

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; 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; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Working Group on discrimination against women and girls

REFERENCE:
UA PHL 7/2019

26 December 2019

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; 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 promotion and protection of human rights and fundamental freedoms while countering terrorism and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 34/5, 42/22, 36/6, 35/15, 34/18, 41/12, 40/16 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arrests of at least 62 individuals following raids at the offices of several civil society organisations, and at the houses of their members, as well as the alleged abduction of human rights defender Ms. **Honey Mae Suazo** and threats against Ms. Cristina Palabay.

Alliance for the Advancement of People's Rights (Karapatan) is a national alliance of human rights organizations and individual human rights defenders established in 1995. Karapatan has 16 regional offices across the country and over 40 member organisations working on issues such as enforced disappearances, extrajudicial killings and attacks against human rights defenders. Karapatan's activities include education, training, advocacy, research and network building.

The National Federation of Sugar Workers (NFSW) is an organisation established in the 1970s, advocating for the rights of farmers and an equitable distribution of land. **Gabriela** is a national alliance of women's rights organisations and groups. **Kilusang Mayo Uno (May First Movement, KMU)** is a national alliance of workers' unions campaigning for fair working conditions. **Kadamay** is an association advocating for the rights of the urban poor. **The Negros Island Health Integrated Program (NIHIP)** is a community-based health program of the Council for Health and Development (CHD). **Bayan** is an alliance of civil society organisations peacefully

advocating for social justice in the Philippines. **The Unyon ng mga Manggagawa sa Agrikultura (Union of Agricultural Workers, UMA)** is a national union of agricultural workers' organisations, which conducts advocacy, research and trainings on trade union activism and land rights.

The abovementioned organisations have denounced human rights violations allegedly committed under the administration of President Duterte, including in the context of the ongoing "war on drugs."

Concerns regarding the filing of a petition by the Philippine Department of Justice proscribing the Communist Party of the Philippines and the New People's Army as "terrorist" organisations, along with the inclusion in the petition of the names of a number of human rights defenders, defining them de facto as "terrorists" were raised in a joint communication sent by Special Procedures mandate holders on 8 June 2018 (case no. PHL 5/2018). Among those included in the petition were Mr. **Romulo Bito-on** and members of Karapatan, Gabriela, the National Federation of Sugar Workers (NFSW) and the Negros Island Health Integrated Program (NIHIP). Concerns about a broader trend of so-called "red-tagging" of human rights defenders, journalists, rural communities and legitimate organizations, perceived as threats or enemies of the State, as having links to communists groups were raised in a joint communication sent by Special Procedures mandate holders on 2 October 2019 (case no. PHL 5/2019). We regret that no responses have been received to these letters and urge your Excellency's Government to strengthen its engagement with UN human rights mechanisms, including Special Procedures, and to provide responses at the earliest available opportunity.

According to the information received:

While speaking to reporters in Davao City on 27 January 2018, President Rodrigo Duterte stated that he would "go after the legal fronts" of the Communist Party of the Philippines (CPP), referring to groups with alleged ties to the communist movement.

During a speech at a business conference in Manila on 17 October 2019, the President reportedly told [REDACTED], deputy director for operations at the Bacolod City Police Office, that he was "free to kill everybody" in the city that was "badly hit" by illegal drugs.

During a congressional briefing on 5 November 2019, [REDACTED], Deputy Chief of Staff for Intelligence of the Armed Forces of the Philippines (AFP) presented a list of 18 organizations that are alleged "legal fronts" of the Communist Party of the Philippines (CPP).

Raids and arrests in Negros Occidental

On 31 October 2019, at least 55 individuals, many of whom women, were arrested in the province of Negros Occidental during raids conducted simultaneously by the Philippine National Police and Armed Forces of the Philippines at the offices of several civil society organisations, as well as the houses of their members. Minors were among those arrested.

At around 4:30pm, members of the police and military forcibly entered the regional offices of Karapatan, Bayan, Kadamay and the May First Movement (KMU), and the residence of Mr. **John Milton Lozande**, Secretary General of the Union of Agricultural Workers (UMA), all located in the same compound in Bacolod City. The people present in the offices, including KMU leader Mr. **Noly Rosales**, Karapatan paralegal Mr. **Proceso Quiatchon** and peasant leader **Albert dela Cerna**, as well as members of a youth cultural group, including 12 minors, were ordered to drop to the ground at gunpoint. The officers conducting the raid wore uniforms and masks. All persons inside the office compound, including Mr. Lozande, were ordered to squat in a garage located outside the offices, while firearms, explosives and ammunition were reportedly being planted in the offices by the police and military. During that time, the human rights defenders and others laying on the ground, including minors, were subjected to physical and verbal abuse by the police. After almost an hour, the police called Mr. Lozande back to his house and presented him with a search warrant. Members of the aforementioned organisations were not presented with search warrants. The police officers stated that they had found guns and explosives in Mr. Lozande's house as well as the offices of the aforementioned organisations. At approximately 6:30 pm, two local barangay administrative district officials arrived at the scene to reportedly witness the search and inventory of the seized items.

The 50 individuals who were arrested during the search were taken into custody at the Negros Occidental Provincial Police Office (NOPPO). They were not given food until the evening of 1 November.

A further 5 individuals were arrested during three additional searches conducted at approximately the same time. The first of these was conducted at the offices of the National Federation of Sugar Workers (NFSW) and the Negros Island Health Integrated Program (NIHIP) located under the same address in Bacolod City were raided as well. At the time, only Mr. **Danilo Tabura**, member of the NFSW, was present on the premises. Three masked police officers forcibly entered the office and took him outside, while other officers were reportedly planting a gun in the office. After approximately 20 minutes, Mr. Tabura was called back inside and presented with a search warrant issued to his name. A barangay official arrived shortly after to witness the search. The police then demonstrated a pistol allegedly found under Mr. Tabura's pillow as well as two other firearms, two bullets and a

grenade allegedly found in the offices as well. Three computers belonging to the organisations were seized, along with Mr. Tabura's personal mobile phone. Mr. Tabura and a caretaker of NFSW's office who arrived on the premises during the raid, were then arrested and taken to the NOPPO.

The office of Gabriela in Bacolod City was raided at approximately 5:30 pm on the same day. Several staff members as well as local journalist and human rights defender Ms. **Mary Anne Krueger** and her five children were present on the premises when a group of police officers forcibly entered the office and ordered everyone, except the five minors, to come outside and stand facing the wall with their hands in the air. The police refused to show a search warrant and reportedly proceeded to plant firearms in the office. Ms. Krueger managed to broadcast the search and the reported planting of evidence live on Facebook. She insisted that the firearms did not belong to her or anyone else in the office. She was arrested and taken to the NOPPO.

At 4:30 pm on the same day, the house of Bayan's spokesperson, Mr. **Romulo Bito-on**, located in Bacolod City was raided by armed police officers. Mr. Bito-on, his wife and sons, as well as other relatives were present in the house at the time. The police refused to show a search warrant, despite the requests made by Mr. Bito-on's wife. During the next two hours, barangay officials arrived to witness the search. Mr. Bito-on and his wife were ordered to leave the house, while 20 armed police officers entered and allegedly found a rifle and hand grenades. Mr. Bito-on and his wife were then arrested and taken to the NOPPO, where the police attempted to interrogate them. They demanded access to legal counsel and refused to provide any information.

On 1 November 2019, at approximately 4:00 am, the office of NFSW in Escalante City was raided by the police and military as well. NFSW's member Ms. **Imelda Sultan** and the family of a prisoner assisted by the NFSW were on the premises. Ms. Sultan was ordered to come downstairs at gunpoint. She entered a room where she noticed a bag placed on her reading materials. She stated that it did not belong to her or the organisation. After an hour, barangay officials arrived on site. The police presented a search warrant. Then they proceeded to search the office and seized land ownership certificates as well as case files of eight prisoners detained in Escalante. Ms. Sultan was taken to the Escalante Police Station.

While the NFSW office in Escalante was being searched, the house of another member of the organisation, Ms. **Lindy Perucho**, was raided as well. The police forcibly entered her house in Escalante and refused to show a search warrant. The warrant was only read to Ms. Perucho at 6:30 pm, when barangay officials arrived to witness the search. Upon entering the house, the police stated that they found a firearm. Ms. Perucho was then taken to the Escalante Police Station.

In total, at least 57 individuals were arrested in the province of Negros Occidental during the raids conducted on 31 October and 1 November. To date, 48 have been released, including four on bail. The four individuals released on bail are facing charges of illegal possession of firearms. The complaints against the remaining 44 individuals have been dismissed by the Office of the Prosecutor.

Ms. Sultan and Ms. Perucho of NFSW remain detained at the Escalante City Jail, while peasant leader Mr. dela Cerna and his daughter and youth activist Ms. Karina Mae, KMU leader Mr. Rosales, Karapatan Negros' paralegal Mr. Quiatchon, youth cultural activist Ms. Cheryl Catalogo, and Bayan leader Mr. Bito-on and his wife are detained at the Negros Occidental Provincial Jail in Bacolod City. All nine individuals are facing non-bailable charges, including illegal possession of firearms and explosives and illegal possession of multiple firearms.

On 29 November 2019, Romulo Bito-on and his wife were arraigned at Branch 46 of the Regional Trial Court in Bacolod City. The others detained in Bacolod City have not been arraigned due to a pending motion to quash the evidence against them. Ms. Sultan and Ms. Perucho have requested their arraignment proceedings to be deferred, as their lawyers are preparing to file a motion to quash the evidence used against them.

On 1 November 2019, the Presidential Communications Operations Office (PCOO) Secretary publicly stated that during the raids the authorities had seized “assorted short caliber firearms, sub-machine guns, machine guns, live ammunitions, hand grenades, bladed weapons, KMU flags, megaphones, microphones, and voluminous subversive documents.” He further asserted that the confiscated documents would be “carefully inspected and used as grounds to file a new set of cases.”

The PCOO Secretary as well as high-ranking officers from the 3rd Infantry Division of the Philippines Army, the National Task Force to End Local Communist Armed Conflict as well as the Joint Task Force Negros have reportedly referred to the sites of the raids as “training centres” and “safehouses of rebels”.

Raids and arrests in Metro Manila

On 31 October 2019, at around 5 a.m., approximately 20 armed officers of the Metro Manila Police District (MPD) forcibly entered the house of Ms. **Cora Agovida** and Mr. **Mickael Tan Bartolome**. Ms. Agovida is Gabriela Metro Manila's spokesperson and Mr. Bartolome is a member of Kadamay Metro

Manila. The police reportedly planted two rifles and two grenades in their house. The two human rights defenders were arrested as a result.

At approximately 1:00 am on 5 November 2019, the police raided the office of Bayan Manila. Firearms and explosives were reportedly planted in the office during the raid and three human rights defenders were arrested as a result: Mr. **Ram Carlo Bautista**, Ms. **Alma Moran** and Ms. **Ina Nacino**.

The five arrested human rights defenders remain detained at the Manila Police District headquarters. No formal charges have been filed against them.

All search warrants used during the abovementioned raids in Negros Occidental and Metro Manila were issued by Quezon City Judge [REDACTED] on 30 October 2019.

Abduction of Ms. Honey Mae Suazo

Ms. **Honey Mae Suazo** was the Secretary General of Karapatan-Southern Mindanao between 2011 and 2016. She led several fact-finding missions in the region, documenting extrajudicial killings and arrests of peasants and indigenous peoples, as well as cases of forced displacement resulting from militarisation. She received many threats as a result of her work denouncing human rights violations committed by the military.

In 2015, Ms. Suazo and fifteen other human rights defenders faced charges of trafficking, reportedly in retaliation for their support for displaced indigenous peoples. The charges were later dropped.

In April 2019, Ms. Suazo was accused by the Armed Forces of the Philippines of using Karapatan to provide money for an arrested rebel leader. The accusations were firmly denied by the human rights defender.

On 2 November 2019, Ms. Suazo was reported missing while returning to Davao City from Panabo where she had gone with her friends and partner to visit family graves. Ms. Suazo was alone on her way back home, when she called her partner. She asked him to meet her near the Panabo City Hall as she noticed that she was being followed by a white pick-up vehicle. When her partner arrived, he could not find her or reach her over the phone.

On 4 November 2019, a complaint concerning Ms. Suazo's abduction was filed at the Panabo City office of the Philippine National Police. To date, no information has been provided by the police regarding an investigation into the case.

The fate and whereabouts of Ms. Suazo remain unknown.

Threats against Ms. Cristina Palabay

Ms. **Cristina Palabay** is a woman human rights defender who is Secretary General of Karapatan and a Regional Council Member of the Asia Pacific Forum on Women, Law and Development.

On 10 December 2019, after participating in an event commemorating the International Human Rights Day, Ms. Palabay received a phone call from an unidentified number where an individual identifying himself as pro-government threatened to kill her and, in a number of text messages that followed, threatened her with rape using sexually demeaning language. Ms. Palabay has received threatening phone calls in the past, including in the context of her human rights activities during the implementation of martial law in the southern Mindanao region.

We wish to express our serious concern over allegations of arrests of at least 62 individuals, following raids at the offices of several civil society organisations, as well as the houses of their members. Our concerns are heightened given the allegations that the evidence used against the aforementioned individuals was planted by the police and military during the raids. These measures appear to constitute attempts to arbitrarily arrest those conducting peaceful human rights work, and prevent them from exercising their right to freedom of expression, in particular denouncing human rights violations allegedly committed in the context of the ongoing “war on drugs.”

We would like to reiterate our serious concerns over the use of the above-mentioned petition, which *de facto* labels multiple human rights defenders as “terrorists” and regret that their inclusion in such a list may serve to stigmatise their peaceful and legitimate work as harmful to national security, including by disparaging them in the eyes of the public. We regret the continuation of the practice and in this regard, would like to bring to your Excellency’s Government’s attention the report of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism A/70/371, in particular para 46(c) urging States to ensure that their counter-terrorism legislation is sufficiently precise to comply with the principle of legality, so as to prevent the possibility that it may be used to target civil society on political or other unjustified grounds.

New counter-terrorism laws across the globe that criminalize freedom of expression or views that appear to praise, glorify, support, defend, apologize for or that seek to justify acts defined as “terrorism” under domestic law implicate both serious concerns of legality and limitations on freedom of thought and expression. The application of such provisions has been targeted at, inter alia, the legitimate activities of

political opposition, critics, dissidents, civil society, human rights defenders, lawyers, religious clerics, bloggers, artists, musicians and others. Furthermore, the non-violent criticism of State policies or institutions, including the judiciary, should not be made a criminal offence under counterterrorism measures in any society governed by rule of law and abiding by human rights principles and obligations. (A/HRC/37/52, para. 47).

We would also like to express our grave concerns at the alleged abduction of Ms. Honey Mae Suazo, which may be linked to her work documenting extrajudicial killings and forced displacement in Southern Mindanao, especially given the threats and harassment she has been subjected to in the past. We are further concerned about the death and rape threats made against Ms. Cristina Palabay, which appear to aim to deter her from continuing her peaceful human rights activities.

We express additional concern at the statements made by high-level officials threatening human rights organisations and accusing them of having ties with the communist movement. Such statements reflect a worrying broader trend in the Philippines of so-called “red-tagging” of, for example, human rights defenders, journalists, rural communities and legitimate organizations, perceived as threats or enemies of the State, as having links to communists groups. We further fear that such statements, combined with the actions by the State mentioned above, may have a chilling effect on the legitimate work of human rights defenders in the country. We wish to reiterate that when high-level officials engage in speeches which disparages the work of human rights defenders, they undermine the value of their vital work, denigrate them in the eyes of the public and may put them at risk of threats, violence or other forms of harassment.

In connection with above alleged facts and concerns, we would like to draw your Excellency’s Government’s attention to articles 2, 6, 9, 17, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986, which guarantee the right to life, freedom from arbitrary arrest and detention, the right to liberty and security of person, and the rights to privacy, freedom of expression and opinion and freedom of association. In particular, we wish to remind your Excellency’s Government that any restrictions to the exercise of these rights must be provided by law and be necessary and proportionate to the aim pursued.

We remind your Excellency’s Government of the duty under the ICCPR Article 19 in conjunction with Article 2, to put in place effective measures to protect against attacks aimed at those exercising their right to freedom of expression, CCPR/C/GC/34 para. 23. It requires States parties to ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression to the extent that these Covenant rights are amenable to application between private persons or entities, Id., para. 7. Attacks, including threats to life should be vigorously investigated in a timely fashion, and the perpetrators

prosecuted, and the victims [...] be in receipt of appropriate forms of redress”, Id. para. 23.

The right to freedom of association under article 22 of the ICCPR requires States parties to take positive measures to establish an enabling environment for associations. It is crucial that individuals exercising this right are able to operate freely without fear that they may be subjected to, for example, any threats, acts of intimidation or violence. States additionally have a negative obligation not to unduly obstruct the exercise of the right. Associations, pursuing objectives and employing means in accordance with international human rights law should benefit from international legal protection. (A/HRC/20/27, paras. 63 & 64). Authorities must also respect the right of associations to privacy as stipulated in article 17 of the Covenant on Civil and Political Rights (A/HRC/20/27, para 65).

We would also like to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 5(b), 6 and article 12, paragraphs 2 and 3.

Furthermore, we would like to refer your Excellency’s Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide “effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats”.

We would like to stress our concern regarding a possible violation of the fundamental principle set forth in article 7 (c) of the Convention on Elimination of All Forms of Discrimination against Women, on women’s participation in political and public life, including on the right to participate in Non-Governmental Organisations which the Philippines ratified on 5 August 1981, and where such document also provides that States Parties will take appropriate measures to eliminate discrimination against women in political and public life.

We would like to recall your Excellency’s Government that the Working Group on Discrimination against Women and Girls, in its report on participation in public life (A/HRC/23/50) expressed in paragraph 65 that women human rights defenders are often target of gender-specific violence such as intimidation, attacks, and death threats which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women’s human rights and to improve the enabling condition for women’s participation in political and public life (according to the paragraph 97 (i) of the abovementioned

report). In addition to these provisions, we would like to remind your Excellency's Government of the respective resolutions of the General Assembly GA Res 68/181 as well as that of the Human Rights Council HRC Res 31/32 expressing particular concerns about systemic and structural discrimination and violence faced by women human rights defenders. States should take the appropriate measures to ensure their protection and to integrate a gender perspective into their efforts to enabling a safe environment for human rights defenders.

We would finally like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection 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 above-mentioned persons in compliance with international instruments.

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 observations on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual basis of the arrests of the aforementioned individuals and the charges brought against some of them, as well as the raids conducted at the offices of several civil society organisations, and the houses of their members. Please explain whether any measures have been taken to ensure that State actions are compatible with international human rights norms and standards.
3. Please provide the details, and where available the results, of any investigation, or judicial or other inquiries which may have been carried out in relation to the reported planting of evidence, as well as the physical and verbal abuse during the raids conducted at the office of the aforementioned organisations and the houses of their members. If no inquiries have taken place, or if they have been inconclusive, please explain why. Please also explain whether any measures have been taken to ensure that State actions are compatible with international human rights norms and standards.

4. Please provide the details, and where available the results, of any investigations, or judicial or other inquiries which may have been carried out in relation to the reported abduction of Ms. Honey Mae Suazo as well as the death and rape threats against Ms. Cristina Palabay. If no inquiries have taken place, or if they have been inconclusive, please explain why. Please also explain whether any measures have been taken to ensure that State actions are compatible with international human rights norms and standards.
5. Please find provide information on what steps have been taken to ensure that defamatory and threatening statements made by high-level officials against human rights defenders and civil society organisations are remedied immediately.
6. Please provide detailed information as to the specific measures that have been put in place to ensure human rights defenders and other members of civil society in the Philippines can carry out their legitimate work in a safe and enabling environment without fear of harassment and intimidation from the authorities, along with specific information as to steps taken to support and promote the work of human rights defenders particularly women human rights defenders in the country.
7. Please provide information in details of how your Excellency's Government's counter-terrorism efforts comply with the United Nations Security Council resolutions [1373 \(2001\)](#), [1456\(2003\)](#), [1566 \(2004\)](#), [1624 \(2005\)](#), [2178 \(2014\)](#), [2341 \(2017\)](#), [2354 \(2017\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#), [2395 \(2017\)](#) and [2396 \(2017\)](#); as well as Human Rights Council resolution [35/34](#) and General Assembly resolutions [49/60](#), [51/210](#), [72/123](#), [72/180](#) and 73/174 in particular with international human rights law, refugee law, and humanitarian law contained therein.

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.

The allegation of abduction mentioned in this communication may also be taken up by the Working Group on Enforced or Involuntary Disappearances, should a separate submission be received. In such case it will be considered in accordance with the Working Group's specific methods of work, and your Excellency's Government will be informed by a separate correspondence.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. It 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.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Leigh Toomey
Vice-Chair of the Working Group on Arbitrary Detention

Luciano Ilazan
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

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

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