

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 and the Special Rapporteur on the independence of judges and lawyers

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Excellency,

We have the honour to address you in our capacity 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 and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 35/15, 32/8, 34/18, 32/32, 34/5 and 35/11.

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 Mr. Benjamin Ramos Jr., a human rights lawyer. We also received reports of death threats against Mr. Felipe Levy Gelle Jr., Ms. Enrita Caniendo and Ms. Clarizza Singson-Dagatan**, human rights defenders working with Mr. Ramos.

According to the information received:

Mr. Benjamin Ramos Jr., born on 26 November 1961, was a human rights lawyer, and worked in defence of the rights of the most vulnerable farmers and fishermen of the Negros Occidental Province, Western Visayas Region. In particular, he handled cases of forced evictions and land rights disputes.

He was the Secretary-General of the National Union of People's Lawyers of Negros Occidental. He lived with his wife and three children inside the compound of Paghida-et sa Kauswagan Development Group (PDG), a nongovernmental organization that he cofounded to help farmers and fishermen living in poverty in Kabankalan town.

For a long time, Mr. Ramos had been receiving threats related to his work, including in 2006, when he prevented the forced eviction of a group of farmers, and in 2007, when he helped establish the National Union of Peoples' Lawyers.

Because of his human rights activities in favour of the most vulnerable farmers and fisherfolk, he was publicly presented by local police and military officials as a

communist. In April 2018, the provincial police of Moises Padilla town, Negros Occidental Province, published a poster with the pictures of 63 leaders of activist groups labelled as communist rebel “personalities”, which included Mr. Ramos.

Recently, Mr. Ramos had been working on the case of six youth activists who were arrested by the military in the town of Mabinay, Negros Oriental Province, while they were attending a meeting to organize a farmers’ forum. Mr. Ramos was also part of the team assisting victims of an incident that took place in Sagay, during which nine sugar workers, including three women and two teenage children, were killed in a sugar farm at Hacienda Nene, Sagay City, Negros Occidental Province. The victims were participating in the occupation of the farm organized by the National Federation of Sugar Workers, when, on 20 October 2018, the group was attacked by 40 unidentified armed assailants, believed to be members of the Special Civilian Auxiliary Army (SCAA).

On 6 November 2018, in the evening, Mr. Ramos was shot by two unidentified armed men in front of a convenience store in his hometown, Kabankalan. The attackers were riding a motorcycle. The driver was wearing a helmet and his passenger covering his face with a hood. After he was shot, Mr. Ramos was transferred to the local hospital where he was declared dead upon arrival. He had been shot with three bullets; one in the lower right abdomen, one in the upper left of his chest and one in the right upper thigh.

The attack was publically condemned by the Director of the Police Regional Office 6 for Western Visayas, who assured that a thorough investigation would be conducted and that the perpetrators would be promptly brought to justice. Shortly after, police authorities indicated that the investigation of Mr. Ramos’ murder was pointing in two directions. The first one was related to his professional activities in defense of farmers living in poverty, which could have caused the anger of landlords. The second was connected to his alleged “gambling habits”. His family strictly denied that he ever gambled, and denounced this statement as an attempt to deviate the investigation.

Finally, it has been reported that following Mr. Ramos’s killing, several of his colleagues have received death threats. On 24 November 2018, **Mr. Felipe Levy Gelle Jr.** and **Ms. Enrita Caniendo**, both members of PDG in Kabankalan, found two notes with their pictures in a coffin, with an inscription in local language saying “one by one you will be eliminated, you are the next one”. The notes had been thrown inside the compound of a leader of the Association of Farmers and Farmworkers of Lupni, who handed them to Ms. Caniendo. They reported the case to the local police.

Ms. Clarizza Singson-Dagatan, Secretary-General of Karapatan Negros and National Council Member of Karapatan and Chairperson of Gabriela Negros received death threats via three text messages in the days following Mr. Ramos’s

killing, which stated that she “will be the next”. These threats come after years of her reported villification by local law enforcement officials, who identified her as a communist “rebel” plotting to destabilize the Government. In May 2018, her picture was included among the 63 leaders publicly identified by the provincial police of Moises Padilla town as “communist rebels”. More recently, her house was monitored by unidentified persons and she was reportedly followed on her way to the funeral of Mr. Ramos on 17 November 2018.

Without prejudging the accuracy of these allegations, we express our most serious concern at the alleged violation of the right to life of **Mr. Ramos**, contrary to 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 also seriously concerned that **Mr. Gelly, Ms. Caniando and Ms. Singson-Dagatan**, publicly labelled as “communist rebels” by local police and military, may face a similar fate in the near future.

We note that Mr. Ramos is the 34th lawyer to be killed in the country during the last two years, and we recall that, 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, criminal gangs or insurgent groups. States are required to act with due diligence to prevent arbitrary deprivation of life. In this regard, the standard of due diligence relies on an assessment of how much the State knew, the risks or likelihood of harms, and the seriousness of the harm.

The Basic Principles on the Role of Lawyers require States to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference (principle 16 (a)), and to take all appropriate measures to protect them where their security is threatened as a result of discharging their functions (principle 17).

We would like to stress that it is incumbent upon the State to undertake independent, impartial and prompt investigations 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, we would like to bring to the attention of your Excellency's Government the obligation to respect, protect and promote the right to freedom of opinion and expression and the rights to freedom of association and peaceful assembly, as guaranteed by articles 19, 21 and 22 of the ICCPR. We would also like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 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."

Finally, 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.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

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 abovementioned person(s) in compliance with international instruments.

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. Please provide detailed information on whether any investigation has been launched into the killing of Mr. Ramos, as well as into the death threats against Mr. Gelly, Ms. Caniendo and Ms. Singson-Dagatan, and their outcome. If investigations have not been initiated, please explain the reasons why, and how this is consistent with the Philippines' international human rights obligations.
3. Please provide information on the measures adopted to protect the right to life, personal integrity and security of Mr. Gelly, Ms. Caniendo and Ms. Singson-Dagatan who received death threats and how are lawyers and human rights defenders being protected in general in the Philippines, in particular

how they are protected from public vilification by local authorities or law enforcement in connection with their legitimate activities.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

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.

Please accept, Excellency, the assurances of our 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

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Special Rapporteur on the independence of judges and lawyers