

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

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

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27)
PHL 4/2011

24 October 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5, 16/4 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the killing of human rights defender **Father Fausto Tentorio** in Arakan Valley, located in North Cotabato, Southern Mindanao.

Father Fausto Tentorio was an Italian priest and missionary of the Pontifical Institute for Foreign Missions (PIME) and Alternate Sub-Regional Coordinator for Southern Mindanao of the the Rural Missionaries of the Philippines (RMP). He had worked in the Philippines since 1978 and served in the Tribal Filipinos Apostolate of the Diocese of Kidapawan, where he was active in supporting and promoting initiatives for the promotion of the rights of poor and indigenous people in the Arakan Valley, such as the development of a school project for Lumad youth and the use of sustainable agriculture by the community.

According to the information received:

On 17 October 2011, at approximately 8:30 a.m., it is reported that Father Fausto Tentorio was shot by an unknown man as he was preparing to leave the convent of the Mother of Perpetual Help Parish in the Arakan, Cotabato.

Parishioners allegedly came to his aid and brought him to the Medical Specialists Hospital in Antipas town. However, he was reportedly proclaimed dead on arrival as a result of multiple gunshot wounds to his head and chest.

In recent years, Father Fausto Tentorio had allegedly been working to stop the expansion of mining activities on tribal lands which threatened to displace indigenous peoples. It is also alleged that he had criticized the military for its operations in the community, and that he had pronounced against the “peace and development” programs in the Arakan Valley.

It is also reported that his work had led to previous threats against him. On 6 October 2003, it is reported that while he was visiting a Lumad village, armed Bagani paramilitaries came looking for him. However, the local villagers reportedly denied the presence of the priest in the village.

Father Fausto Tentorio is reportedly the third Italian PIME priest to have been shot dead in Mindanao since 1985 and the second in the Diocese of Kidapawan to have been allegedly killed at the hands of paramilitary groups. It is further reported that such paramilitary groups are responsible for the killings of a Lumad Higaonon leader and his nephew earlier this year.

Grave concern is expressed that the killing of Father Fausto Tentorio may be directly linked to his legitimate and peaceful work in defence of human rights and in particular the rights of the indigenous people in Southern Mindanao. Further concern is expressed regarding the general situation of human rights defenders who fight for the promotion and protection of land rights and the rights of indigenous people.

We would like to recall your Excellency’s Government the fundamental principles provided in article 3 of the Universal Declaration of Human Rights, stating that ‘everyone has the right to life, liberty and security of person’, as well as in article 6, paragraph 1, of the International Covenant on Civil and Political Rights (ICCPR), ratified on 23 October 1986, stipulating that “every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

We would also like to remind you in particular of the necessity to conduct diligent investigations on the perpetrated violations. In this connection, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, namely principle 9 provide that “There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.”

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 ICCPR, 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 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.”

In addition, we would like to bring to the attention of your Excellency's Government 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.

Regarding the allegations received that the perpetrators of the violations reported are non-State actors, we would like to call to the attention of your Excellency's Government the Human Rights Council Resolution A/HRC/RES/13/13 of 15 April 2010, which recognizes “the immediate need to put an end to and take concrete steps to prevent threats, harassment, violence, including gender-based violence, and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms for all” as well as to adopt the necessary measures to prevent such acts. In this Resolution the Human Rights Council also “urges States to promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity.”

Furthermore, the Special Rapporteur on the situation of human rights defenders, in her report to the General Assembly A/65/223 of 4 August 2010, stated that “the

responsibility of non-State actors to respect the rights of human rights defenders does not relieve the State of its obligations under human rights law to respect, protect and fulfil human rights, including those of human rights defenders. (...).” The Special Rapporteur argued that the State’s obligation to protect “first, involves ensuring that defenders do not suffer from violations of their rights by non-State actors. Failure to protect could, in particular circumstances, engage the State’s responsibility. Secondly, States should provide defenders victims of human rights violations with an effective remedy. To that end, all violations of the rights of defenders should be investigated promptly and impartially and perpetrators prosecuted. Fighting impunity for violations committed against defenders is crucial in order to enable defenders to work in a safe and conducive environment.”

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of those campaigning in relation to land rights and the rights of indigenous people 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 violation should be ensured. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

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:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged on behalf of Father Fausto Tentorio?
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 clarify whether compensation has been made available to Father Fausto Tentorio’s family?

We would appreciate a response within sixty days. We undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

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