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PROCEDURES SPECIALES DU
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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27)
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4 March 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 16/5, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding death threats directed against Mr. **Arthur "Jun" Agarado Sapanghari, Jr. and his family.**

Mr. Arthur "Jun" Agarado Sapanghari, Jr. is a field reporter and a radio broadcaster at dxDB Bandilyo Bukidnon - Radio Veritas in Valencia in the Bukidnon province. Mr. Sapanghari reports on a number of human rights related issues, including corruption, illegal logging and human trafficking.

According to the information received:

On 7 and 10 December 2013, Mr. Sapanghari received death threats through text messages saying "You will be gone before Christmas" and that he would "suffer the same fate" as a commentator who was killed in November 2013.

On 18 December 2013 at around 8:00 p.m., three men approached Mr. Sapanghari's residence and pulled out what appeared to be a gun from a bag while they were standing in front of his home. When the police arrived, the three men had disappeared.

On 17 January 2014, at around 8:00 a.m., a man on a motorcycle came to Mr. Sapanghari's residence and questioned his wife about Mr. Sapanghari's whereabouts. The man left when the wife answered that he was not at home.

On the same day, Mr. Sapanghari was in Musuan working when he noticed six men on three motorcycles near where he had parked his motorcycle. Mr. Sapanghari then contacted a friend to ask him to pick up his motorcycle for him. When collecting the motorcycle, Mr. Sapanghari's friend noticed a pickup truck without a licence plate and two other motorcycles in the area. The pickup truck allegedly followed Mr. Sapanghari's friend from Musan to Valencia.

On 21 January 2014, a friend of Mr. Sapanghari received death threats through text messages that he would be killed for helping Mr. Sapanghari. These threats started after Mr. Sapanghari's friend had offered to lend him his multicab.

On the same day, Mr. Sapanghari received another text message saying: "I saw your wife and daughter. I will kill them".

Following these incidents, two police officers were assigned to protect Mr. Sapanghari. This protection was discontinued after one week.

On 6 February 2014, Mr. Sapanghari received yet another death threat through a text message, which said that "they will kill Mr. Sapanghari and his family". Following this threat, the police assigned one police officer to protect him and his family. However, it is uncertain how long this protection will be offered.

Grave concern is expressed that the death threats directed towards Mr. Sapanghari and his family are related to his legitimate work in reporting on human rights related issues. Grave concern is expressed at the physical and psychological integrity of Mr. Sapanghari and his family.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to article 3 of the Universal Declaration of Human Rights and 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Philippines on 23 October 1986, which respectively guarantee the right of every individual to life and security, and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his life.

Furthermore, we urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular Principle 4, states that effective protection through judicial or other means shall be provided to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

Moreover, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of

Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information

and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would further like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which “condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;” and “calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.”

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by the alleged victim?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please indicate what measures have been taken to ensure that human rights defenders in the Philippines, including journalists reporting on human rights related issues, can operate in a safe and enabling environment and can carry out their legitimate activities without fear for their safety.
6. Please provide the full details of any protective measures put in place to ensure the physical and psychological security and integrity of Mr. Sapanghari and his family.

We undertake to ensure that your Excellency’s Government’s response will be available in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions