

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

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(Please use this reference in your reply)

30 October 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, pursuant to Human Rights Council resolutions 52/4 and 46/7.

We would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention of environmental rights defenders Ms. **Miguela Peniero** and Ms. **Rowena Dasig**, ostensibly in connection with their work assessing the social and health impacts of a planned gas-turbine project and natural gas terminal plant in Antimonan, Quezon Province.

Ms. **Miguela Peniero** is a woman human rights defender, community health worker and farmer, based in Quezon Province. Trained as a paramedic apprentice, Ms. Peniero was involved in medical missions to remote communities to provide health services as well as training for community health workers. Whilst carrying out this work, Ms. Peniero also documents the human rights violations that the individuals and communities she treats are reportedly subjected to, as she mainly serves farm workers, coconut farmers and fisherfolk communities in Quezon Province who have been detrimentally impacted by the increased militarization in the region. Ms. Peniero has ongoing health conditions, related to cancer of the parotid gland and hypothyroidism.

On 4 February 2012, Ms. Peniero was allegedly arbitrarily arrested by members of the 88th Infantry Battalion of the Philippine Army in Gumaca, Quezon whilst on her way to Calauag. They allegedly accused her of being a commander in the New People's Army (NPA). Ms. Peniero was eventually handed over to the Armed Forces of the Southern Luzon Command in Lucena City. It was reportedly only after she was detained that the warrant for her arrest was made available to Ms. Peniero, in which she was accused of illegal possession of firearms and explosives. She was convicted on the first charge and sentenced to 8-10 years in prison. Her conviction was appealed, and she was acquitted and released in 2020 after serving eight years in prison.

Ms. **Rowena Dasig** is an environmental and indigenous rights defender and youth activist from Quezon Province. During the COVID-19 pandemic, Ms. Dasig became involved with the Southern Tagalog of Anakbayan, a youth-led advocacy group focused on issues affecting young people, with a particular focus on safeguarding the right to education. In 2021, she was elected as the Secretary General of Anakbayan Southern Tagalog. Ms. Dasig actively campaigned for "Ligtas na Balik Eskwela" ("Safe Return to School") during the COVID-19 pandemic, for students to be able to return to in-person classes, given that online classes were not accessible to

all. In 2022, Ms. Dasig became involved in advocacy work related to human rights and environmental issues, working as a paralegal for other environmental rights defenders, as well campaigning for indigenous communities affected by the construction of dams in the region, such as the Kaliwa-Kanan-Laiban dams. Through working with the Dumagat indigenous tribe in Quezon in the aftermath of numerous typhoons that affected the community's livelihood, Ms. Dasig began researching the proposed construction of an energy power plant in Quezon and the likely adverse effects it would have on the community for the health of its members and their livelihoods too.

According to information received:

On 12 July 2023, Ms. Peniero and Ms. Dasig were carrying out research at Purok Banana, Brgy. Caridad Ibaba, Atimonan, Quezon, to assess the situation of coconut farmers and fisherfolk communities and the potential impact that a planned cycle gas turbine power project and liquefied natural gas terminal plant would have on their health, livelihoods and local biodiversity.

The proposed power plant, operated by Atimonan One Energy, Inc. (A1E), was initially proposed as a coal-fired power plant. However, the plan was reportedly revised in response to advocacy by environmental groups and residents of Atimonan opposing its construction, due to the health risks associated with using fossil fuels, and the loss of lands and livelihood.

Whilst carrying out this research in Antimonan, Ms. Peniero and Ms. Dasig were staying in a house in the area. At approximately 7:00am on 12 July 2023, Ms. Peniero and Ms. Dasig were woken up by the residents of the house they were staying in, alerting them that military officers were surrounding the area around the house, including the exit at the rear of the house, ostensibly to prevent Ms. Peniero and Ms. Dasig from escaping. The military officers, allegedly belonging to the 85th infantry Battalion, were reportedly overheard asking neighbours whether anyone was in the house, to which one woman reportedly responded that she had seen two women, one older and one younger.

Following this, the military then reportedly approached the gate of the house and ordered for the property to be cleared. However, Ms. Peniero and Ms. Dasig remained inside. At one point, one of the officers shouted for Ms. Peniero to come out of the house, reportedly addressing her by a name she sometimes goes by. Ms. Peniero and Ms. Dasig remained in the house until approximately 8:00am when they turned themselves over. The authorities then entered the house to conduct a search, and reportedly emerged with firearms and explosives they alleged to have found inside, and which they purported belonged to Ms. Peniero and Ms. Dasig. Both women refute this allegation.

Ms. Peniero and Ms. Dasig were then arrested by the 85th Infantry Battalion, on charges of illegal possession of firearms and explosives. In a post on Facebook following the arrest, the 85th Infantry Battalion publicised an arrest warrant previously issued against Ms. Peniero in 2019, charging her with rebellion, that has since been dismissed. In a media interview, the commanding officer of the 85th Infantry Battalion, LTC Joel R. Johnson, alleged that Ms. Peniero and Ms. Dasig had been arrested in a certain house,

but did not provide further information.

Initially, Ms. Peniero and Ms. Dasig were allegedly arbitrarily detained in the Atimonan Municipal Police Station and the Bureau of Jail Management and Penology in Lucena City, respectively. However, they were reportedly both transferred to Lucena City District Jail in Quezon Province. Both Ms. Peniero and Ms. Dasig are reportedly struggling with health concerns, as Ms. Peniero has hypothyroidism, high blood pressure and a slipped disc, whilst Ms. Dasig has the skin condition psoriasis.

On 14 September 2023, Ms. Peniero's niece and paralegals from organizations supporting the environmental rights defenders attempted to bring medical supplies and other items to the prison for Ms. Peniero and Ms. Dasig. However, they were prevented from doing so by staff of the Lucena City District Jail, who reportedly insisted that only immediate family were permitted to visit. This happened despite the fact that Ms. Peniero had identified her niece as immediate family, given she has no children of her own.

On 2 October 2023, the public defendant assigned to represent both Ms. Peniero and Ms. Dasig was permitted to visit them in prison, to receive their statements in preparation for the presentation of the prosecutor's witnesses.

On 4 October 2023, the presentation of the prosecution's witnesses took place before the Regional Trial Court, Branch 172 in Gumaca, Quezon. Ms. Peniero and Ms. Dasig attended the session via Zoom. The next hearing is due to take place on 9 November 2023.

Without prejudging the accuracy of these allegations, we wish to express serious concern in response to the alleged arbitrary arrest and detention of Ms. Peniero and Ms. Dasig, and the falsified allegations against them, which occurred whilst they were carrying out their peaceful and legitimate human rights activities in communities whose livelihoods and health have reportedly been and are likely to increasingly be detrimentally affected by the environmental impact of the proposed power plant. In this instance, the alleged arbitrary arrest of human rights defenders who are promoting and protecting the rights of others to a clean, healthy and sustainable environment is furthermore concerning as it contributes to a chilling effect on civic space in the Philippines, deterring individuals from exercising their rights to freedom of expression and the right to defend the rights of others. Special Procedures mandate holders have previously expressed such concerns to your Excellency's Government, particularly in relation to the consistent indictment of human rights defenders on unfounded and unsubstantiated allegations, including the possession of firearms and explosives, in connection with their performing of peaceful and legitimate human rights and environmental rights activities.

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 concerning the legal grounds for the arrest and detention of Ms. Peniero and Ms. Dasig, and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
3. Please provide information on whether Ms. Peniero and Ms. Dasig have access to medical personnel and supplies for their respective conditions.
4. Please also provide detailed information about the factual grounds that have justified the charges brought against Ms. Peniero and Ms. Dasig.
5. Please provide detailed information about the reasons for the refusal to allow a relative and colleagues of Ms. Peniero and Ms. Dasig to deliver items to them on 14 September 2023.
6. Please indicate what steps have been taken and measures put in place by your Excellency's Government to ensure that non-governmental organisations, civil society organisations and all human rights defenders in the Philippines can carry out their peaceful work free from fear of threat, violence, harassment, or retaliation of any sort. If no specific measures in this regard have been put in place, please indicate a means by which we may engage with your Excellency's Government on the development of such measures.

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.

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

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, 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, freedom of opinion and expression, and freedom of association. These rights are also guaranteed under articles 3, 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.

In his report to the General Assembly (A/77/226), the Special Rapporteur on the promotion and protection of human rights in the context of climate change highlighted the need for States to take measures to improve protection of the rights of environmental human rights defenders, noting with concern that protest and other forms of intervention have precipitated reprisals from Governments and businesses supporting the fossil fuel industry.

In this respect, we recall that the Paris Agreement on Climate Change (ratified by the Philippines in 2017) acknowledges that States Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights (preamble).

Furthermore, we would like to recall that on 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment, confirmed by the General Assembly in July 2022 with resolution A/RES/76/300. In addition, the Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. Principle 8 provides, specifically, that "To avoid authorizing actions with

environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential impacts on the enjoyment of human rights”, including the rights to life, health, food, water, housing and culture. The assessment procedure itself should consider whether the proposed project or policy would comply with the obligation of non-discrimination, facilitating public participation by those who may be affected by the proposed action, and providing for effective legal remedies.