



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

NV-EPG-415-2020

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 the joint communication AL PHL 5/2018 dated 08 June 2018 from the Special Procedures Mandate Holders regarding the filing of a petition by the Department of Justice proscribing the Communist Party of the Philippines and New People's Army (CPP-NPA) as terrorist organizations along with the inclusion in the petition of the names of a number of individuals, has the honor to enclose the response from the Philippine Government.

The Philippine Government highlights that the petition for proscription filed by the Department of Justice (DOJ) is a civil case that seeks to declare the CPP-NPA as a terrorist organization for its continuing terrorist activities in the Philippines. This action is in accordance with Republic Act 9372 or the Human Security Act of 2007 of the Philippines and is intended to protect the Filipino people. The CPP-NPA has been declared as a terrorist organization by the European Union, the United States, United Kingdom, Australia, Canada, New Zealand.

On 3 January 2019, the DOJ filed the amended petition before the Regional Trial Court in Manila with only eight (8) individuals named, dropping 641 names from the original action. The issue as to the named individuals in AL PHL 5/2018 is already moot as none of them are included in the said petition. Moreover, there has never been any restriction to the work and freedom of opinion and expression of any of these subjects.

The Philippine Government highlights that this is an example of judicial due process being followed, as the positive resolution in their favor was a direct result of their ability to freely file legal challenges to the petition.

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 UN HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

Attn: Special Procedures Branch

Palais Wilson

52 Rue de Paquis

CH-1201 Geneva, Switzerland



Enclosure: The Philippine Government's Response to AL PHL 5/2018 dated 8 June 2018

Joint Communication AL PHL 5/2018 from the Special Procedures Mandate Holders expressed concern over the petition by the Department of Justice (DOJ) proscribing the Communist Party of the Philippines and New People's Army (CPP-NPA) as terrorist organizations along with the inclusion in the petition of the names of a number of individuals.

The Philippine Government informs the Special Procedures mandate holders that the petition for proscription filed by the DOJ is a civil case that seeks to declare the CPP-NPA as a terrorist organization for its continuing terrorist activities in the Philippines. This action is in accordance with Republic Act 9372 or the Human Security Act of 2007 of the Philippines and is intended to protect the Filipino people.

It should be noted that the European Union¹, the United States², United Kingdom, Australia, Canada, New Zealand have all declared the CPP and NPA as terrorist groups. Further, the UN Secretary-General's report on children and armed conflict³ pursuant to UN Security Council resolutions 1379 (2001), 1882 (2009), 1998 (2011), and 225 (2015), listed the New People's Army as committing grave violations against children in the Philippines.

The 2019 Global Terrorism Index, which ranks the Philippines 9th among the countries most impacted by terrorism, cited the NPA as the biggest perpetrator of terroristic activities in the country. It reports the NPA's responsibility for over 107 deaths, 179 terror-related incidents and attacks against police, military and government targets in 39 provinces, in 2018 alone. The table below shows the data provided in the 2019 Global Terrorism Index on the Philippines' ranking by number of deaths from 2002.

2019 Global Terrorism Index data on Philippine ranking since 2002

2002	2003	2004	2005	2006	2007	2008	2009	2010
13 th	8 th	10 th	12 th	14 th	12 th	8 th	9 th	9 th
2011	2012	2013	2014	2015	2016	2017	2018	
10 th	11 th	9 th	11 th	12 th	12 th	10 th	9 th	

¹ <https://op.europa.eu/en/publication-detail/-/publication/8662da6f-36b4-11ea-ba6e-01aa75ed71a1/language-en>

² <https://www.state.gov/executive-order-13224>

³ A/73/907-S/2019/509 distributed on 20 June 2019

The Philippine Government's Response to Joint Communication AL PHL 5/2018 dated 8 June 2018 on information received concerning the filing of a petition by the Philippine Department of Justice proscribing the Communist Party of the Philippines and New People's Army as terrorist organizations along with the inclusion in the petition of the names of a number of individuals

The Philippine Government informs that upon the filing of motions by the individuals named in AL PHL 5/2018, the relevant trial court, in its resolution in July 2018, directed the DOJ to amend the petition dropping 641 names from the original action.

Thus, on 03 January 2019, the DOJ filed the amended petition before the Regional Trial Court in Manila with only eight (8) individuals named including Jose Maria Sison. **The issue as to the named individuals in AL PHL 5/2018 is already moot as none of them are included in the said petition.** Moreover, there has never been any restriction to the work and freedom of opinion and expression of any of these individuals.

This is an example of judicial due process being followed, as the positive resolution in their favor was a direct result of their ability to freely file legal challenges to the petition. END.