

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the rights of Indigenous peoples**

Ref.: AL PHL 1/2023  
(Please use this reference in your reply)

8 May 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and Special Rapporteur on the rights of Indigenous peoples, pursuant to Human Rights Council resolutions 43/16, 46/7 and 51/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the charges of rebellion, the alleged smears and harassment against human rights defenders **Mr. Florence Kang**, **Mr. Nino Joseph Oconer**, **Ms. Lucia Lourdes Gimenez**, **Ms. Jennifer Awingan-Taggaoa**, **Mr. Windel Bolinget**, **Mr. Stephen Tauli** and **Ms. Sarah Abellon Alikes**, who all advocate for Indigenous peoples, land and environmental rights.

**Mr. Florence Kang** is a human rights defender, development worker and the Executive Director of the Ilocos Center for Research, Empowerment and Development (ICRED), a non-governmental organisation dedicated to disaster response, people's empowerment and community development in the Ilocos region. **Mr. Kang** has facilitated numerous humanitarian projects for water systems, sustainable energy and disaster preparedness in communities of farmers and fishermen, especially during the COVID-19 lockdown. Since 2016, he has been red-tagged and harassed on several occasions.

**Mr. Nino Joseph Oconer** is a human rights defender and a community journalist for the Northern Dispatch, where has been reporting on human rights and peasant issues in the Ilocos since 2011. For years, he has been subjected to terrorist-tagging through social media platforms as well as various harmful information materials about him being circulated in the Ilocos region. A week before Marcos Jr's inauguration in June 2022, he was harassed and stalked by plainclothes police officers who claimed he was a "risk to security".

**Ms. Lucia Lourdes Gimenez** is a human rights defender and a researcher for the Cordillera Peoples Alliance (CPA), an alliance of over 300 Indigenous people's organisations working in the Cordillera region. The CPA works to promote the human rights of Indigenous communities, and establish recognition of such rights, whilst also organising capacity-building trainings and seminars for Indigenous communities. **Ms. Gimenez** is specifically working with one of the CPA's affiliate peasant alliances, **Alyansa Dagiti Pesante Iti Kordilyera (APIT TAKO)**.

**Ms. Jennifer Awingan-Taggaoa** is a human rights defender, a member of the Limos Indigenous community and a researcher at the Cordillera Peoples Alliance. She was also one of the founding members of the Asia-Pacific Indigenous Youth Network,

now Asia Young Indigenous Peoples' Network (AYIPN). Her community is currently in opposition to the construction of five large dams along the Saltan River and its tributaries in Kalinga province. She and her family filed a complaint before the Commission on Human Rights Cordillera office last year in response to the series of documented harassment against her and her family.

Mr. **Windel Bolinget** is a human rights defender and belongs to the Kankanaey and Bontok Indigenous peoples. Since 2009, he has served as the Chairperson of the Cordillera Peoples Alliance (CPA) and prior to this, worked as part of the CPA's Education Commission, subsequently assuming the role of Secretary General. Mr. Bolinget has worked to promote human rights and Indigenous peoples' rights, and has also advocated against large-scale mining and dam projects in the region due to their negative environmental impact. Mr. Bolinget has previously been targeted in retaliation for his work. In 2006, he was included in a military hit list, along with other leaders of the CPA. In February 2018, he and other human rights defenders were included in a list submitted by the Department of Justice in a petition to proscribe the Communist Party of the Philippines (CPP) and the New People's Army (NPA) as terrorist organisations. Their names were eventually dropped from the list due to lack of proof. In August 2020, he faced an alleged fabricated murder charge and in January 2021, the Cordillera Police Chief issued a 'shoot-to-kill' order against him. Despite the Court's eventual decision to recall the warrant of arrest against Mr. Bolinget and the dismissal of the case in July 2021, the targeting of the defender has intensified, with many pages on social media branding him, his family and his colleagues as terrorists.

Mr. **Stephen Taulin** is a human rights defender and a member of the Cordillera Peoples Alliance (CPA). He has campaigned against different destructive projects along the Chico River that, if implemented, would negatively impact the Cordillera Peoples. This includes the proposed Saltan Dams and the Chico River Pump Irrigation Project. On account of his work, he has been subjected to red-tagging, harassment and surveillance. On 20 August 2022, he was allegedly abducted near the CPA office, illegally detained and beaten up before being found the following day. In his complaint before the Commission on Human Rights, Mr. Taulin alleges the perpetrators introduced themselves as implementing orders from the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).

Ms. **Sarah Abellon Alikes** is a human rights defender and a member of the Cordillera Peoples Alliance. A member of the Igorot Indigenous people, Ms. Abellon Alikes has been working to support marginalised communities in Cordillera and the rest of Northern Luzon for years. She significantly contributed to the campaign and advocacy work of the Amianan Salakniban (Defend the North – Northern Luzon Minewatch and Human Rights Network), which provided support to the Nueva Vizcaya communities in their struggle to assert their rights against Oceana Gold's destructive mining operations. Since 2017, Ms. Abellon Likes has been subjected to complaints and trumped-up charges for arson, robbery, illegal possession of ammunition, homicide and International Humanitarian Law violation filed by the Armed Forces and the National Police in different courts. Charges were later dismissed due to lack of probable cause.

Mr. Windel Bolinget has been the subject of four previous communications sent to your Excellency's Government by several Special Procedures mandate holders. The communications were sent on 23 February 2006 (PHL 1/2006), 15

November 2006 (PHL 32/2006), 8 June 2018 (PHL 5/2018) and 22 January 2021 (PHL 1/2021) respectively. We would like to thank your Excellency's Government for its responses to PHL 32/2006 dated 6 February 2007, to PHL 5/2018 dated 26 October 2020 and to PHL 1/2021 dated 1 February 2021.

Concerns regarding the red-tagging of human rights defenders were raised in several previous communications sent to your Excellency's Government by special procedures mandate holders, including PHL 2/2022 sent on 4 August 2022, PHL 6/2021 sent on 28 October 2021, PHL 5/2021 sent on 8 October 2021, PHL 3/2021 sent on 27 May 2021, PHL 1/2021 sent on 22 January 2021.

According to the information received:

On 3 January 2023, the Office of the Provincial Prosecutor in the municipality of Bangued, Abra Province, issued a Resolution identifying Mr. Florence Kang, Mr. Nino Joseph Oconer, Ms. Lucia Lourdes Gimenez, Ms. Jennifer Awingan-Taggaoa, Mr. Windel Bolinget, Mr. Stephen Tauli and Ms. Sarah Abellon Alikes as respondents in a criminal case for "rebellion", under article 134 of the Revised Penal Code, alongside two alleged members of the New People's Army (NPA). The resolution accuses the seven human rights defenders of taking part in an armed ambush on members of the Philippines Army on 27 October 2022 that resulted in the death of two soldiers and refers to them as "part of a larger armed group or organization operating in Abra and adjacent provinces within the Cordillera Region". The resolution further alleges that the respondents "intend to overthrow and supersede the government". The indictment states that the respondents were identified by soldiers who survived the ambush using pictures from the records of the Philippine National Police. The indictment denied the human rights defenders due process as they were not given the opportunity to answer the complaint before it was filed in court.

On 24 January 2023, a warrant of arrest for the seven human rights defenders was issued by a judge of the Regional Trial Court in Bangued.

On 30 January 2023, Ms. Jennifer Awingan-Taggaoa was arrested at her home in Baguio City by members of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP). Only then was she informed of the ongoing case against her and the six other human rights defenders. Ms. Jennifer Awingan-Taggaoa was subsequently detained at the Abra Provincial Jail. Following her arrest, the remaining six human rights defenders went into hiding while their lawyers explored legal recourses. An urgent motion to exclude the names of the seven human rights defenders from the case information and to quash the warrants of arrest was submitted by the defenders' legal counsel to the Regional Trial Court in Bangued on 2 February 2023.

On 7 February 2023, Ms. Awingan-Taggaoa was granted the right to bail, set at 100,000 PHP (about 1,700 euro), and was subsequently released.

On 16 February 2023, the court allowed the remaining six human rights defenders to post bail.

On 20 February 2023, the remaining six human rights defenders posted bail of 100,000 PHP each.

On 21 February 2023, the Police Community Affairs and Development Group (PCADG) Cordillera posted the official mugshots of Ms. Abellon, Mr. Taulin, Mr. Bolinget, Ms. Gimenez, Mr. Oconer and Mr. Kang on their official Facebook page. The post shared their personal information, including their age, marital status, occupation and personal address, and referred to them as being members of a “Communist Terror Group”. The post was taken down three days later after the matter was reported to the local police by the human rights defenders’ legal counsel.

One of the attorneys defending the seven human rights defenders was himself red-tagged through Facebook posts.

At the time of writing, the Urgent motion filed by the human rights defenders’ legal counsel to exclude their names from the case information and to quash the warrants of arrest has not been addressed by a judge. No hearing in the criminal case against them has been scheduled.

Without wishing to prejudge the accuracy of the information, we express our deep concern at the criminal indictment of human rights defenders Mr. Florence Kang, Mr. Nino Joseph Oconer, Ms. Lucia Lourdes Gimenez, Ms. Jennifer Awingan-Taggaoa, Mr. Windel Bolinget, Mr. Stephen Tauli and Ms. Sarah Abellon, which we fear may be in retaliation for their peaceful work on Indigenous peoples, land and environmental rights.

We also wish to express our serious concern regarding the red-tagging of some of the above mentioned human rights defenders by police officials on social media and the unfounded allegations that they are affiliated with armed groups, in apparent attempts to discredit their legitimate human rights activities. We are concerned that such allegations will not only denigrate their efforts to denounce human rights violations, but also the efforts of other human rights defenders and human rights organisations, contributing to a chilling effect on civil society and the ability to freely exercise the right to freedom of expression and freedom of assembly and association without fear of retaliation.

The red-tagging of human rights defenders by labelling them as “communists” and or “terrorists” and the portrayal of them and their work as a threat to national security, including through statements by police forces, both online and offline, is an issue of serious concern. We have previously communicated such concerns to your Excellency’s Government about widespread red-tagging of human rights defenders (see for example PHL 2/2022 sent on 4 August 2022, PHL 6/2021 sent on 28 October 2021, PHL 5/2021 sent on 8 October 2021, PHL 3/2021 sent on 27 May 2021, PHL 1/2021 sent on 22 January 2021 among others) which seeks to delegitimize and creates misunderstanding about their work and puts them at increased risk of attacks, threats and smears.

In relation to this concern, we would like to refer your Excellency's Government to the report of the Special Rapporteur on the situation of human rights defenders to the Human Rights Council, *Final warning: death threats and killings of human rights defenders* (A/HRC/46/22), in which she noted that in the Philippines

being “tagged” as “red”, or communist, was a serious threat, and that some defenders who had been so tagged had been murdered.

We would also like to refer to the report of the previous High Commissioner for Human Rights on the human rights situation in the Philippines (A/HRC/44/22), presented at the 44th session of the Human Rights Council in June 2020. In her report, she noted that for decades, red-tagging had been a persistent and powerful threat to civil society and freedom of expression, and that those working to promote and protect human rights had been acutely affected by such smears.

The current High Commissioner for Human Rights raised similar concerns in a statement delivered at the 52nd session of the Human Rights Council in March 2023 and called for “a safer environment for civil society” and the end of “politically motivated charges” against human rights defenders.

In connection with the above alleged facts and concerns, please 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 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 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 information as to the factual and legal basis for the inclusion of Mr. Florence Kang, Mr. Nino Joseph Oconer, Ms. Lucia Lourdes Gimenez, Ms. Jennifer Awingan-Taggaoa, Mr. Windel Bolinget, Mr. Stephen Tauli and Ms. Sarah Abellon Alikes in the ‘rebellion’ criminal case filed in relation to an attack carried out against the Philippine Army that resulted in the killing of two soldiers in October 2022. Please also provide updates on the human rights defenders’ judicial process.
3. Please provide information regarding allegations of lack of due process that was followed during the indictment of the human rights defenders, in particular why they were not given the opportunity to answer the complaint before it was filed in court nor were they informed of the case against them until Ms. Jennifer Awingan-Taggaoa was arrested.
4. Please outline the measures your Excellency’s Government has put in place to prevent further harassment, arbitrary arrests, attacks, threats and killings against human rights defenders in the Philippines. Please indicate the measures taken to guarantee the establishment of a safe and enabling environment for the work of human rights defenders, specifically through the adoption of a law for the protection and recognition of human rights defenders.

We would appreciate receiving a response within 60 days. Past 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.

We may 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's to clarify the issue/s in question.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

David R. Boyd  
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

José Francisco Cali Tzay  
Special Rapporteur on the rights of Indigenous peoples

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to articles 9, 14, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Philippines on 23 October 1986, which guarantee the rights to liberty and security of person, fair trial guarantees, including the presumption of innocence, freedom of opinion and expression and freedom of association. These rights are also guaranteed under articles 3,7,10,11,19 and 20 of the Universal Declaration of Human Rights (UDHR).

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, we would like to bring to the attention of your Excellency's Government the following provisions:

- article 1, which states that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels;
- article 2, which states that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms;
- article 12, paragraph 2, 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.

Furthermore, we would also like to refer your Excellency's Government to the Human Rights Council resolution 22/6, which urges States 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.

We wish to draw the attention of Your Excellency's Government to the right to a clean, healthy and sustainable environment as recognized by resolutions A/HRC/Res./48/13 and A/Res./76/300. We also wish to highlight the Framework Principles on Human Rights and the Environment detailed in the 2018 report of the Special Rapporteur on Human Rights and the Environment (A/HRC/37/59). The principles provide that States must ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (principle 1); States must respect, protect and fulfil human rights in order to ensure a safe, clean, healthy

and sustainable environment (principle 2). In particular, principle 4 provides that “States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence”.

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