

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

REFERENCE:
AL PHL 6/2021

28 October 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 43/16, 44/5, 41/12 and 40/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **killings of human rights defenders Mr. Emmanuel Asuncion, Mr. Mark 'Makmak' Licoros Bacasno, Mr. Melvin Dasigao, Mrs. Ana Mariz "Chai" Lemita-Evangelista and Mr. Ariel Evangelista**, allegedly in relation to their human rights work.

Mr. Asuncion was a labour rights defender and the coordinator of the Cavite chapter of the Bayan (Bagong Alyansang Makabayan), an umbrella organisation of workers' unions, peasant associations, youth, women, and indigenous peoples, committed to advocating for social rights, and the organising of campaigns protesting the extra-judicial killings of human rights defenders and the militarization of communities.

Mr. Bacasno and Mr. Dasigao were human rights defenders, youth organisers, and members of SIKKAD K3, a group working for the rights of the urban poor. Aside from being active participants in the educational discussions and activities of the organisation, Mr. Bacasno and Mr. Dasigao frequently helped in community-based efforts for typhoon relief and rehabilitation programmes organised by SIKKAD K3.

Mrs. and Mr. Evangelista were human rights defenders and leaders of the progressive group for fisherfolk, Ugnayan ng Mamamayan Laban sa Pagwawasak ng Kalikasan and Calayo Beach Resort and Homeowners Association (CABRESA). Mr. Evangelista was a strong advocate of the protection of rights of members of his community. The Evangelistas played a key role in leading their community against the establishment of at least 150 units of fish cages on the town's communal fishing grounds. They were also involved in the advocacy on the Manila Southcoast Development Corporation's land seizure of the 5,000-hectare Hacienda Looc.

Concerns regarding the killings of human rights defenders in the Philippines have been raised in several communications by Special Procedures mandate holders, including most recently in PHL 1/2020. We thank your Excellency's Government for the reply received in relation to this communication, dated 30 July 2020, informing us that the communication was sent to the capital for consideration. However, we regret that no substantive response has been received to date, addressing the allegations of extrajudicial killings included in the communication, or answering the questions to

your Excellency's Government in relation to these allegations.

According to the information received:

On 7 March 2021, police and military reportedly carried out raids across four provinces throughout the Southern Tagalog region. These raids resulted in the alleged arrests and killings of labour leaders, community organisers, human rights defenders and indigenous people, and is now known as the "Bloody Sunday" raids. The raids were allegedly conducted as part of the joint operations of the Philippine National Police (PNP) and the Philippine Army under Case Operation Plan ASVAL, against individuals and organizations that have been red-tagged as affiliates or fronts of "communist terrorist groups". The alleged killings and arrests occurred after the Philippine President spoke publicly, ordering the police and military to "kill" and "finish off" all alleged communist rebels in the country.

The case of Mr. Emmanuel Asuncion

On 7 March 2021 at approximately 5:30AM, a volunteer of the Workers' Assistance Center (WAC) woke up to police knocking on the door of the WAC's office in Dasmariñas, Cavite Province, where the volunteer, Mr. Asuncion, and his wife were staying.

After no one opened the door, at least five police officers reportedly entered the office and were in the kitchen. Mr. Asuncion raised his hands as the police allegedly pointed a gun at him, and he was forced to lie face down on the floor of the kitchen, with a police officer's foot stepping on him and with a gun still pointed at him.

The volunteer asked the police if they had a search warrant, to which the police officers allegedly responded by telling the volunteer to stop asking questions and asked the volunteer's identity. The volunteer was allegedly brought outside the office and forced to sit at the gate, where there were three Hi-Ace vans and a police car from Laguna province. Mr. Asuncion's wife was also brought outside the office to sit with the volunteer.

Minutes later, Mr. Asuncion's wife and the volunteer heard a gunshot from inside the office. The police officers alleged that Mr. Asuncion resisted the police officers and that he had grabbed a gun. Three more gunshots were heard a few minutes later, after which a police officer approached the volunteer alleging that they were "poisoning people's minds" and asked questions about the volunteer's connection with the organisation, Bayan.

Later, a police car drove inside the compound of the WAC's office, where Mr. Asuncion's body was brought. More police officers went inside the WAC's office to search it for almost an hour. It was reported that a photo was taken with Barangay (village) representatives as alleged proof that they were witnesses to the police search.

According to the police, they were looking for a grenade allegedly in Mr. Asuncion's possession, although they did not find one in the office. The police took all of Mr. Asuncion's belongings, including his mobile phones, a

flash drive, a wallet that contained a school ID with a home address, his graduation photo, ATM card, and personal money. Mr. Asuncion's wife and the volunteer allegedly found materials which were not there prior to the police entry in one room of the office, such as flags of underground organizations.

Meanwhile, police officers also went to the Asuncion's children's residence in Rosario, Cavite at 5:40AM, where the police allegedly recovered and confiscated numerous firearms. A Vice Executive Judge of the Regional Trial Court of Manila, Branch 4, reportedly issued the search order in Rosario, Cavite.

The case of Mr. Mark 'Makmak' Licoros Bacasno and Mr. Melvin Dasigao

On 7 March 2021, at approximately 6AM, armed men arrived at the house of Mr. Bacasno in Kasiglahan Village Rodriguez Rizal. Police broke down the door of the house, which awoke Mr. Bacasno from his sleep. He was ordered by the police to keep quiet and to lie down. Another police officer shouted that he had found a gun inside the house. It was reported that gunshots were then heard coming from inside Mr. Bacasno's home.

In the spot record of the PNP Criminal Investigation and Detection Group - Regional Force Unit 4A, the raid on Mr. Bacasno's home was allegedly conducted by personnel from the CIDG-RFU 4A, Regional Intelligence Division 4A, Laguna Provincial Police Office and Batangas Special Weapons and Tactics Team (SWAT) of the Provincial Police Office. A judge from the Manila Regional Trial Court Branch 37 allegedly issued the search warrant against Mr. Bacasno.

On 7 March 2021, at approximately 3AM, armed men forcibly entered Mr. Dasigao's home through the front door. Mr. Dasigao and his partner were forced to lie on the ground, face down, and Mr. Dasigao's hands were tied behind his neck. Reportedly, three police officers entered, but more were seen outside their house. The couple and their children were told to step out of the house, but the police blocked Mr. Dasigao, ordering him to lie face down on the floor again inside the house.

The police officers took Mr. Dasigao's partner and the children a bit farther from the house, as three police officers guarded them. It was reported that three gunshots were later heard in the house. After a few minutes, the police officers brought out Mr. Dasigao's body.

The police officers did not present a search warrant when they entered the house, even after the shooting of Mr. Dasigao. In a police report, the police officers claimed that there was a search warrant for Mr. Dasigao allegedly violating RA 10591 with SW#21-31062 and another for violation of RA 9516 with SW#21-30063. The search warrants were allegedly issued by a judge from the Manila Regional Trial Court Branch 18 on 4 March 2021. According to the police report, Mr. Dasigao and Mr. Bacasno were taken to Ynares Hospital but were declared dead around 8AM.

In December 2017, Mr. Bacasno, Mr. Dasigao and other SIKKAD K3 occupied hundreds of idle units in Kasiglahan Village. Since their relocation in the community, they have reportedly been persistently threatened and harassed by the military units assigned or those who patrol the area. On May 25, 2020, soldiers from the 2nd Infantry Division of the Philippine Army convened a meeting with the residents, where members of SIKKAD K3 were allegedly accused of being members of the Communist Party of the Philippines. They were told to clear their names with the military.

The case of Mrs. Ana Mariz “Chai” Lemita-Evangelista and Mr. Ariel Evangelista

On 7 March 2021 after approximately 4:00AM, a relative of Mrs. Evangelista woke up hearing and seeing movements of armed men in fatigue uniforms within the family’s compound in Sitio Hulo, Brgy. Calayo, Nasugbu town, Batangas province.

The relative went outside his house and was held at gun point as the men questioned him about the whereabouts of Mrs. and Mr. Evangelista. The relative told them that he did not know where the couple were. The relative then went to Mrs. Evangelista’s mother’s home nearby.

The armed men went inside the cottage, where Mrs. and Mr. Evangelista, and their son were sleeping. Their son woke up and saw his father lying face down on the ground with his hands handcuffed behind his back. Mrs. Evangelista was heard screaming for help and that there were soldiers. At that time, a neighbour witnessed Mrs. Evangelista being pulled away from the cottage. She and Mr. Evangelista were forcibly taken inside the relative’s house. A neighbour heard Mrs. Evangelista shouting for help from inside the house. Soon after, gunshots were reportedly heard from the relative’s house. There were allegedly at least 30 uniformed personnel with firearms inside the compound and at nearby lots.

Another neighbour later witnessed two bodies wrapped in blankets being loaded onto a waiting vehicle. Between 6:00AM and 7:00AM of the same day, the PNP Scene of the Crime Operations team arrived at the crime scene to investigate. A uniformed police officer also presented a search warrant for alleged illegal possession of explosives against Mrs. and Mr. Evangelista. A presiding judge from the Manila Regional Trial Court Branch 174 allegedly issued the warrant on 4 March 2021, with a validity of 10 days.

According to Mrs. Evangelista’s relative, when the armed men talked to him, no one presented any search or arrest warrants. Allegedly, there was also no prior coordination with the village authorities.

Mrs. and Mr. Evangelista were brought in to a funeral home between 9:00AM and 10:00AM, as reported by the funeral home’s administrator. A source further reported that the Evangelistas had been taken earlier to Nasugbu Memorial Hospital, where the couple were declared dead on arrival.

Without prejudging the accuracy of these allegations, we express grave concerns at the continued allegations of extrajudicial killings of human rights

defenders, some of which allegedly emanated from law enforcement agencies. We are seriously concerned by the information which would indicate that these individuals have been targeted in response to their legitimate exercise of the right to freedom of expression, as well as the right to freedom of peaceful assembly and of association. Should these allegations be confirmed, they would be in violation of articles 2, 6, 16, 17, 19, 21 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, to liberty and security of the person, the right to be recognized everywhere as a person before the law, as well as the rights to privacy, to freedom of opinion and expression as well as to freedom of peaceful assembly and of association. We further underscore that States are urged to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights. (A/HRC/RES/22/6, para. 10).

We once again kindly remind your Excellency's Government that it is obliged, constitutionally and under the international conventions ratified by the Philippines, to provide effective protection of individuals' rights in danger of extrajudicial execution, to establish an enabling environment for the exercise of freedom of association and expression free from any forms of intimidation, and to take concrete steps to prevent threats, harassment and attacks against any individuals, including human rights defenders. Despite repeated communications to your Excellency's Government raising these issues, we continue to receive information that, rather than improving, the situation for human rights defenders in the Philippines continues to deteriorate. We reiterate our call to your Excellency's Government to take urgent and effective steps to ensure the safety and security of human rights defenders and to create an enabling environment for them to carry out their peaceful and legitimate human rights activities.

In connection with the above alleged facts and concerns, please refer to the **Annex Reference to international human rights law** attached to this letter, which cites international human rights instruments and standards relevant to these allegations.

As 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 the observations of your Excellency's Government 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 information and, where available, the results of any investigations into the killings of human rights defenders Mr. Emmanuel Asuncion, Mr. Mark 'Makmak' Licoros Bacasno, Mr. Melvin Dasigao, Mrs. Ana Mariz "Chai" Lemita-Evangelista and Mr. Ariel Evangelista and steps taken to prevent similar killings occurring in the future. If no inquiries have taken place, or if they have been inconclusive, please explain why, and how this is compatible with the Philippines's international human rights obligations.

3. 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 or any other agent acting on their behalf or with their acquiescence, 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.
4. Please provide further information on how the definition of terrorism in Philippine's relevant terrorism legislation is narrowly construed so as to guarantee that measures taken pursuant to it do not unduly interfere with human rights while complying with the principle of legality

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Clément Nyaletsossi Voule

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication. Should the above-mentioned allegations prove to be true, they would appear to be in violation of Articles 2, 6, 16, 17, 21 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, to liberty and security of the person, the right to be recognized everywhere as a person before the law, as well as the rights to privacy and freedom of association.

In particular, we would like to draw your attention to Article 3 of the Universal Declaration of Human Rights which states that "Everyone has the right to life, liberty and security of person"; and Article 6 (1) of the ICCPR, which provides 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 wish to stress that the right to life is the supreme right from which no derogation is permitted. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights¹.

Furthermore, we recall that an important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences².

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to violations of the right to life committed by their subordinates³. They must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future⁴.

¹ Human Rights Committee, General comment No. 36, Article 6: right to life (CCPR/C/GC/36): <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGG B%2bWPAXhNI9e0rX3cJImWwe%2fGBLmVrGmT01On6KBOqmxPNJrLLdefuuQjN19BgOr%2fs93rKPWb CbgoJ4dRgDoh%2fXgwn>

² Ibid.

³ Ibid.

Ibid.

We wish to refer to Articles 21 and 22 of the ICCPR, which guarantee the right to freedom of peaceful assembly and of association. Article 22 (2) further indicates that no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. The Human Rights Committee further affirmed that recognition of the right of peaceful assembly imposes a corresponding obligation on States parties to respect and ensure its exercise without discrimination (CCPR/C/GC/37, para. 8).

In this regard, we would like to recall the provisions of Human Rights Council resolution 24/5 and 15/21 which reminds States of their obligation to fully respect and protect the right of all individuals to assemble peacefully and associate freely, including on the occasion of elections, including persons professing minority or dissenting opinions or beliefs, and their obligation to ensure that any restrictions on the free exercise of the right to peaceful assembly and freedom of association are consistent with their obligations under international human rights law.

Further, the UN High Commissioner warned in her 2020 report that red-tagging human rights defenders - labelling them as communists or terrorists - is extremely dangerous and that human rights defenders must be protected from this type of targeting. Furthermore, the HRC resolutions noted grave concern about the fact that “in some instances, national security and counter-terrorism legislation and other measures, such as laws regulating civil society organizations, have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law.”

Finally, we would like to bring to your attention 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, 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 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.

Additionally, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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.