

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 rights of indigenous peoples and the Special Rapporteur on violence against women, its causes and consequences

REFERENCE:
AL PHL 10/2018

13 December 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 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 rights of indigenous peoples and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 35/15, 32/8, 34/18, 32/32, 34/5, 33/12 and 32/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged extrajudicial or arbitrary killing of thirty-two individuals (twenty-six men, five women and one child) in the context of intensifying counter-insurgency operations carried out by members of the Armed Forces, paramilitaries or individuals linked to them.** The victims are members of farmers' organizations, indigenous peoples advocating for access to, and protection of, their ancestral lands and their family members.

The rapidly rising number of killings by the police or hit-men in the context of the either anti-drug or counter-insurgency campaigns has been the object of multiple communications by special procedures (PHL 2/2016, PHL 1/2017, PHL 3/2017, PHL 7/2017, and PHL 7/2018). Likewise, concerns over allegations of extrajudicial killings committed against human rights defenders and indigenous leaders have been raised in communications PHL 8/2018, PHL 5/2015, and PHL 6/2015. We thank your Excellency's Government for its responses to the communication PHL 8/2017. While we have taken due note of the information provided, it does not address the concerns expressed. We also regret that so far no response has been received to the other communications.

According to the information received,

Case of Elisa Badayos, resident of Sitio Nuyoca, Brgy. Guadalupe, Cebu City and Eleuterio Moises, 63 years old, resident of Mantapi, Brgy. Nangka, Bayawan town, Negros Oriental province

Ms. Badayos was a coordinator of Karapatan Central Visayas, a community organization, and Mr. Moises was a member of the Mantapi Ebwan Farmers

Association. They were part of a 30-member fact-finding mission (FFM) held in the region of Bayawan, Negros Occidental from 26-28 November 2017, to investigate reports of human rights violations by private guards of an ex-politician in the said community. On the last day of their mission, they arrived in Brgy. San Ramon, Bayawan at around 11am. While on their way to enter the area, they were blocked by 5-6 private guards reportedly belonging to the private army of Bayawan Mayor Pryde Henry Teves and the “Gaudiels”, a political clan in the area that supports the current mayor. The armed guards inquired as to their destination and the purpose of the mission, all while aiming their shotgun at the team’s vehicle. They were eventually allowed to pass.

While on their way to Nangka Barangay Hall, Bayawan City to ultimately file a police report regarding the incident, they noticed another motorcycle tailing them from behind with reportedly similar attire and shotguns as the private guards that they had encountered earlier. They were shot at, resulting in the deaths of Ms. Badayos and Mr. Moises. According to Karapatan Negros and Farmers Development Center- Cebu (FARDEC-CEBU), the private guards were stationed there by ex-mayor Felix Gaudiel to secure the land. The private guards were reportedly hostile towards farmer organizations who support the residents’ assertion of their land rights.

Case of Aaron Notarte, 23 years old, resident of Purok 1-A, Manat, Trento, Agusan del Sur province

On 12 January 2018, Mr. Notarte drove to Sitio 69, Bunawan, Agusan del Sur to his employer’s house, where he stayed and slept overnight. On 13 January 2018, at around 3:00 pm, he heard gunshots from a distance. At around 7:00 pm, 41 soldiers arrived at Sitio 69, carrying the body of a dead soldier. The soldiers encamped and slept in the town. According to a witness, the soldiers talked to Mr. Notarte and asked for identification documents. Mr. Notarte was unable to give them his documents, as he routinely leaves his documentation at home when he goes to work. At around 7:00 the next morning, Mr. Notarte headed to Brgy. Manat, Trento, Agusan del Sur.

On 15 January 2018, Mr. Notarte’s body was found and brought to the local funeral home. There, soldiers reportedly told the owner of the funeral home that Mr. Notarte was punished because he was a member of the New People’s Army.

Case of Aniceto Lopez, 55 years old, resident of Brgy. Paitan, Quezon, Bukidnon

Mr. Lopez was a farmer and Secretary General of the Quezon Chapter of Kahugpungan sa mga Mag-uuma (KASAMA) – Bukidnon, a farmer organization in Quezon town. On 22 January 2018, while he was in a local store in Purok 3, Brgy. Paitan, Quezon, Bukidnon, accompanied by the village chief, Mr. Ernesto “Oto” Balopenios, a known member of the Philippine Marines, entered the store. He got into an altercation with Mr. Lopez, and ultimately shot him in the chest

and the head. It has been reported that Mr. Balopenios said, “para kay Erwin” (for Erwin), as he shot Mr. Lopez. He was referring to his brother Erwin, who had allegedly been punished by the New People’s Army. At present, there has been no cases filed against Mr. Balopenios.

Case of Arnel Penaso, 48 years old, resident of Purok 2, Brgy. Poblacion, Compostela town, Compostela Valley province

Mr. Penaso was a peasant and an active member of San Antonio Maparat Farmers Association (SAMFA). On 21 June 2018, an armed assailant onboard a single motorcycle suddenly entered his house and shot him multiple times, resulting in his death. His family explains that earlier in May 2018, he had been summoned by the 25th Infantry Battalion of the Philippine Army based in Monkayo town, Compostela Valley, where he was told that he was under surveillance by the military. Mr. Penaso's family was one of the affected families when Super Typhoon Pablo hit the Philippines in 2012. He had since been at the forefront of a campaign urging the government to provide housing and other rehabilitation support for the typhoon victims.

Case of Bernardo Clarion, 24 years old, resident of Brgy. Mandug, Buhangin District, Davao City

Mr. Clarion was a community activist and member of NGO Sulong Kultura (SUKUL). On 8 December 2017, he went to Brgy. Callawa, a nearby village, to visit a friend. It has been reported that a van arrived in the village at around 6:00 pm that day, with armed men who fired at the house where he was staying. The incident resulted in the killing of Mr. Clarion.

On 9 December 2017, before the arrival of the police, a group of soldiers from the 3rd Infantry Battalion of the Philippine Army were reportedly seen at the crime scene. The soldiers later commented that Mr. Clarion had been a New People’s Army member.

Case of Beverly Geronimo, 27 years old, resident of Sitio Cogonon, Brgy. Salvacion, Trento town, Agusan del Sur province

Ms. Geronimo was a member of the Manobo indigenous tribe and the Tabing Guangan Farmers Association (TAGUAFA) and the chairperson of the Parents Teachers Community Association (PTCA) of the Mindanao Interfaith Services Foundation Inc. (MISFI) Academy. On 26 May 2018, she went to the market of Trento, Agusan del Sur to buy school supplies for her daughter. While in the market, Ms. Geronimo was reportedly followed by suspicious men. As she passed the gate in Brgy. Salvacion, three armed riders on motorcycles shot at her. Ms. Geronimo sustained seven gunshot wounds, including one to the head that caused her immediate death.

Ms. Geronimo had been active in campaigns against large mining companies such as OZ Metals and Agusan Petroleum that impacted her community. Since the

beginning of her activism nine years ago, she had also been routinely harassed and threatened by military personnel. In March 2018, multiple teachers and volunteers as well members of the TAGUAFA were tagged by soldiers as members of the New People's Army, which Ms. Geronimo denied.

Case of Jennirose Erbetto Porras, 39 years old, resident of Purok 13, Brgy. Millenium, Compostela town, Compostela Valley province

Ms. Erbetto was the coordinator of a local farmer organization named Compostela Farmers Association (CFA), which is affiliated with the Kilusang Magbubukid ng Pilipinas (KMP).

On 14 December 2017, around 6:00 pm, she was headed to the Nabunturan town of Compostela Valley province to meet an engineer of the Department of Public Works and Highways. She arrived at the Nabunturan town at around 7:00 pm and made a stopover at the Compostela Valley Hotel and Restaurant, located at the National Highway, Purok 14. While waiting under a tree near the hotel, she was approached and shot by two men wearing black jackets riding a black motorcycle. The gunmen were allegedly state agents from the 66th Infantry Battalion of the Philippine Army.

According to Ms. Erbetto's family, she had been harassed and threatened by soldiers since 2008. Soldiers alleged that her organization, Compostela Farmers Association (CFA), was affiliated with the New People's Army, and also accused her of teaching farmers to oppose government policies. On 28 January 2016, seven soldiers of the 66th Infantry Battalion had gone to Ms. Erbetto's house to urge her to cease her activities.

Case of Garito Malibato, 23 years old, resident of Sitio Muling, Brgy. Gupitan, Kapalong town, Davao Del Norte province

Mr. Malibato was a Manobo (indigenous) farmer and a member of KARADYAWAN, a farmer organization. On 22 March 2018, at around 9:00 a.m., unnamed members of the ALAMARA paramilitary group shot Mr. Malibato at Sitio Patil, Brgy. Gupitan, Kapalong town, Davao Del Norte. It is alleged that the paramilitary group was led by Ungging and Laris Mansaloon and was under the control of the 73rd Infantry Battalion of the Philippine Army.

Mr. Malibato previously received threats from members of the ALAMARA regarding his involvement with the indigenous peoples' organization KARADYAWAN. Since December 2017, it was reported that incidents of food blockade and harassment were committed by ALAMARA members, together with soldiers of the 60th Infantry Battalion of the Philippine Army.

Case of Jerry Turga, 56 years old, a resident of Brgy. Guinpanaan, Moises Padilla town, Negros Occidental province

Mr. Turga was a farmer and the Vice Chairperson of Brgy. Guinpanaan Farmers Association - Kilusang Magbubukid ng Pilipinas (GFA-KMP). On 28 April 2018, at around 4:15PM, he was shot in his home in Brgy. Guinpanaan. He reportedly sustained ten gunshot wounds in the chest and stomach that led to his instant death. According to Mr. Turga's family, he was killed by three assailants outside their store.

Before Mr. Turga was killed, suspicious individuals, believed to be state agents, were reportedly seen in the community asking about Mr. Turga's activities and whereabouts. Mr. Turga actively led campaigns of farmers in Moises Padilla, Negros Occidental. After the killing, police officers who responded to the crime scene did not gather any evidence nor talk to the family of the victims, but merely asked a few details from Mr. Turga's neighbors. When Mr. Turga's relatives went to the local police station the following day to file a report on the killing, a police officer interrogated Mr. Turga's relatives and alluded that he might be a member of the New People's Army.

Case of Fe Delos Santos, 65 years old, resident of Manego Ext., Magsaysay, Brgy. Poblacion, Lopez town, Quezon province

Ms. Delos Santos was the owner of a small variety store. On 6 March 2018, around 8:15 pm, witnesses heard a series of gunshots from her shop. Ms. Delos Santos sustained at least six gunshot wounds. According to the police, the bullets came from a .45 caliber gun. She was brought to the Holy Rosary Hospital but due to lack of medical facility, was later transferred to Quezon Memorial Hospital in Lucena City. However, she died on the following day, 7 March, at around 4pm. Since 2017, the military was looking for Ms. Delos Santos's son who is suspected to be a member of the New People's Army (NPA) in Quezon Province and was allegedly involved in an ambush of soldiers in Bondoc Peninsula in July 2011.

Case of Edwin Mencidor Magallanes, 38 years old, resident of Sitio Juan, Brgy. Panikian, Banaybanay town, Davao Oriental province

Mr. Magallanes was part of the maintenance staff of the National Irrigation Administration (NIA) and a security guard at the Elementary School, Brgy. Poblacion Panikian, Banaybanay town, Davao Oriental province. He was also a member of Abanterong Nakigbisog (ABANTE NA), a community organization that advocates for land rights. On 21 December 2017, Mr. Magallanes arrived to his job at the NIA at around 6:00 am. He had just stopped his motorcycle when he was shot by a man on a black XRM motorcycle, who reportedly had been following him to work. It has been alleged that the motive of the killing was Mr. Magallanes' active resistance against the entry of the Golden Summit Mining Company into their area. It is also suspected that the perpetrator was a state agent from 28th Infantry Battalion of the Philippine Army, who was reportedly in collusion with mining companies.

Case of Carlito Bacudan Sawad, 54 years old, resident of Brgy. Aguinaldo, Laak town, Compostela Valley province

Mr. Sawad was a Dibabawon (indigenous) farmer, and a member of farmer organization Nagkahiusang Mag-uuma ug Lumad sa Veruela (NAMALUVER). He had also formerly served as a village councilor. On 23 May 2018, Mr. Sawad was with his two-year old grandson when two armed men, riding a motorcycle, arrived at his house and shot him. The armed men are believed to be agents of 60th Infantry Battalion of the Philippine Army. Sawad's two year old grandson was slightly injured as a bullet grazed his head, and his son-in-law, Joven Carmilotes Corbo, age 42, was hit in the knee.

Mr. Sawad's organization, NAMALUVER, had been tagged earlier by the 60th Infantry Battalion as a supporter of the New People's Army. Mr. Sawad himself had earlier been warned by his village chief that soldiers would be arresting suspected supporter of the New People's Army.

Case of Ricky Baguio Olada, 30 years old, resident of Sitio Pamuhatan, Brgy. Marahan, Marilog District, Davao City

Mr. Baguio Olada was a member of Tinananon, Culamanon Lumadnong Panaghiusa (TICULPA), an indigenous people's organization. On 28 January 2018, at about 10:30 am, he was driving his motorcycle towards Brgy. Datu Ladayon, Arakan town. At about 300 meters from the Tibal-og bridge, two armed men riding a black TMX motorcycle suddenly opened fire at him. The armed assailants were wearing sweatshirts and their faces were covered. Mr Olada sustained 14 gunshot wounds in his body that resulted in his instant death. His chest was riddled with 5 bullets and 3 bullets hit his back. Soldiers had reportedly harassed Mr. Bolada for being a member of TICULPA, accusing the organisation's members to be supporters of the New People's Army.

Case of Orlando San Jose, 47 years old, Ana Nias San Jose, 25 years old, and Noli Colico, 26 years old, residents of Brgy. Payak, Bato town, Camarines Sur province

On 10 April 2018, at around 6:20 am, in Sona 6, Brgy. Payak, Bato town, Camarines Sur province, residents heard two gunshots followed by the explosion of a bomb that lasted for about 30 minutes. The gunfire came from the upper portion of the mountain where around 100 residential houses are situated. When the gunfire subsided, some of the residents were instructed to come out by the military who alleged that members of the New People's Army might be hiding inside their houses. At around 8:00 am, village captain Virginia Saylago came in the area with other village councilors and the battalion commander, Lt. Col Eduardo Monjardin of the 83rd Infantry Battalion of the Philippine Army. The soldiers then announced the death of Mr. Orlando San Jose, Jr., 47 and his daughter Ana Nias San Jose, 25, who were both farmers. Meanwhile, the body of

Mr. Colico, 26, was also found in the mountain and was boarded in a truck. He was also a resident of Sona 3, Brgy. Payak, Bato town, Camarines Sur.

Case of Kenard L. Barrientos, 23 years old, resident of Purok 2, Brgy. Bunawan Brook, Bunawan town, Agusan del Sur province

On 15 February 2018, Mr. Barrientos, along with his father, went to Cabaohan, Brgy. Bunawan Brook, Agusan del Sur to sell some of their products. That night, Mr. Barrientos left the house to purchase some rope to tie their products and was never seen again. On 16 February 2018, Mr. Barrientos' father heard gunshots from a nearby area. He then went to the Brigada News FM program in Trento to inquire about the incident and publicly voice his concern. Ultimately, the commanding officer of the 75th Infantry Battalion of the Philippines Army confirmed that they had killed Mr. Barrientos because he was a member of the New People's Army.

Case of Nasrudin Kadatuan, 36 years old, resident of Brgy. Lower Salvo, Datu Saudi Ampatuan town, Maguindanao province

Mr. Kadatuan was a local businessman. On 21 March 2018, at about 8:30 am, he was headed home on his motorcycle. He passed by a detachment of the Philippine Army's 2nd Mechanized Battalion in Datu Salibo town on the road going to Talayan town. As he passed the detachment, unnamed soldiers of the 2nd Mechanized Battalion shot him, resulting in his instant death. After the shooting, the military accused Mr. Kadatuan of being a member of the Bangsamoro Islamic Freedom Fighter (BIFF) group. The police reported that an armed encounter happened in the area and that Mr. Kadatuan was hit in a crossfire. However, it has been reported that no armed encounter happened on that day. Mr. Kadatuan's family also deny that he was involved with the BIFF or any other armed groups. Furthermore, BIFF spokesperson Abu Misri Mama also confirmed in a phone interview that Mr. Kadatuan was not member of their group.

Case of [REDACTED], 15 years old, resident of Sitio Tombo, Brgy. Old Bulatukan, Makilala town, North Cotabato province

Mr. [REDACTED] was a member of the Bagobo-Tagabawa (indigenous) tribe and a Grade 8 student at the Ricardo Ipong National High School. On 21 April 2018, Mr. [REDACTED] was at his aunt's residence in Brgy. Astorga harvesting coconut with family members. After having their lunch, they heard a series of gunshots from near their house in their place. They immediately hid for cover. However, Mr. [REDACTED] was hit a by bullet which caused his death.

On 22 April 2018, the relatives of Mr. [REDACTED], accompanied by village officials, went to recover his body. They discovered that the body was wearing a black sweatshirt, holding a gun, with a backpack and an improvised explosive beside him. His relatives deny that he was wearing such things at the moment of harvesting coconut.

Case of Ricardo Mayumi, 52 years old, resident of Sitio Angadal, Brgy. Ambabag, Kiangan town, Ifugao province

Mr. Mayumi was an environmental activist and a member of the Ifugao Peasant Movement. On 2 March 2018 at around 8 p.m., two gunmen shot and killed Mr. Mayumi inside his house. The perpetrators appeared to be state agents.

The Ifugao Peasant Movement (IPM) stated that there were several instances where hired private guards of the mini-hydro project and members of paramilitary group Citizen's Armed Force Geographical Unit (CAFGUs) visited Mr. Mayumi's family to inquire on his whereabouts. There was also an incident where ten members of the IPM, including Mr. Mayumi, received death threats. According to the IPM, Mr. Mayumi had actively lobbied against the Quad River mini-hydro projects in Tinoc town in Ifugao.

Case of Roberto Ramos, 30 years old, Ronel Nariz, 25 years old, and Antonio Bonagua, 19 years old, residents of Brgy. Patalunan, Ragay town, Camarines Sur province

On 13 May 2018, at around 9:00 am, an encounter occurred between the 96th Infantry Battalion and 9th Infantry Division of the Philippine Army and the New People's Army in Brgy. Patalunan, Ragay town, Camarines Sur province. According to army spokesperson Col. Paul Regencia in a media interview conducted after the incident, two soldiers died and the NPA fighters managed to get away. On the same day, at around 7:00 am, Mr. Ramos, Mr. Nariz, and Mr. Bonagua went to their farm in Brgy. Patalunan for a fourth day of harvesting coconuts. That afternoon, their families were waiting for them to get home but they never returned. On 22 June towards 12:00 pm, their bodies were found in a nearby farm.

Cases of Victor Danyan Jr., Artemio Danyan, Pato Celarbo, Samuel Angkoy, To Diamante, Mateng Bantal, Datu Victor Danyan and Rhudy Danyan, residents Sitio Datal Bonglangon, Brgy. Ned, Lake Sebu, South Cotabato

The above-named individuals were members of the indigenous peoples' organization T'boli-Manubo Sdaf Claimants Organization (TAMASCO). On 3 December 2017 at 10:00 am, village captain Bebot Lobreta, accompanied by four men and a woman, went to Mr. Danyan's house to confront his activism against mining companies in what TAMASCO deemed to be ancestral lands. Shortly after the captain left, around 12:00 pm, there were gunshots towards the house, resulting in the deaths of Mr. Victor Danyan Jr., Mr. Artemio Danyan, Mr. Pato Celarbo, Mr. Samuel Angkoy; Mr. To Diamante, Mr. Mateng Bantal, Mr. Datur Victor Danyan and Mr. Rhudy Danyan.

Without prejudging the accuracy of these allegations, we express our most serious concern that if they were to be confirmed, they would constitute multiple violations of

articles 3 of the Universal Declaration of Human Rights (UDHR) and 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986, which provides for the right to life, security and not to be arbitrarily deprived of life. We are particularly concerned by allegations of intentional use of lethal and excessive force leading to deaths. We also express alarm about the safety of those who escaped or survived attempted killings, of the relatives of those killed and of the eyewitnesses to the killings. Furthermore, given the number of killings, which appear to target land rights defenders and other leading individuals protecting their communities, we are concerned that many other individuals, members of farmers' organizations and indigenous peoples advocating for their rights, may become the target of similar violence.

In connection with these allegations, we are drawing your Excellency's Government's attention to relevant international principles and norms governing the use of force by law enforcement authorities. Under international law, any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality constitute an arbitrary deprivation of life and is therefore illegal. The Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, though not binding, provide an authoritative interpretation of the limits on the conduct of law enforcement forces. According to these instruments, law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. Force used must be proportionate to the legitimate objective to be achieved. Medical assistance should be provided as soon as possible when necessary.

The State's use of potentially lethal force during peacetime must take place within a framework of appropriate planning and training, which must be directed at avoiding or minimizing the risk of loss of life during any law enforcement operation (A/71/372 16-15236 11/24). It is not enough for a State or its agents to say that they had no choice but to use force if the escalation of that situation could reasonably have been avoided through precautionary measures. Precaution should be seen as a separate requirement for the use of force, and in particular lethal force (A/HRC/26/36, paras. 63-64).

Furthermore, we respectfully remind your Government of the Second Optional Protocol to the ICCPR, ratified by the Philippines on 20 November 2007, which requires States parties to prohibit executions and adopt all necessary measures to abolish the death penalty within their jurisdiction.

According to international human rights law, the Government is under an obligation to protect individuals' right to life not only from acts committed by State actors, but also from those committed by non-State actors, such as vigilante groups, death squads or criminal gangs. States are required to act with due diligence to prevent arbitrary deprivation of life. The standard of due diligence, as applied to the responsibility of preventing arbitrary killing by non-State actors, relies on an assessment of how much the State knew, the risks or likelihood of harms, and the seriousness of harm.

As highlighted in previous letters, it is incumbent upon the State to undertake independent, impartial and prompt investigation in response to all cases of extra-legal, arbitrary and summary executions. The Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, recall the duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. A failure to investigate as per agreed standards, and bring perpetrators of killings to justice could in and of itself constitute a violation of the right to life. Furthermore, 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, under international human rights law binding on the Philippines, the State has the obligation to respect, protect and promote the right to freedom of expression and the rights to freedom of association and peaceful assembly, as guaranteed by articles 19, 21 and 22 of the ICCPR. Human Rights Council resolution 21/16, and in particular operative paragraph 1 “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.”

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. Fundamental human rights include the right to life and security, equality and non-discrimination, all rights that are recognized in the human rights treaties ratified by the Philippines. Article 7 of UNDRIP explicitly provides that “indigenous individuals have the rights to life physical and mental integrity, liberty and security of persons”. We would also like to highlight the fundamental principles set forth in articles 1 and 2 of the UN Declaration on Human Rights Defenders, which provide for the right to promote and to strive for the protection and realization of human rights and fundamental freedoms.

Finally, Human Rights Council resolution 24/5 of 2013 “[r]eminds 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 connection with the above alleged facts and concerns, please also refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to the allegations.

As it is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. In particular, please clarify in each case, the circumstances of the killings, and where relevant the factors that led security and other forces acting on their behalf, to resort to the extrajudicial use of lethal force.
3. Please provide information on the status and outcome of any investigation into the killings of the thirty-two persons identified in this letter as well as of any other similar killings, including those identified in my previous communications (PHL 2/2016; PHL 1/2017; PHL 3/2017; PHL 6/2017; PHL 7/2017). If investigations have not been initiated, please explain the reasons why, and how this is consistent with the Philippines' international human rights obligations.
4. Please provide information on the security measures adopted to protect the relatives and eye witnesses of these killings.
5. Please provide information on the measures adopted to protect the right to life, personal integrity and security of farmers, indigenous peoples and human rights defenders in the Philippines.
6. Please indicate whether reparations have been or will be made to the victims' next-of-kin.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we respectfully urge that all necessary interim measures be taken to prevent the loss of life as a result of your Excellency Government's counter-insurgency operations and in the event that investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of any alleged violation.

We may publicly express our concerns in the near future as, in our view, the information at hand appears to be sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the

potential human rights implications of the above-mentioned allegations. Any expression of concern on our part will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Hilal Elver

Special Rapporteur on the right to food

David Kaye

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

Clement Nyaletsossi Voule

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

Victoria Lucia Tauli-Corpuz

Special Rapporteur on the rights of indigenous peoples

Dubravka Šimonović

Special Rapporteur on violence against women, its causes and consequences

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to Article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person".

Article 6 (1) of the International Covenant on Civil and Political Rights states 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".

Pursuant to Principle 4 of the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, "Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats". Principle 9 states 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. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide".

Article 7 on the Universal Declaration on the Rights of Indigenous Peoples underlines that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of persons and that indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples.