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

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27)
PHL 3/2014

6 May 2014

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 24/5, 25/18, 25/2, and 17/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the killing of Mr. **William Bugatti** and the increased harassment and surveillance of Ms. **Maria Catherine Dannug-Salucon**.

Mr. William Bugatti was a human rights defender who also worked as a paralegal to Ms. Dannug-Salucon. He was a Regional Council Member of both the Cordillera Human Rights Alliance-KARAPATAN and the Cordillera People's Alliance. He was also a member of a Tawali tribe in Ifugao province and represented the Ifugao Peasant Movement. He provided assistance to marginalised peasants and farmers claiming their land rights, and pursuing the protection of their environment from mining activities.

Ms. Maria Catherine Dannug-Salucon is a human rights lawyer and a founding member and current National Auditor of the National Union of People's Lawyers (NUPL). She has worked on several high profile cases, and currently acts as a legal representative for a reported political prisoner who is on trial on charges of murder and attempted murder in Lagawe, Ifugao.

The case of Mr. William Bugatti:

According to the information received:

On 25 March 2014, Mr. William Bugatti was shot and killed by persons wearing civilian clothing along the Ifugao Highway in Bolog, Kiangan.

It is reported that in a document entitled “Municipality of Tinoc (Target Persons)” in October 2012, Mr. Bugatti was listed as number 21 out of 28 civilians suspected of paramilitary behaviour. According to the information received, the two-page document, which reportedly bears the logos of the 86th Infantry Battalion of the 5th Infantry Division of the Army of the Philippines, contains the details of these 28 civilians, including their names, addresses, and affiliated organisations. Mr. Bugatti was allegedly described as a human rights officer and a “mastermind of the New People’s Army”. This resulted in alleged incidents of surveillance and harassment of him that prevented him from performing his work. Reportedly, Mr. Bugatti was also impeded several times from visiting political detainees at the Ifugao Provincial Jail. A warden of that prison allegedly claimed that there had been a “Regional Memorandum” regarding Mr. Bugatti, informing that he was not allowed to enter the prison to visit the political detainees.

The case of Ms. Maria Catherine Dannug-Salucon:

According to the information received:

In February 2014, the Regional Intelligence Division of the Philippines’ National Police issued a directive to the police station in Burgos, Isabela, to investigate Ms. Dannug-Salucon’s activity. Ms. Dannug-Salucon is reportedly included on the Philippines’ military’s watch list of so-called ‘Communist Terrorist’ supporters providing legal services. Between 31 March 2014 and 10 April 2014, individuals resembling members of the Military Intelligence Group reportedly made repeated visits to the office of Ms. Maria Catherine Dannug-Salucon. On one of these occasions, Ms. Dannug-Salucon was asked to visit the head of the Military Intelligence Group of Isabela regarding the reasons for these visits and other surveillance. Ms. Dannug-Salucon reportedly did not comply, as she had not received a justification for this request.

On two separate occasions, on 3 April 2014 at approximately 07:30 a.m. and on 12 April 2014 at around 10:00 a.m., two men on a motorcycle reportedly carried out surveillance checks of Ms. Dannug-Salucon’s home.

Furthermore, on 12, 19 and 21 March 2014, men on motorcycles who resembled members of the military allegedly patrolled the area around the office of Ms. Dannug-Salucon. They reportedly asked the people from the local community questions about Ms. Dannug-Salucon’s whereabouts.

Grave concern is expressed at the killing of Mr. William Bugatti. Similar concern is expressed regarding the security of Ms. Maria Catherine Dannug-Salucon in light of

the harassment and intimidation to which she is subjected and the surveillance of her office and home. Concern is also expressed that the killing of Mr. Bugatti and the harassment and surveillance of Ms. Dannug-Salucon may be directly linked to their legitimate and peaceful activities in the defense of human rights.

In connection with above alleged facts and concerns, please refer to **the Reference to international law Annex** where the international human rights instruments and standards relevant to these allegations are outlined.

Since 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, 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. Please provide the full details of any investigations which have been undertaken in relation to the killing of Mr. Bugatti. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please indicate whether compensation has been granted to the family of Mr. Bugatti.
5. Please provide the full details of any protective measures which may have been put in place to ensure the physical and psychological security and integrity of Ms. Maria Catherine Dannug-Salucon following the killing of Mr. William Bugatti. If no such measures were taken, please explain why.
6. Please explain what measures have been taken to ensure that all human rights defenders, including lawyers, in the Philippines can carry out their peaceful and legitimate activities without fear of threats or violence of any sort.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report 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 persons 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.

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

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

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Reference to international human rights law Annex

While we do not wish to prejudge the accuracy of these allegations, we would also like to refer your Excellency's Government to the following provisions of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986:

- article 19, which provides that “[e]veryone 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.”; and

- article 22, which provides that “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

We would like to further refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that “reminds States of their obligation to respect and

fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

In addition, 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 Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.

Furthermore, we would like to bring to the attention of your Excellency’s Government the following provisions of the Declaration: article 5 points b) and c) which refers to the right to form, join and participate in non-governmental organizations; article 6 point a) which refers to the right to seek, obtain, receive and hold information; article 9 para. 3 point c) which refers to the right to offer and provide legal assistance; and article 12 paras 2 and 3 which refers to the right to physical integrity and protection granted by the State.

With regard to the killing of Mr. William Bugatti, we would like to refer to Article 6 of the ICCPR, which provides that every individual has the right to life, that this right shall be protected by law and that no person shall be arbitrarily deprived of his or her life. We would like to further draw the attention of your Excellency’s Government to the duty to investigate, prosecute and punish all violations of the right to life, in line with the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (adopted by the Economic and Social Council resolution 1989/65). In particular, principle 9 provides that “[t]here shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions”. Principle 18 further requires Governments to “ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice.” We wish to recall also that the families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time, pursuant to principle 20.