (NSA) and other officials. The Court of Appeals denied the Petitions in June 2019 because the allegations **“did not fulfill the evidentiary standard to establish that the petitioners’ right to life, liberty, security and privacy were violated or threatened by the respondents”**.

The complainants, after losing the petitions, elevated it to the Supreme Court while providing allegedly untruthful statements in reference to RMP's registration status. A case of perjury was filed by the NSA against the complainants in July and December 2019. The issuance of a Decision by the Prosecutor on 24 February 2020 granting the inclusion of the respondents in the perjury case is happenstance and had nothing to do with civil society participation in the HRC. The case is awaiting trial before a Philippine Court.

The allegations of reprisal by Karapatan et. al. were framed in a way that obscures the fact that **they have free and unhindered access and use of legal means to petition the government for redress of grievances, and that the subject case of perjury concerned their accountability for claims they make before the court of law.**

It should be noted that Karapatan's co-petitioner in the May 2019 case, Rural Missionaries of the Philippines, is subject of investigations in relation to probable cause for the violation of terrorism financing law under Republic Act No. 10168 or the Terrorism Financing Prevention and Suppression Act of 2012.

On Philippine statements at HRC43 that cite the abuse by terrorist groups of the “human rights defender” title as cover to carry out atrocities on the ground, this is a matter **based on facts**, a grave issue that the government has addressed lengthily in Part 3 of the Philippine Human Rights Situationer¹ and in briefings to the UN and foreign governments.

In its national statements in the HRC43, the Philippines has consistently affirmed the government's openness to engage all parties in good faith to address all claims of human rights violations, case by case, on the basis of facts.

¹ <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200609-PH-Human-Rights-Situationer.pdf>

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The Philippines has drawn the Council's attention to the failure of a particular group of non-state actors, including Karapatan, to substantiate their claims and their consistent rejection of the government's call for cooperation to bring alleged cases towards their resolution within the country's domestic mechanisms.

The Philippines has urged the Council and its mechanisms to exercise prudence and objectivity in assessing representations and claims made by such parties, emphasizing the view that the exercise of due diligence in assessing claims as a basis for discussion and decisions is a requisite for the Council and its mechanisms to preserve its integrity and credibility.

CPP-NPA-NDF's duplicity through its "dual revolutionary tactic"

This exploitation of the human rights space and "defender" badge is the expression of the unique "dual revolutionary tactic" of the armed non-state actor and terrorist organization Communist Party of the Philippines-New People's Army-National Democratic Front (CPP-NPA-NDF) which uses both legal fronts and underground organizations to advance the armed struggle, manifesting in terrorism and violence in the communities in the Philippines. These tactics are known and openly professed by the leaders of the CPP-NPA-NDF, and they have been used through five decades of the group's existence, consistently against all democratically-elected governments of the Philippines.

It behoves the Philippines to alert the public and the international community about the work of parties that exploit the noble mantle of human rights defenders, by deliberately blurring the lines between social activism and armed struggle and terrorism. The Council must be vigilant against such abuse of the honor and mantle of NGOs as bringers of light to dark corners of the world as human rights defenders.

A vibrant civic space in the Philippines

The government continues to safeguard and expand the space for the empowered participation of civil society. The presence of 101,843 registered non-profit organizations in the Philippines, with around 60,000 non-government organizations actively engaged in advocacy work and a further 10,000 grassroots community-based organizations, attests to the vast civic space and the government's respect for the role of civic actors in national development.

Politically-motivated allegations from a few do not represent the sentiments of tens of thousands of civil society organizations in the Philippines, including community-based groups, whose roles in the Philippine public life are established, unhindered, constructive, peaceful, well-recognized and highly-valued. *END*